

Shropshire Council Response

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

11th September 2024

Respondent: Shropshire Council

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Chapter 3: Planning for the Homes We Need

Advisory starting point and alternative approaches

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

Shropshire Council Response:

- 1.1. Shropshire Council accepts that to achieve Government's ambitions of delivering 300,000 dwellings per annum it is appropriate to expect Local Authorities to seek to meet their identified housing need. However, this is only appropriate if the methodology for calculating housing need is itself realistic and appropriate.
- 1.2. Shropshire Council is supportive of growth as evident in the draft Shropshire Local Plan which is currently the subject of examination. This document proposes a 15% increase to housing need, plus a further 1,500 dwelling contribution to unmet needs forecast to arise in closely related Local Planning Authorities.
- 1.3. Despite this, the Council has very significant concerns regarding the proposed new 'standard methodology' for assessing housing need, due to its implications for rural authorities.
- 1.4. An appropriate 'standard methodology' should support achievement of 300,000 homes per annum, whilst also supporting the establishment of a sustainable pattern of development and the achievement of the wider aspirations of the planning process and NPPF. In addition, it would appear the national distribution of housing need proposed through the proposed 'standard methodology' favours significant increases in rural areas, which in principle could have major implications on the need for additional infrastructure.

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?

Shropshire Council Response:

- 2.1. Shropshire Council recognises the benefit of all Local Planning Authorities having a consistent starting point when planning for housing. However, this is only appropriate if the methodology for calculating housing need is itself realistic and appropriate.
- 2.2. Shropshire Council is supportive of sustainable growth as evident in the draft Shropshire Local Plan which is currently the subject of examination. This document proposes a 15% increase to current housing need figures, and a further 1,500 dwelling contribution to

unmet needs forecast to arise in closely related Local Planning Authorities. It is therefore considered Shropshire has taken very positive steps to meeting both its own needs, as well as utilising appropriate opportunities to enhance these within the spirit of proactive plan making. We would need to give careful consideration if such an approach could be taken again under future Local Plan reviews if the new proposed 'standard methodology' is implemented in full, and indeed if Shropshire had sufficient capacity on a sustained basis to accommodate its own housing need resulting from the proposed new standard methodology.

- 2.3. Therefore, the Council has very significant concerns regarding the proposed new 'standard methodology' for assessing housing need, due to its implications for rural authorities.
- 2.4. An appropriate 'standard methodology' must support achievement of 300,000 homes per annum, whilst also supporting the establishment of a sustainable pattern of development and the achievement of the wider aspirations of the planning process and NPPF.

Urban uplift

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

Shropshire Council Response:

- 3.1. Shropshire Council understands and is generally supportive of Government's proposal to remove reference to the 'urban uplift' within paragraph 62 of the NPPF. The 'standard methodology' for assessing housing need is better addressed within the National Planning Practice Guidance (NPPG) than the NPPF.
- 3.2. However, Shropshire Council does consider the 'standard methodology' should include a mechanism to direct more of the development to urban rather than rural areas. This is because urban areas are more sustainable; have the services, facilities and infrastructure best able to support significant development; and contain the vast majority of brownfield land.
- 3.3. Shropshire Council has very significant concerns regarding the proposed new 'standard methodology'. An appropriate 'standard methodology' must support achievement of 300,000 homes per annum, whilst also supporting the establishment of a sustainable pattern of development and the achievement of the wider aspirations of the planning process and NPPF.

Character and density

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

Shropshire Council Response:

- 4.1. Yes, Shropshire Council is supportive of the removal of this paragraph. The emphasis must be placed on ensuring development achieves high-quality design which is responsive to the development site and complementary to its setting.
- 4.2. Shropshire Council considers there are opportunities to increase the focus on high-quality design within the NPPF.

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?

Shropshire Council Response:

- 5.1. Yes. Whilst Shropshire Council considers there remains a role for wider design codes, in the Council's view it is extremely challenging to produce workable area wide design codes in locations where geographies are extensive and varied, such as Shropshire.
- 5.2. Having participated in a pathfinder project focused on a town centre location subject to masterplanning and regeneration, we therefore welcome the proposal to direct resources to locations of change, where there is the greatest potential for positive impact.

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

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

Shropshire Council Response:

- 6.1. Shropshire Council supports the introduction of safeguards which make it clear that the presumption in favour of sustainable development does not justify poor quality development – having regard to the location and design of development.
- 6.2. However, Shropshire Council considers there are opportunities to increase the focus on and importance of achieving high-quality design within the NPPF. As high-quality design is fundamental to achieving sustainable development these expectations are

applicable in all circumstances, including where the presumption in favour of sustainable development applies.

- 6.3. The Council is very concerned about the potential implications of the proposed reference to policies "*for the supply of land*" in the presumption in favour of sustainable development.
- 6.4. Alongside proposed amendments to the 'standard methodology' for assessing housing need, there is a very real risk this could have the unintended effect of undermining the plan-led approach to development. Including through disagreement about whether recently adopted Local Plans are out-of-date, where housing requirements are lower than the results of the proposed 'standard methodology'.
- 6.5. This will also result in increased appeal rates and uncertainty for Local Authorities, communities and developers.

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

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

Shropshire Council Response:

- 7.1. Shropshire Council accepts there is a role for assessing Five Year Housing Land Supply in order to ensure there is sufficient land available for housing delivery.
- 7.2. It is recognised that the most effective way for Council's to show a continuous five year supply of housing is through a Plan-led approach, and through the allocation of land for development, rather than through a process of speculative development and an 'appeal-led' process. Whilst accepting the draft NPPF does mark a clear change of emphasis towards housing growth within a plan-led system, there are **very significant concerns** the proposed transitional arrangements could directly and fundamentally undermine this principle. We feel this may be an unintended consequence of the drafting of the proposals, especially proposed additions to Para 76 of the draft NPPF. Council's who are making positive progress towards adoption of their Local Plans, and would expect to do so in the next 12 months, seem to be unduly penalised, which fundamentally could reduce trust in the whole plan making process moving forward. We make further comments on this in our comments to the transitional arrangements.

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

Shropshire Council Response:

- 8.1. Shropshire Council understands Government's reasoning for proposed amendments to paragraph 77.

Restoring the 5% buffer

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

Shropshire Council Response:

- 9.1. No. Shropshire Council has never considered there was a justification for inclusion of a 5% buffer of housing land supply in locations where there is no evidence of under-delivery.
- 9.2. The intention of undertaking annual assessments of the five year housing land supply is to determine whether there is sufficient supply of housing land to achieve housing needs/requirements over this period – thereby determining whether there is sufficient choice and competition in the availability of land.
- 9.3. Inclusion of a further 5% buffer in locations where there is no evidence of under-delivery, is simply a duplication of the original intention of requiring an assessment of a five year housing land supply.

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

Shropshire Council Response:

- 10.1. See above. If Government is minded to re-introduce a buffer in locations where there is no evidence of under-delivery, then Shropshire Council considers this should be no greater than 5%.

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

Shropshire Council Response:

- 11.1. Yes.

Maintaining effective co-operation and the move to strategic planning

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

Shropshire Council Response:

12.1. Shropshire Council supports the expectation that Local Authorities undertake effective cross-boundary co-operation on strategic planning matters. Used effectively this is a good and appropriate process. However, this process must not be used as a mechanism to undermine or frustrate good and positive plan making or to unduly hold up progress on the adoption of Local Plans.

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

Shropshire Council Response:

13.1. Shropshire Council would be supportive of the principle of amending the test of soundness to recognise that where plans contain longer-term proposals, the consideration of deliverability and viability needs to be proportionate and responsive to timescales of proposals.

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

Shropshire Council Response:

14.1. In order for Shropshire Council to provide comment on proposals regarding Spatial Development Strategies (SDS); the role of Mayoral Combined Authorities'; and also implications of proposals outside of mayoral areas, further information and clarity of implications is required. Shropshire Council considers an appropriate geography for SDS's is likely to relate to housing market areas (HMA's).

14.2. It is important to ensure aspirations to increase housing delivery are not considered in isolation. Housing development must achieve a high-quality design and be supported by the provision of necessary services, facilities and infrastructure. It must also be accompanied by the provision of appropriate employment opportunities, to provide jobs to residents.

14.3. Greater recognition of the interlinks between these planning matters is important to ensure the achievement of sustainable development and the long-term sustainability of our communities.

14.4. The plan-led approach to development is the most effective way of achieving these positive outcomes. It is also the most effective way of ensuring that housing delivery meets the needs of all groups within our community. Shropshire Council would encourage further recognition of this within the NPPF.

Chapter 4: A New Standard Method for Assessing Housing Needs

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

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

Shropshire Council Response:

- 15.1. Shropshire Council accepts housing stock is a stable and predictable method. However, if this is used as the starting point in the 'standard methodology' for assessing housing need it is important to recognise that it does not necessarily reflect demographic and social change, which generally increase demand in urban areas much more significantly than in rural areas. This runs the risk of skewing housing need towards areas outside the main metropolitan urban areas, which generally benefit more better infrastructure.
- 15.2. The Council understands the logic of aligning the baseline with the average growth to housing stock that has occurred over the last 10 years – 0.8%.
- 15.3. Shropshire Council is supportive of sustainable and necessary growth as evident in the draft Shropshire Local Plan which is currently the subject of examination and proposes a 15% increase to current housing need, plus a further 1,500 dwelling contribution to unmet needs forecast to arise in closely related Local Planning Authorities.
- 15.4. Despite this, the Council has **very significant concerns** regarding the proposed new 'standard methodology' for assessing housing need, due to both its implications for rural authorities and the ability for areas to sustain such elevated levels of growth.
- 15.5. An appropriate 'standard methodology' should support achievement of 300,000 homes per annum, whilst also supporting the establishment of a sustainable pattern of development and the achievement of the wider aspirations of the planning process and NPPF.

Step 2 – Adjusting for affordability

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

Shropshire Council Response:

- 16.1. Shropshire Council is generally supportive of the principle of considering the ratio of median house prices to median workplace-based earnings within the 'standard methodology' for calculating housing need.
- 16.2. When considering this data within the 'standard methodology', the Council is also generally supportive of the principle of utilising a 3 year average, rather than the latest years data, as this would create greater stability and certainty.
- 16.3. However, the Council would urge caution about the level of reliance placed on this dataset within the 'standard methodology'.
- 16.4. This is because the affordability ratio is influenced by a range of factors beyond housing availability (as recognised by the ONS within their publications). One important factor is rurality. The dataset often leads to a correlation between high affordability ratios and rural areas, as median workplace-based earnings within such locations are strongly influenced by the rural economy; whilst median house prices in such areas are affected by the desirability of rural living to households in existing urban economies.
- 16.5. This is reflected within initial analysis of the published results of the proposed 'standard methodology' undertaken by the Rural Services Network which indicate:
 - a. **Predominantly Rural Areas:** Experience an increase of 70.2%, equating to 35,215 additional houses (from 50,191 to 85,406), or 6.0 houses per 1,000 dwelling stock.
 - b. **Predominantly Urban Areas:** Experience an increase of 6.4%, equating to 14,267 additional houses (from 221,827 to 236,094), or 0.9 houses per 1,000 dwelling stock.
- 16.6. Responding to high affordability ratios in rural areas within the 'standard methodology' could be interpreted as a positive response to the desirability of such areas; however it creates significant risk of unintended consequences. In particular it risks:
 - a. Reducing the amount of new development targeted towards those locations with the higher levels of services, facilities and infrastructure to support it.
 - b. Reducing the sustainability of development, as it is increasingly directed away from urban areas and their associated services, facilities and infrastructure.
 - c. 'Hollowing-out' urban areas, as households are attracted to housing in more rural locations.

- d. Undermining the focus on brownfield land and opportunities for urban regeneration, which is more significantly associated with urban areas than rural areas.
- 16.7. Shropshire Council is supportive of growth as evident in the draft Shropshire Local Plan which is currently the subject of examination and proposes a 15% increase to housing need, plus a further 1,500 dwelling contribution to unmet needs forecast to arise in closely related Local Planning Authorities.
- 16.8. Despite this, the Council has very significant concerns regarding the proposed new 'standard methodology' for assessing housing need, due to its implications for rural authorities.
- 16.9. An appropriate 'standard methodology' should support achievement of 300,000 homes per annum, whilst also supporting the establishment of a sustainable pattern of development and the achievement of the wider aspirations of the planning process and NPPF.

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

Shropshire Council Response:

- 17.1. No. Shropshire Council has **very significant concerns** about the proposed 'weighting' to the affordability ratio within the proposed 'standard methodology' for calculating housing need.
- 17.2. This is because the affordability ratio is influenced by a range of factors (as recognised by the ONS within their publications). One important factor is rurality.
- 17.3. The dataset often leads to a correlation between high affordability ratios and rural areas: as median workplace-based earnings within such locations are strongly influenced by the rural economy; whilst median house prices in such areas are affected by the desirability of rural living to households in existing urban economies.
- 17.4. This is reflected within initial analysis of the published results of the proposed 'standard methodology' undertaken by the Rural Services Network which indicate:
 - a. **Predominantly Rural Areas:** Experience an increase of 70.2%, equating to 35,215 additional houses (from 50,191 to 85,406), or 6.0 houses per 1,000 dwelling stock.
 - b. **Predominantly Urban Areas:** Experience an increase of 6.4%, equating to 14,267 additional houses (from 221,827 to 236,094), or 0.9 houses per 1,000 dwelling stock.

- 17.5. Responding to high affordability ratios in rural areas within the 'standard methodology' could be interpreted as a positive response to the desirability of such areas; however it creates significant risk of unintended consequences. In particular it risks:
- a. Reducing the amount of new development targeted towards those locations with higher levels of services, facilities and infrastructure to support it.
 - b. Reducing the sustainability of development, as it is increasingly directed away from urban areas and their associated services, facilities and infrastructure.
 - c. 'Hollowing-out' urban areas, as households are attracted to housing in rural locations.
 - d. Undermining the focus on brownfield land and opportunities for urban regeneration, which is more significantly associated with urban areas than rural areas.
- 17.6. There appears to be no recognition of such factors within the consultation material and no justification for the proposed increase to the affordability ratio is provided.
- 17.7. As such, **Shropshire Council would urge Government to retain the existing affordability ration multiplier of 0.25%**, which is a more appropriate response, especially when coupled with other proposed changes such as the re-introduction of mandatory housing requirements.
- 17.8. By way of a worked example, in Shropshire, current housing need is some 1,070 dwellings, which would increase to 1,561 dwellings utilising the proposed new 'standard methodology' but retaining the 0.25% multiplier within the affordability ratio adjustment.
- 17.9. Shropshire Council notes that the proposed 'standard methodology' totals some 370,000 dwellings per annum across the Country, and as such there is capacity to amend the proposed multiplier to a more appropriate figure and still achieve the intended 300,000 dwellings per annum nationally.
- 17.10. Whilst it may be argued that this additional 70,000 dwellings is to 'create a buffer' the proposed approach to housing need, with an expectation that Local Authorities seek to meet this need; and the proposed approach to the 'duty to cooperate'; provide greater certainty that housing need will be achieved.
- 17.11. Further flexibility for the use of a more appropriate multiplier is of course also created through the proposed approach to new towns, which are intended to be 'over and above' the housing need.

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?

Shropshire Council Response:

18.1. No comment.

Result of the revised standard method

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

Shropshire Council Response:

- 19.1. Shropshire Council is supportive of growth as evident in the draft Shropshire Local Plan which is currently the subject of examination and proposes a 15% increase to housing need, plus a further 1,500 dwelling contribution to unmet needs forecast to arise in closely related Local Planning Authorities.
- 19.2. Despite this, the Council has very significant concerns regarding the proposed new 'standard methodology' for assessing housing need, due to its implications for rural authorities and achievement of sustainable development.
- 19.3. An appropriate 'standard methodology' should support achievement of 300,000 homes per annum, whilst also supporting the establishment of a sustainable pattern of development and the achievement of the wider aspirations of the planning process and NPPF.
- 19.4. Shropshire Council considers the results of the 'standard methodology' for rural areas, including Shropshire, are likely to be unachievable. It is strongly considered the housing market in these locations cannot and will not sustain the level of housing identified through this proposed 'standard methodology' on a consistent basis over a normal plan period. This is due to a range of factors including the capacity of developers, availability of labour/expertise within the sector; availability of raw materials (with proposed changes to the NPPF silent on the issue of mineral planning); and manufacturing capacity to produce other necessary construction materials. This is irrespective of the amount of land available for development.
- 19.5. This is demonstrated by recent trends in Shropshire, where delivery has been very significant, where over the last 10 years average housing delivery is 1,540 dwelling per annum.
- 19.6. This level of delivery has been achieved due to a range of factors, including a housing requirement that significantly exceeds housing

need (as identified using the current 'standard methodology') – achieved through positive plan making; enhanced delivery, as part of the recovery from the mid-2000 economic downturn; a strong local housing market; and the benefits of an up-to-date Local Plan which introduced an extensive number of site allocations in locations attractive to the market.

- 19.7. Despite the combination of these factors, average annual delivery over the last 10 years is more than 500 dwellings short of the results of the proposed 'standard methodology'.
- 19.8. As such, proposals for the 'standard methodology' alongside those for the presumption in favour of sustainable development and transitional arrangements risks undermining the plan-led approach to development.
- 19.9. Even in circumstances where plans make significant land available for development, if delivery falls below needs/requirements due to capacity within the market to deliver rather than the not availability of land (supply), the presumption in favour of sustainable development would be 'activated' due to the implications of the housing delivery tests.
- 19.10. Whilst we recognise the issue of the housing delivery test is not specially included as a consideration within this consultation, it is nevertheless important to acknowledge this issue as part of the increased and disproportionate expectation on rural areas to deliver increased levels of housing. In essence there is real risk LPAs could fall into a vicious cycle of having their plan led policies undermined, even where they can demonstrate a sufficient housing land supply. The solution to an LPA failing the deliverability test (which is not in the control of the LPA) is, to increase supply. But if the market cannot deliver this added supply, then there seems to be little value in this process. This goes to emphasise the importance of actually assessing market considerations to deliver higher housing numbers, rather than this just being the product of an untested and unevidenced affordability ratio uplift.
- 19.11. Proposals risk incentivising developers cherry-picking sites where they can achieve the greatest return at lowest level of delivery, leading to unsustainable patterns of development and reducing the ability to meet the needs of groups in our communities.
- 19.12. Furthermore, such an outcome will also risk Local Authority capacity being directed towards planning appeals rather than plan making, further undermining plan making.
- 19.13. Shropshire Council is also concerned that the transitional arrangements provide no opportunity for supply to be increased through a plan-led approach in circumstances where need suddenly

increases, again undermining the plan-led approach to development.

- 19.14. It is also considered that there is a disconnect between the results of the 'standard methodology' for housing need and proposals for employment – for housing development to be sustainable it must be accompanied by appropriate employment opportunities.
- 19.15. It is also important to note that there is likely to be very significant concern and objection from local communities, which has the potential to delay plan making and implementation.
- 19.16. Due to the pattern of development resulting from the proposed 'standard methodology' the Council also has significant concerns about the availability and support for the delivery of the services, facilities and infrastructure necessary to support the scale of development proposed, particularly in predominantly rural authorities. It is essential that infrastructure capacity and infrastructure constraints are given appropriate consideration when planning for housing.
- 19.17. As such, **Shropshire Council would urge Government to retain the existing multiplier of 0.25%**; which is a more appropriate response to this dataset and still achieves Government's ambitions for housing growth, when coupled with mandatory housing requirements and other associated measures.
- 19.18. For example, in Shropshire, current housing need is some 1,070 dwellings, which would increase to 1,561 dwellings utilising the proposed new 'standard methodology' but retaining the 0.25% multiplier within the affordability ratio adjustment.
- 19.19. Shropshire Council notes that the proposed 'standard methodology' totals some 370,000 dwellings per annum across the Country, and as such there is capacity to amend the proposed multiplier to a more appropriate figure and still achieve the intended 300,000 dwellings per annum nationally.
- 19.20. Whilst it may be argued that this additional 70,000 dwellings is to 'create a buffer' the proposed approach to housing need, with an expectation that Local Authorities seek to meet this need; and the proposed approach to the 'duty to cooperate'; provide greater certainty that housing need will be achieved.
- 19.21. Further flexibility for the use of a more appropriate multiplier is of course also created through the proposed approach to new towns, which are intended to be 'over and above' the housing need.

Chapter 5: Brownfield, Grey Belt and the Green Belt

Being clear that brownfield development is acceptable in principle

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

Shropshire Council Response:

- 20.1. Shropshire Council is generally supportive of the intention of proposed amendments to paragraph 124c of the NPPF to stipulate that redevelopment of brownfield land within settlements should be considered as acceptable in principle.
- 20.2. However, this support is subject to two key qualifications. These are:
 - a. This principle should be restricted to brownfield land within settlements – as currently drafted. Whilst it may be appropriate for brownfield land in other locations to be redeveloped, this requires more careful consideration to ensure that proposals represent sustainable development, particularly if they hold archaeological interest, contain other heritage assets, or are subject to other environmental designations – often the case in rural locations. As such it would be inappropriate for this principle to apply outside of settlements.
 - b. To ensure the long-term sustainability of settlements, Council's should have the ability to identify areas where redevelopment is not appropriate, in order to 'protect' valued land uses. Shropshire Council is concerned that without limitations, this principle could result in loss of land uses such as employment to housing.

Making it easier to develop Previously Developed Land

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

Shropshire Council Response:

- 21.1. Shropshire Council is concerned that this proposal would lead to internal conflict within the NPPF.
- 21.2. Specifically, Paragraph 142 is clear that the essential characteristics of Green Belts are "*their openness and their permanence*". However, proposed changes to paragraph 154g would remove reference to appropriate redevelopment of previously developed land within the Green Belt not having a "*greater impact on the openness of the Green Belt*".

21.3. Due to this potential for internal conflict, the Council does not support this proposed change.

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?

Shropshire Council Response:

- 22.1. Shropshire Council is not supportive of proposals to expand the definition of previously developed land (PDL) to include glasshouses. This is because glasshouses are agricultural buildings and currently all agricultural buildings are consistently considered to constitute greenfield land. Creating a disparity between different types of agricultural buildings would be unhelpful.
- 22.2. Defining agricultural buildings, such as glasshouses, as green field is entirely appropriate as such land uses are considered much more compatible with and part of rural environments (and the purposes of the Green Belt) than alternative land uses.
- 22.3. It is important to note that glasshouses often do not have substantial foundations and there is already debate as to which structures constitute glasshouses. For instance, does this definition extend to polytunnels.
- 22.4. Whilst it is not clear from this question, it is also understood from the consultation document that Government is considering expanding the definition of PDL to include hardstanding. Shropshire Council considers that this is unnecessary as hardstanding associated with and forming curtilage to existing buildings already constitutes PDL. Shropshire Council is also considered of the risk of unintended consequences, as such a change to the definition could encourage the unnecessary laying of hardstanding in the Green Belt, so that in future it can be considered lawful and PDL.

Defining the grey belt

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

Shropshire Council Response:

- 23.1. Shropshire Council understands the value of reviewing Green Belt during the plan making process. Indeed, the draft Shropshire Local Plan that is currently the subject of examination includes proposed Green Belt releases to meet current and future development needs.

- 23.2. The Council is also supportive of the principle of where possible directing necessary development within the Green Belt towards areas that are 'poor performing' against Green Belt purposes.
- 23.3. However, the Council is concerned that the proposed definition of 'Grey Belt' will cause unnecessary confusion, as it extends beyond previously developed land (PDL), seeking to also encapsulate all poor performing Green Belt - which is not grey.
- 23.4. As such, Shropshire Council would advocate Grey Belt being limited to PDL. The NPPF could still make it clear that within the plan-making process, releases of Green Belt should first be directed to Grey Belt, then poor performing Green Belt.
- 23.5. Shropshire Council is also concerned about the implications of Grey Belt for sustainable development. Specifically, it could facilitate development in unsustainable locations, distant from services and facilities, based on the current proposed definition. The Council would therefore encourage explicit reference to a need for access to services and facilities via sustainable modes of transport when determining if allocation or development of Grey Belt is appropriate.

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

Shropshire Council Response:

- 24.1. Shropshire Council would advocate Grey Belt being limited to PDL. The NPPF could still make it clear that within the plan-making process, releases of Green Belt should first be directed to Grey Belt, then poor performing Green Belt. This contributes to avoiding the risk of environmental degradation.

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?

Shropshire Council Response:

- 25.1. Yes, Shropshire Council considers it is important that additional guidance on the identification of Grey Belt is provided to ensure a shared understanding amongst communities, developers and decision makers. The Council considers it would be logical for this to be included within the updated NPPF, to provide confidence that it will not be subject to change during the plan making process.
- 25.2. However, it is essential that this guidance aligns with the final definition of Grey Belt.

- 25.3. Shropshire Council is concerned this is not the case for the draft proposals provided within paragraphs 9 and 10 of the consultation document. Specifically, the proposed definition of Grey Belt is land which makes "*a limited contribution to the five Green Belt purposes*"; however the proposed guidance specifies at Part A, that Grey Belt is Green Belt which does not "*strongly perform against any Green Belt purpose*".
- 25.4. It is the Council's opinion that there is a significant difference between land that makes a 'limited contribution to Green Belt purposes' and that which 'does not perform strongly against Green Belt purposes'. As such, the Council considers the definition and guidance is not consistent.
- 25.5. Shropshire Council is also concerned that Part B of the guidance seeks to apply different levels of importance to the five Green Belt purposes identified in paragraph 140 of the draft NPPF – with purposes b and d given greater weight than purposes a, c and e. This is a significant divergence from the current approach and the Council would urge consideration of whether this is appropriate.
- 25.6. Shropshire Council is also concerned about the implications of Grey Belt for sustainable development. Specifically, it could facilitate development in unsustainable locations, distant from services and facilities, based on the current proposed definition. The Council would therefore encourage explicit reference to a need for access to services and facilities via sustainable modes of transport when determining if allocation or development of Grey Belt 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?

Shropshire Council Response:

- 26.1. Shropshire Council is concerned that the proposed guidance for identifying Grey Belt within paragraph 10 of the consultation document is not consistent within the definition of Green Belt provided within paragraph 9 of the consultation document.
- 26.2. Specifically, the proposed definition of Grey Belt is land which makes "*a limited contribution to the five Green Belt purposes*"; however the proposed guidance specifies at Part A, that Grey Belt is Green Belt which does not "*strongly perform against any Green Belt purpose*".
- 26.3. It is the Council's opinion that there is a significant difference between land that makes a 'limited contribution to Green Belt purposes' and that which 'does not perform strongly against any

Green Belt purposes'. As such, the Council considers the definition and guidance is not consistent.

- 26.4. Shropshire Council is also concerned that Part B of the guidance seeks to apply different levels of importance to the five Green Belt purposes identified in paragraph 140 of the draft NPPF – with purposes b and d given greater weight than purposes a, c and e. This is a significant divergence from the current approach and the Council would urge consideration of whether this is appropriate.
- 26.5. Shropshire Council is also concerned about the implications of Grey Belt for sustainable development. Specifically, it could facilitate development in unsustainable locations, distant from services and facilities, based on the current proposed definition. The Council would therefore encourage explicit reference to a need for access to services and facilities via sustainable modes of transport when determining if allocation or development of Grey Belt is appropriate.

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?

Shropshire Council Response:

- 27.1. Shropshire Council considers that it is logical for Local Nature Recovery Strategies to play a role in identifying areas of Green Belt which can be enhanced.

Land release through plan-making

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

Shropshire Council Response:

- 28.1. Shropshire Council is supportive of the principle of where possible directing necessary development within the Green Belt towards areas that are 'poor performing' against Green Belt purposes.
- 28.2. However, in order to ensure the achievement of sustainable development, Green Belt release also needs to be informed by consideration of the ability to access services and facilities via sustainable modes of transport. Shropshire Council would therefore encourage more explicit reference to this consideration within paragraph 147 of the NPPF.

28.3. Shropshire Council notes that no changes are proposed to paragraph 146 of the NPPF, which addresses the considerations before concluding that exceptional circumstances exist to justify Green Belt release.

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?

Shropshire Council Response:

29.1. Shropshire Council considers it is important to ensure any release of Green Belt does not undermine the function of the Green Belt within the plan area as a whole.

Allowing Development on the Green Belt through Decision Making

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

Shropshire Council Response:

30.1. Shropshire Council is concerned about potential unintended consequences of proposed new paragraph 152 of the NPPF.

30.2. This paragraph addresses the circumstances within which housing, commercial and other development in the Green Belt should not be regarded as inappropriate.

30.3. It stipulates that this is where it is Grey Belt land and:

- a. There is no five year housing land supply; or
- b. The housing delivery test has been failed (over the past 3 years. housing delivery has fallen below 75% of the housing requirement); or
- c. There is a demonstrable need for land to be released for development of local, regional or national importance.

30.4. The Council acknowledges that considerations related to the lack of five year housing land supply and failure of the housing delivery test are comparable to when the presumption in favour of sustainable development applies.

30.5. However, the third consideration related to 'demonstrable needs of local, regional or national importance', goes beyond the considerations in the presumption in favour of sustainable development. This is, in the Council's opinion, inappropriate, vague and open to interpretation.

- 30.6. Developers will argue that any development is of local, regional or national importance. As such, it would result in development of Grey Belt (which is still countryside in the Green Belt) being 'easier' than development of other countryside outside the Green Belt. In effect it risks creating a 'policy-off' position in the Grey Belt which could result in high levels of poorly designed and unsustainable development which lacks access to services, facilities and infrastructure.
- 30.7. Shropshire Council would also note that this proposal risks undermining delivery of affordable housing in the Green Belt, through the mechanism in existing paragraph 154 of the Green Belt.
- 30.8. Combined with proposed changes to the 'standard methodology', Shropshire Council is concerned that the proposals in new paragraph 152 of the NPPF will undermine the plan-led approach to development.

Supporting release of Green Belt land for commercial and other development

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

Shropshire Council Response:

31.1. See responses to Questions 28 and 30.

Planning Policy for Traveller Sites

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

Shropshire Council Response:

32.1. Shropshire Council considers a consistent approach should be taken to meeting the needs of Gypsies and Travellers. Please see the Council's responses to Questions 28 and 30.

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

Shropshire Council Response:

33.1. Shropshire Council considers assessment of Gypsy and Travellers should include appropriate consideration of turnover.

Golden rules to ensure public benefit

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

Shropshire Council Response:

34.1. Yes, Shropshire Council agrees that the proposed approach to affordable housing tenure mix is appropriate. Local Authorities are best placed to establish the affordable housing tenure mix that best responds to local needs.

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?

Shropshire Council Response:

35.1. Shropshire Council would note that the current approach to Green Belt within paragraph 154 of the NPPF allows for and indeed facilitates the delivery of 100% affordable housing exception sites, where there are identified needs.

35.2. The Council is concerned that the potential unintended consequences of proposed new paragraph 152 of the NPPF (documented in response to Question 30), will undermine these delivery opportunities.

35.3. The Council would encourage Government to ensure proposals to facilitate development in the Green Belt (where there is no five year housing land supply or there has been significant under-delivery) do not undermine opportunities for 100% affordable housing exception sites in the Green Belt.

35.4. In circumstances where development occurs in the Green Belt or on land released from the Green Belt, Shropshire Council would support inclusion of an expectation that at least 50% of housing is affordable should be applied. To provide certainty to all parties – landowners, developers, communities and decision makers, Shropshire Council would suggest that provision of less than 50% affordable housing on such schemes should only be acceptable where a site demonstrates exceptional circumstances related to on-site remediation.

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?

Shropshire Council Response:

36.1. Shropshire Council would suggest that expectations for benefits for nature and public access to green space where Green Belt release occurs, should exceed those requirements for other sites. As such, they should go beyond Local Plan expectations for other sites.

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?

Shropshire Council Response:

37.1. See response to Question 35. Shropshire Council is concerned that the proposed approach is overly complicated and could unreasonably raise expectations amongst communities about levels of affordable housing in a scheme.

37.2. As such, Shropshire Council would suggest that provision of less than 50% affordable housing on such schemes should only be acceptable where a site demonstrates exceptional circumstances related to on-site remediation.

37.3. If Government is minded to retain its proposed approach, then a national benchmark land value should be established that is at a significant percentage lower than those utilised by Local Authorities in Viability Assessments to inform plan making – to reflect the lower hope value in such locations.

37.4. If such an approach is not taken, then it is inevitable that affordable housing contributions on sites in the Green Belt will simply align with those on other sites in the Local Authority area.

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

Shropshire Council Response:

38.1. See response to Question 37.

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?

Shropshire Council Response:

39.1. See response to Questions 36 and 37.

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?

Shropshire Council Response:

40.1. This appears to conflict with the wider proposals, including the 'golden rules' for where development occurs in the Green Belt or on land released from the Green Belt.

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?

Shropshire Council supports development viability reappraisal where there has been an agreed reduction in the level of contribution/affordable housing than the level set by Policy.

Shropshire Council Response:

41.1. See response to Question 37. If Government is minded to retain its proposed approach, then yes a review and 'claw back' mechanism should be required. Requirement for an interim review on large schemes and on completion of the development on all such schemes. Viability appraisals should be submitted by the developer and independently assessed at the developer's expense on behalf of the Local Authority.

41.2. Associated S106 contributions would need to fund the monitoring and review processes to be undertaken by Local Authorities.

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?

Shropshire Council Response:

42.1. Shropshire Council would suggest that 'golden rules' for other forms of development could relate to such matters as

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?

Shropshire Council Response:

43.1. Shropshire Council considers that the golden rules should apply to any Green Belt release that occurs.

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

Shropshire Council Response:

44.1. See response to Questions 35 and 36.

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

Shropshire Council Response:

45.1. These principles are supported by Shropshire Council – see response to Questions 35 and 36 regarding the 'golden rules'.

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

Shropshire Council Response:

46.1. Given wider proposals in the NPPF (expecting Local Authorities to aim to meet their identified housing need and facilitation of development on Grey Belt) it would be logical to amend paragraph 146 of the NPPF to require consideration of the release of Green Belt before seeking to export needs to adjoining areas.

Chapter 6: Delivering Affordable, Well-Designed Homes and Places

Delivering affordable housing

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

Shropshire Council Response:

- 47.1. Shropshire Council considers that Local Authorities should consider all affordable housing needs when setting affordable housing rates and developing affordable housing policies.
- 47.2. Different geographies are likely to have different affordable housing requirements, and the Local Authority is more likely to be able to reflect such differences within its policies.
- 47.3. Shropshire Council already acknowledge the need for and importance of rented tenures within its Policies.

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

Shropshire Council Response:

- 48.1. Shropshire Council agrees with this proposed approach. As in response to Question 47, Local Authorities are best placed to understand the affordable housing needs within its communities and is best placed to respond to these needs through locally set affordable housing rates and affordable housing policy.
- 48.2. Where policy provision requirements produce small numbers of affordable homes it may be that such provision is delivered as rented tenure in entirety.

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

Shropshire Council Response:

- 49.1. Shropshire Council supports the removal of this requirement for the reasons advanced in Questions 47 and 48. Local Authorities are best placed to understand and establish affordable housing rates and affordable housing policy to meet the affordable housing needs within its communities.
- 49.2. Furthermore, it is entirely appropriate that where there is high need for rented tenure in a particular geography, Local Authorities are able to respond to this, before supporting low-cost home ownership tenures, such as First Homes.

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

Shropshire Council Response:

- 50.1. Shropshire Council considers First Homes as with other low-cost home ownership tenures need to be balanced with other affordable housing tenures to create sustainable communities. It is preferable

that exception sites include a range of affordable tenures. Again, the Local Authority is best placed to understand and establish affordable housing rates and affordable housing policy to meet the affordable housing needs within its communities.

50.2. Shropshire Council currently falls within the transitional arrangements for First Homes and therefore this is not currently a policy requirement. However, the Council would question genuine affordability of this tenure and the resource implications for Local Authorities in administering the scheme both on first and subsequent acquisitions.

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

Shropshire Council Response:

51.1. Shropshire Council would support a policy which promotes mixed affordable housing tenure and type schemes that respond to local housing needs, as they can support achievement of multi-generational, inclusive and sustainable communities; and wider place shaping objectives.

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

Shropshire Council Response:

52.1. Shropshire Council believes that to achieve sustainable high-percentage affordable housing development, a mix of affordable housing tenures and types that respond to local housing needs should be provided. This will support achievement of multi-generational, inclusive and sustainable communities; and wider place shaping objectives.

52.2. Appropriate Local Lettings Plans and allocations together with effective housing management are also important in order to support achievement of mixed communities with a range of house types, tenures, age profiles and support requirements. Such communities are more likely to be successful in their integration into wider existing communities.

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

Shropshire Council Response:

- 53.1. Shropshire Council considers that such schemes should not be disproportionate to the local area and should be considered against existing and planned infrastructure.
- 53.2. Appropriate Local Lettings Plans and allocations together with effective housing management are also important in order to support achievement of mixed communities with a range of house types, tenures, age profiles and support requirements. Such communities are more likely to be successful in their integration into wider existing communities.

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

Shropshire Council Response:

- 54.1. Shropshire Council, like many rural authorities, relies heavily upon Exception schemes to deliver consistently high levels of affordable housing. The ability of Councils to introduce a pragmatic suite of affordable housing enabling policies within Local Plan, and assess for Registered Providers to access funding nationally or regionally, is central to ensuring supply is maintained and increased over time.
- 54.2. Rural affordable housing is often more costly to develop and is often met with resistance locally. The reintroduction of the successful Community Led Initiative, with associated ability to access external funding, would be one mechanism to increase the supply of affordable homes where additional resources enable greater community engagement and enable the positive promotion of affordable housing.
- 54.3. Additional resources to support and enable up to date housing need evidence to inform the need for increased affordable housing delivery would also be of value.
- 54.4. Of particular importance, Shropshire Council supports the introduction of lower thresholds whereby developers are required to contribute to the provision of affordable housing through planning obligations (both thresholds for site size and number of dwellings proposed). The Written Ministerial Statement from 2014, has been seen to significantly negatively impact rural areas who experience large numbers small scale residential applications, below the defined thresholds. It is strongly considered that such thresholds should be based on the characteristics and development viability of each Local Authority area. Contributions should, where development viability allows, translate into on-site provision or a financial contribution requirement.

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

Shropshire Council Response:

55.1. Shropshire Council agrees with this proposed amendment.

Delivering a diverse range of homes and high-quality places

Question 56: Do you agree with these changes?

Shropshire Council Response:

56.1. Shropshire Council supports enhanced rural delivery – based on local need and measures in place to protect affordable homes for local need and where it ensure affordability in perpetuity.

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

Shropshire Council Response:

57.1. Shropshire Council has a preference for Registered Provider developed and managed affordable housing. The Council recognises the potential of broadening the range of organisations that can deliver affordable housing, but is concerned about the potential of selective allocations and effective management arrangements.

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?

Shropshire Council Response:

58.1. Paragraph 70 of the NPPF **does not** require Local Authorities to either accommodate 10% of their housing requirement on small and medium sized site allocations or for 10% of allocations to consist of small or medium sized sites. Rather, paragraph 70 of the NPPF requires the supply identified to achieve a housing requirement to consist of 10% small sites.

58.2. This is a very important distinction and one which Shropshire Council considers is important to retain within the NPPF. This is because there are mechanisms other than site allocations available to facilitate the delivery of small and medium sized sites. Specifically policies can facilitate appropriate windfall development within settlement boundaries, on exception sites and on cross-subsidy sites.

- 58.3. In Shropshire, there is a strong track record of delivery on small and medium sized sites as a result of these complementary mechanisms. Specifically, over the period from (2016/17-2022/23), some 4,747 dwellings have been completed on sites no larger than 1ha. Furthermore, identified commitments (including existing and proposed allocations) demonstrate further capacity on sites no larger than 1ha for another 2,800 dwellings.
- 58.4. The Council considers maintenance of the current requirement that the supply identified to achieve a housing requirement should consist of 10% small and medium sized sites is the most effective stimulus for development of small and medium sized sites – it expects Local Authorities to consider all mechanisms to support delivery on such sites.

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

Shropshire Council Response:

- 59.1. Yes. Shropshire Council agrees that the terms 'beauty' and 'beautiful' are subjective and likely to lead to significant debate during both decision making and at appeal.
- 59.2. However, emphasis must continue to be placed on ensuring development achieves high-quality design which is responsive to the development site and complementary to its setting.
- 59.3. Shropshire Council considers there are opportunities to increase the focus on high-quality design within the NPPF.
- 59.4. We also refer to our response to Question 5 in relation to the role of design codes.

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

Shropshire Council Response:

- 60.1. Yes. Shropshire Council considers that the current specific references to mansard roofs in Paragraph 124(e) of the Framework favours one particular type of upward extension, which are not always in keeping with the built character of our area.

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

Shropshire Council Response:

- 61.1. Shropshire Council strongly considers that paragraph 65 of the National Planning Policy Framework (NPPF) should be amended to allow for local discretion with regard to site size and dwelling thresholds that are appropriate for affordable housing contributions.
- 61.2. This is comparable to Governments own 'stance' on the existing expectation that 10% of housing should be affordable home ownership – Local Authorities are best placed to establish site size and dwelling thresholds for affordable housing contributions, informed by consideration of housing need within our communities and development viability.

Chapter 7: Building Infrastructure to Grow the Economy

Building a modern economy

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

Shropshire Council Response:

- 62.1. Shropshire Council generally welcomes the clarification in paragraph 86.b).
- 62.2. Shropshire Council considers this first change to paragraph 86.b), which confirms that Planning policies should set criteria and identify strategic sites, is sufficient to properly direct the preparation of Local Plans to achieve the primary economic objective of these reforms.
- 62.3. However, Shropshire Council considers that the further change to paragraph 86.b) does not provide sufficient detail to support LPAs in identifying suitable locations, and therefore it is recommended either this is expanded or additional guidance is provided in NPPG, to identify and describe the modern growth sectors and explain their locational and site requirements in order to support local authorities to meet these needs, where this is appropriate for their strategy. This explanation should effectively outline the detailed objectives of the government's new economic strategy.
- 62.4. Shropshire Council recognises that paragraph 87.a) to c) goes a little way towards describing the objectives of paragraph 86.b) but still paragraph 87.a) to c) might be subject to further changes through this consultation. At this time, paragraph 87.a) to c) seeks to spearhead these reforms but fails to address in any detail, the range of modern growth sectors identified in paragraph 86.b).
- 62.5. Shropshire Council considers that paragraph 87.a) to c) fails to recognise the current challenges and achievements of local authorities who are promoting the growth and prosperity of their

local economies. Local Authorities already seek to capture greater levels of existing investment demand and attract other 'target' sectors into their administrative areas or Functional Economic Market Areas. The weakness of paragraph 87.a) to c) for many local authorities, is that it simply targets new types of investment as further opportunities for growth but fails to offer sufficient support to address current challenges or to strengthen future strategies.

- 62.6. Shropshire Council considers that paragraph 87.a) also suffers from some confusion between economic 'development' and economic 'infrastructure'. The former delivers much needed employment whilst the latter supports sustained economic growth with some nominal new employment. Paragraph 87.a) should be separated into two new and distinct points firstly, to describe and promote the key 'technology' sectors and secondly to identify key infrastructure and facilities and to advocate for their delivery. Further to this, the draft NPPF should seek to develop the guidance in paragraph 87 c) in response to the conclusions drawn from this consultation.
- 62.7. Shropshire Council recognises the approach in paragraphs 86 and 87 of the draft NPPF intends to support the Modern Industrial Strategy for the UK being prepared by government. The draft NPPF alone, does not appear to effectively outline the purpose and objectives of this new national strategy. The draft NPPF requires that the government should also publish their Modern Industrial Strategy for the UK and subject this strategy to public consultation and critical review prior to confirming their changes to the national framework.
- 62.8. Shropshire Council considers that NPPF Footnote 45 should not simply be deleted. The Footnote should be amended to present the Modern Industrial Strategy for the UK which should direct and inform the content and implementation of the revised national framework.

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

Shropshire Council Response:

- 63.1. Shropshire Council considers the manufacturing sectors and particularly advanced manufacturing should be specifically supported through these changes as one of a number of explicit additions to paragraph 87 c). The manufacturing sectors are particularly important to the West Midlands and to other central and urban regions where changes and reductions in manufacturing employment has increased the significance of 'service' industries characterised by lower skills, lower pay and less job security. The

manufacturing sectors are experiencing new growth and structural changes with a move towards new requirements for the location, scale and type of sites that will meet their operational needs. These changing requirements should be captured within the Modern Industrial Strategy for the UK and in the new guidance to be presented in paragraphs 86 and 87 of the draft NPPF. This will provide greater clarity to the economic objectives of the Modern Industrial Strategy for the UK and better inform and direct the content and implementation of the revised national framework.

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?

Shropshire Council Response:

64.1. Shropshire Council considers that directing these new growth sectors into the NSIP regime raises two significant conflicts for both the government's planning reforms and their devolution of powers to local government:

- Firstly, directing these growth sectors into NSIP by regulation or local authority discretion conflicts with the changes to paragraphs 86 and 87. The need to build stronger and more competitive local economies would require local authorities to provide stronger local leadership and more ambitious local strategies in both their decision making and plan making. A reliance on NSIP to manage strategic developments would conflict with the requirement for stronger local leadership and adversely affect the ability to co-ordinate infrastructure investments with the delivery of ambitious growth strategies through their Local Plans.
- Secondly, directing these growth sectors into NSIP by regulation or local authority discretion conflicts with the proposed acceleration of the devolution of powers to combined authorities or groups of independent authorities with sufficient functional relationships to deliver Spatial Development Strategies. The promotion, design and determination of strategic infrastructure investments would be a key element of these stronger devolved powers and consequently, it should be local authorities and not NSIP, that should manage this critical investment process.

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?

Shropshire Council Response:

65.1. Shropshire Council considers the suggestion to direct these new growth sectors into the NSIP regime based on their scale may require appropriate 'failsafes' where the capacity of smaller local authorities to discharge these responsibilities is limited. This would function best where local authorities exercise a discretionary power to manage some or all of these infrastructure investments or otherwise invite the Secretary of State to exercise the direction power, where the local authority considers this is necessary. This flexibility would appear to be consistent with the desire that local authorities should exercise greater control and leadership under devolved powers.

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

Shropshire Council Response:

- 66.1. Shropshire Council considers that this chapter should explain how the increased housing requirements will deliver the primary economic objective: of sustained economic growth to improve the prosperity of our country and the living standards of working people. This explanation should principally be presented in the Modern Industrial Strategy for the UK and be open to public consultation and critical review prior to confirming this explanation and the other changes in the revised national framework.
- 66.2. Shropshire Council considers that it is counter intuitive to require the achievement of significantly higher housing requirements where this has potential to simply facilitate higher levels of migration of elderly households or higher levels of second homes and holiday homes or other forms of partial occupation which sustain the affordability barriers to housing for working people.
- 66.3. The planning reforms suggest that 1.5 million homes are needed to achieve sustained economic growth. However, this anticipated economic outcome from increased housebuilding is not explained in the draft NPPF. The objective of the reforms which seeks to sustain economic growth simply by building more housing is not supported by Chapter 6 or paragraph 8 and must be explained in any revision to the national framework.
- 66.4. Shropshire Council considers that the draft NPPF fails to present or adequately represent the relationship between housebuilding and economic growth. As set out, the proposed reforms simply make large assumptions about perceived economic benefits from higher housebuilding rates.
- 66.5. It is noted the proposals do not make any changes to the section relating to supporting a prosperous rural economy, aside from removing reference to 'beautiful' new buildings. This seems to be a

missed opportunity, especially given the likely impact of the proposed new 'standard methodology' in significantly increasing housing need figures in rural areas of the Country. In this context a 'modern economy' expands beyond the types of uses identified in new paragraph 86.

Chapter 8: Delivering Community Needs

Public Infrastructure

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

Shropshire Council Response:

- 67.1. Shropshire Council is generally supportive of the principle of the proposed change to paragraph 100 of the NPPF – facilitating delivery of public service infrastructure.
- 67.2. However, the Council would recommend that proposed 'significant weight' to delivery of public service infrastructure should only apply where there is an identified need for such infrastructure.
- 67.3. Furthermore, Shropshire Council would advocate provision of clarity regarding the approach to enabling/associated development in applying this 'significant weight'. Specifically, there is a need to avoid risk of the plan-led approach to development being undermined.
- 67.4. References to health infrastructure within this paragraph could be expanded from hospitals to also recognise the importance of other health infrastructure such as GP's and Community Health Hub facilities.
- 67.5. Crucially, the aspiration of delivering sufficient public service infrastructure needs to be supported by appropriate funding by Government – it is not considered that such infrastructure should be fully reliant on developer contributions. Without such investment, availability of public service infrastructure could become a constraint to development.

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

Shropshire Council Response:

- 68.1. Yes, Shropshire Council supports the recognition of the importance of ensuring provision of sufficient choice of early years and post-16 education facilities.

A 'vision-led' approach to transport planning

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

Shropshire Council Response:

- 69.1. Shropshire Council is generally supportive of proposed changes to paragraph 114 of the NPPF. The Council agrees that utilising a 'vision-led approach' to promoting sustainable modes of transport and identifying appropriate mitigation for significant highway impacts can drive better outcomes for residents and the environment and is more responsive than the more simplistic 'predict and provide' approach.
- 69.2. A 'vision-led approach' also encourages joint working to establish a vision for a place and designing transport and behavioural interventions to help achieve this vision, which is supported.
- 69.3. However, the Council is concerned that the intention of proposed changes to paragraph 115 of the NPPF are unclear. It appears to suggest that where a number of different highway scenarios are assessed, a development proposal is only to be considered to have a severe highway impact where this is the outcome for all the different scenarios.
- 69.4. If this is the case, then the Council is concerned that this approach is too open to abuse and may encourage the assessment of unrealistic scenarios simply to achieve an outcome of no severe impact. The Council also considers this change potentially undermines the 'vision-led approach' advocated in paragraph 114 – if the only option that predicts no severe impact is inconsistent with the vision, then it is unreasonable to suggest that the development will not have a severe impact.
- 69.5. If this is not the case, then the Council is concerned that the proposed changes are too unclear and open to abuse/mis-interpretation.

Promoting healthy communities

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

Shropshire Council Response:

- 70.1. Shropshire Council would advocate requiring planning applications for major development to be accompanied by a Health Impact Assessment.
- 70.2. There may be opportunities to integrate the spatial planning for health toolkit into the plan-making process.
- 70.3. Furthermore, to promote health and well-being, either the NPPF or subsequent proposed National Development Management Policies could introduce:
 - a. Mandatory Nationally Described Space Standards, particularly for affordable housing.
 - b. Limitations on the number and agglomeration of businesses (particularly near school/education sites) that have negative health impacts, such as fast food take-aways, bookmakers and vape shops.
 - c. Expectations regarding achievement of 'considerate constructor' principles.
- 70.4. Air quality is becoming an increasingly prominent consideration within the plan-making and planning application process. There are opportunities to proactively address this within the NPPF and associated NPPG in order to support Local Planning Authorities in their consideration of this important issue.

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

Shropshire Council Response:

- 71.1. See response to question 70.

Chapter 9: Supporting Green Energy and the Environment

Bringing onshore wind back into the NSIP regime

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

Shropshire Council Response:

- 72.1. No comment.

Supporting renewable deployment

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

Shropshire Council Response:

- 73.1. Shropshire Council is supportive of the principle that decisions on planning applications should give significant weight to the benefits of renewable and low carbon energy generation.
- 73.2. However, it is considered equally important to ensure the NPPF provides clear expectations that renewable and low carbon energy generation must prioritise the use of low-quality agricultural land over best and most versatile agricultural land; achieve a high-quality design; and minimise impact on local communities.
- 73.3. Furthermore, it is important to provide appropriate protections to natural and heritage assets (and appropriate buffers) that are unsuitable for renewable and low carbon energy generation. This process will need to include due consideration of National Landscapes such as the Shropshire Hills.
- 73.4. This approach will ensure that renewable and low carbon energy generation constitutes sustainable development and reduces potential for conflict with local communities.
- 73.5. Shropshire Council is also supportive of the principle that Local Plans should identify opportunity areas for renewable and low carbon energy generation. This is because Local Authorities are best placed to identify suitable opportunities for renewable and low carbon energy generation in their areas. However, this will have a time and resource implication for plan making which must be given appropriate recognition.

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?

Shropshire Council Response:

- 74.1. Yes, Shropshire Council considers it is important to provide additional protections to natural and heritage assets (and appropriate buffers) that are unsuitable for renewable and low carbon energy generation. This process will need to include due consideration of National Landscapes such as the Shropshire Hills.
- 74.2. Such an approach provides certainty to developers, communities and decision makers; reduces risk of abortive schemes; and supports delivery of renewable and low carbon energy schemes.

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

Shropshire Council Response:

- 75.1. Shropshire Council agrees that it is logical for the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be increased.
- 75.2. However, this is provided clear guidance and support is provided for Local Authorities in the decision making process. This guidance must ensure a role for 'the voices of the local community'; and that there is not an over-proliferation in certain areas, to the extent that communities in these locations experience undue landscape and visual impact and amenity issues.
- 75.3. It is important to ensure a balance is achieved across the Country, so that renewable energy generation is not unduly focused or overly dependent on certain locations.

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?

Shropshire Council Response:

- 76.1. Shropshire Council recognises solar panels are becoming increasingly efficient and as a result greater energy generation capacity can be achieved in an ever decreasing site areas. As such, the Council agrees that there is merit in increasing the current NSIP threshold – provided clear guidance and support is provided for Local Authorities in the decision making process. This guidance needs to address issues of land suitability and protection of the best and most versatile agricultural land for food production.
- 76.2. Whilst there have been a number of solar projects proposed in Shropshire, none to date have exceeded the NSIP threshold (possibly be design); increasing the threshold provides greater certainty that this will remain the case.
- 76.3. This is of benefit as it means that Local Planning Authority receive a fee for processing the relevant planning application (compared to the existing situation for NSIP projects where the Local Planning Authority does not receive any fee to cover its costs of providing specialist advice); and also minimises risk that solar projects are specifically designed to remain below an artificial threshold.

76.4. Shropshire Council would note that it is important to ensure that we are not overly reliant on a single form of renewable energy technology at the expense of the built and natural environment and other land uses.

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

Shropshire Council Response:

77.1. Acceptable as discussed above.

Tackling climate change

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

Shropshire Council Response:

- 78.1. The most important contribution that planning can make to supporting mitigation and adaptation of climate change is ensuring that sustainable patterns of development are achieved.
- 78.2. On this matter, Shropshire Council has significant concerns about the proposed 'standard methodology' for assessing housing need and in particular the 'weighting' to the affordability ratio within it, which directs a significant component of development to rural areas.
- 78.3. This is because the affordability ratio is influenced by a range of factors (as recognised by the ONS within their publications). One important factor is rurality. As such, the dataset often leads to a correlation between high affordability ratios and rural areas: as median workplace-based earnings within such locations are strongly influenced by the rural economy; whilst median house prices in such areas are effected by the desirability of rural living to households in existing urban economies.
- 78.4. This is reflected within initial analysis of the published results of the proposed 'standard methodology' undertaken by the Rural Services Network which indicate:
- a. **Predominantly Rural Areas:** Experience an increase of 70.2%, equating to 35,215 additional houses (from 50,191 to 85,406), or 6.0 houses per 1,000 dwelling stock.
 - b. **Predominantly Urban Areas:** Experience an increase of 6.4%, equating to 14,267 additional houses (from 221,827 to 236,094), or 0.9 houses per 1,000 dwelling stock.

- 78.5. Responding to high affordability ratios in rural areas within the 'standard methodology' could be interpreted as a positive response to the desirability of such areas; however it creates significant risk of unintended consequences. In particular it risks:
- a. Reducing the amount of new development targeted towards those locations with the services, facilities and infrastructure to support it.
 - b. Reducing the sustainability of development, as it is increasingly directed away from urban areas and their associated services, facilities and infrastructure.
 - c. 'Hollowing-out' urban areas, as households are attracted to housing in rural locations.
 - d. Undermining the focus on brownfield land and opportunities for urban regeneration, which is more significantly associated with urban areas than rural areas.
- 78.6. As such, Shropshire Council would urge Government to retain the existing multiplier of 0.25%; which is a more appropriate response to this dataset and still achieves Government's ambitions for housing growth, when coupled with mandatory housing requirements and other associated measures.
- 78.7. This could be complemented by a mechanism to direct more of the development to urban rather than rural areas. This is because urban areas are more sustainable; have the services, facilities and infrastructure best able to support significant development; and contain the vast majority of brownfield land.
- 78.8. Another important consideration is provision of clarity on the interaction between planning and building control on the matters of energy efficiency and renewable energy. Appropriate measures need to be established to ensure new housing development is constructed to a high energy efficiency standard (utilising low carbon impact materials); and incorporate renewable technologies as standard, or at least available as options for purchasers when configuring their property.
- 78.9. Similar to the above, the interaction between planning and property conveyancing needs careful consideration in order to prevent developers from applying restrictions on installation on renewable energy technologies, electric vehicle charging points and other adaptive and mitigating measures within new build development (including for a defined period of time).
- 78.10. There may also be opportunities to support those applying for renewable energy technologies and infrastructure through provision of greater guidance and clarity on the planning portal and associated planning application process infrastructure.

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?

Shropshire Council Response:

- 79.1. Shropshire Council considers that there is insufficient / poor technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions. The Council considers provision of a clear standardised process for carbon accounting in plan-making and planning application decision taking would be of value.
- 79.2. However, it is important to recognise that this is not only a planning issue. Local Authorities would benefit from provision of a standardised process for carbon accounting to measure the impact of business of usual (scope 1, 2 and 3 direct & indirect emissions) across the organisation, to ensure an accurate baseline is created, which is essential for informed planning application decision taking and plan-making.
- 79.3. The main challenges will be funding and expertise to implement and manage these processes.

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

Shropshire Council Response:

- 80.1. Shropshire Council considers the policy for managing flood risk is effective.

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

Shropshire Council Response:

- 81.1. Shropshire Council strongly supports the principle of Biodiversity Net Gain (BNG). However, if this process is to be effective and if we are to avoid risk that BNG delays the planning application and development process, then there is a need for clear and transparent guidance and training for applicants, developers, planning officers and local members. Shropshire Council also considers the process by which Local Authorities can bring forward land to achieve BNG needs to be simplified. Currently, this is far too onerous.

81.2. The Council also considers that more guidance is required to support understanding of carbon credits. This will support landowners (including Local Authorities) to understand the opportunities associated with this regime, which is potentially being overlooked and could also lead to more protection / habitat management.

Availability of agricultural land for food production

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

Shropshire Council Response:

82.1. Shropshire Council considers it is important to retain explicit reference to the importance of considering agricultural land quality when determining appropriate site allocations and the suitability of development proposals.

82.2. As such, the Council would advocate this text being retained and enhanced. It is unclear why this deletion is being proposed given it is consistent with Government's view on the importance of food security and safeguarding best and most versatile agricultural land.

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

Shropshire Council Response:

83.1. See response to Question 82.

Supporting water resilience

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?

Shropshire Council Response:

84.1. Shropshire Council supports the principle of twin-tracking action to reduce water company leaks and improve water efficiency, and delivering new water resources infrastructure, such as reservoirs.

84.2. It is critical that measures to reduce water company leaks and improve water efficiency and quality are undertaken alongside necessary delivery of new infrastructure, rather than instead of these measures.

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

Shropshire Council Response:

85.1. Shropshire Council has worked proactively with water companies operating within its administrative area during the plan making process. More explicit expectations on this matter through reform of the duty to cooperate has the potential to ensure a joined-up approach to plan making and investment in water infrastructure.

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

Shropshire Council Response:

86.1. No comment.

Chapter 10: Changes to Local Plan Intervention Criteria

Revision of the local plan intervention policy criteria

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

Shropshire Council Response:

87.1. Shropshire Council would strongly encourage Government to consider mechanisms to support Local Authorities to undertake effective plan making, alongside any consideration of measures to intervene where this is not occurring.

87.2. As recognised within this consultation "*Local plans are critical to ensure the delivery of the homes, infrastructure and commercial development local communities need, while protecting and enhancing valued assets.*" **It is therefore important to ensure that their production is appropriately prioritised and resourced.**

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

Shropshire Council Response:

88.1. See response to Question 87.

Chapter 11: Changes to Planning Application Fees and Cost Recovery for Local Authorities Related to Nationally Significant Infrastructure Projects

Changes to planning application fees

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

Shropshire Council Response:

89.1. Shropshire Council supports this proposal in order to assist in the Council meeting its cost recovery on these type of applications.

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

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

Shropshire Council Response:

90.1. The Council supports full costs recovery. The amount suggested in the draft consultation of £528 is considered to be an appropriate fee increase.

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

Yes

No – it should be higher than £528

No – it should be lower than £528

No - there should be no fee increase

Don't know

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

Shropshire Council Response:

91.1. The Council supports cost recovery. The amount suggested in the draft consultation of £528 is considered to be an appropriate fee increase.

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.

Shropshire Council Response:

- 92.1. Other application types where the statutory fee is unlikely to meet cost recovery include **applications for prior approval**. This is particularly the case when regulations require consideration of specific issues such as contamination, flood risk and noise and/or where consultation with specialist consultees is required.
- 92.2. It is important to recognise that despite their original intention, applications for prior approval are often complicated to process and determine. Further cost implications arise as most also have limited deadlines in which to respond.
- 92.3. One example of this is 'Part Q' conversion of an agricultural building to a residential dwelling. In principle, such schemes should be 'straight forwards'; however, they often involve close examination of structural suitability as the agricultural buildings often consist of steel framed buildings with little or poor infill. This often also requires input from experts outside of Development Management team, which is both time consuming and costly. There is also the Countryside and Wildlife Act to consider – particularly with regard to protected species, which is time consuming and potentially costly.
- 92.4. **Discharge of conditions** applications are another example where the Council is unlikely to cover costs from the application fee. Most of these applications require consultation with consultees sometimes external as well as internal. On major applications in particular these can often be very detailed and time consuming especially where an application is submitted to consider more than one condition per application.
- 92.5. Shropshire Council would recommend that there is a fee per condition discharged rather than per application and that the fees are increased particularly for non-householder schemes and in particular major applications to cover the cost of the work that needs to be undertaken. Householder fees should also be increased too as the current fee does not cover the basic admin costs for setting up the application.
- 92.6. Applicants in particular on major applications are keen to secure a decision as they often require the planning permission to secure funding to move a scheme forward to the next stage and would prefer to have a condition rather than resolve at application stage. This often leaves detailed work to the conditions stage which can take a lot of time and expertise to review and come to an acceptable conclusion.

- 92.7. **Certificates of Lawfulness** often taken more work than the cost of the application fee. We would recommend that these fees increase in line with any other increases. For example if a householder application fee increases to £528 then these fees should increase to £264 for a proposed Certificate of Lawfulness.
- 92.8. **Section 96a (Non-Material Amendment)** applications on major developments can be quite significant and require consultation with consultees. This is because while non-material within the context of the development it may require things to be reviewed including that it does not impact the outcomes of the Environmental Statement which was approved at application stage. Therefore, we would recommend that S96a applications of major developments are subject to fee increases.
- 92.9. **Reserved Matters** on outline planning permissions where a previous application has been received and determined and the scheme does not increase the development the application is a flat fee of £578 regardless of whether the scheme is minor or major. On major schemes in particular even if an application for reserved matters has been refused the fee will still be £578 even if this is to review a major housing development which requires internal and external consultation and usually some amendments and re-consultation. The fee does not cover this work. Even where a reserved matters application has been approved previously if a new scheme is submitted it is likely to require a full re-consultation of internal and external consultees. A flat fee does not cover this work. These fees should reflect the price of the original application. Should amendments be required S73 and S96a are available mechanisms to make changes.

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

Shropshire Council Response:

- 93.1. As a large, predominantly rural unitary authority with a high-quality environment (e.g. a quarter of the authority area is covered by a National Landscape designation and we have the third highest number of listed buildings per authority area in England), Shropshire Council deals with a significant volume of applications for which no fee is currently charged. These equate to on average **450** Listed Building Consent applications per year; **195** applications for works to trees subject to TPOs; and **460** applications for works to trees in Conservation Areas.

- 93.2. The Authority has been able to retain expert officers to deal with these numerous applications and associated statutory duties. However, as there is no fee income from these types of applications, the significant cost associated with these processes are currently borne solely by the Local Authority. The very significant financial pressures the Council is currently experiencing makes this increasingly challenging.
- 93.3. It is also important to note that these expert officer also fulfil the role of a statutory consultee on other categories of planning application, including applications to discharge related planning conditions, which provides significant added value to development.
- 93.4. Shropshire Council therefore welcomes the proposal to introduce fees for those categories of applications for which there is currently no charge (i.e. for Listed Building Consent and for works to trees subject to Tree Preservation Orders and within Conservation Areas).
- 93.5. The Council would suggest fees for such applications should be set nationally on a cost recovery basis and should be consistent with those for other householder type applications.

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:

Shropshire Council Response:

- 94.1. There are inevitably pros and cons of such a proposal. Pros include that it would ensure that Local Authorities costs in determining planning applications are fully covered. Cons include local variation creates less certainty amongst applicants about costs.
- 94.2. However, the Council would note that many Local Authorities currently offer a fee paying pre-application advice service and/or Planning Performance Agreements, which utilise locally determined fees and are generally successfully implemented and well received by applicants.

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

Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.

Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.

Neither

Don't Know

Please give your reasons:

Shropshire Council Response:

95.1. Shropshire Council supports the principle of Local Variation. This would provide some structure but also allow Local Planning Authorities discretion to reflect local circumstances.

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

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

Shropshire Council Response:

96.1. As Planning is a statutory function a balance has to be struck between funding services and providing value for money. In principle the Council would support a fee increase to fund associated wider services but this should remain on a cost recovery basis. There are many areas of expertise which the planning department relies on to make informed planning decisions. This has been highlighted by the growing importance of Biodiversity Net Gain, Sustainability as well as ever complex issues in longstanding areas of consultation such as Highways and Design. The financial situation of many Councils means that this expertise is being cut and the Planning Department has to pay for external expertise which is usually more costly. Therefore an increase in fees to cover the costs of internal consultees would help sustain the input planning departments require.

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?

Shropshire Council Response:

97.1. As a large, predominantly rural unitary authority with a high-quality environment (e.g. a quarter of the authority area is covered by a National Landscape designation and we have the third highest number of listed buildings per authority area in England), Shropshire Council deals with a significant volume of applications for which no fee is currently charged. These equate to on average **450** Listed Building Consent applications per year; **195** applications

for works to trees subject to TPOs; and **460** applications for works to trees in Conservation Areas.

- 97.2. The Authority has been able to retain expert officers to deal with these numerous applications and associated statutory duties. However, as there is no fee income from these types of applications, the significant cost associated with these processes are currently borne solely by the Local Authority. The very significant financial pressures the Council is currently experiencing makes this increasingly challenging.
- 97.3. It is also important to note that these expert officer also fulfil the role of a statutory consultee on other categories of planning application, including applications to discharge related planning conditions, which provides significant added value to development.
- 97.4. Shropshire Council therefore welcomes the proposal to introduce fees for those categories of applications for which there is currently no charge (i.e. for Listed Building Consent and for works to trees subject to Tree Preservation Orders and within Conservation Areas).
- 97.5. The Council would suggest fees for such applications should be set nationally on a cost recovery basis and should be consistent with those for other householder type applications.
- 97.6. Many applications and most major applications require input from Ecology, Highways, Environmental Services (Noise, Air, Contaminated Land, etc), Green Infrastructure (Open Space, Landscape and LVIAs), Urban Design, Sustainability along with Trees and Conservation and Design input. This is not an exhaustive list but some of the key consultees needed to provide sound decisions on planning applications and whose input should be funded by planning application fees.

Cost recovery for local authorities related to NSIP

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

Shropshire Council Response:

- 98.1. Shropshire Council agrees that cost recovery for relevant services provided by Local Planning Authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced.
- 98.2. Local Planning Authorities are statutory consultees in the NSIP process, but their involvement in this process is time consuming

and resource intensive - often requiring the involvement of a range of specialist teams within the Council.

- 98.3. The use of Planning Performance Agreements is an option that Shropshire Council has utilised for NSIP processes in the past, but this is dependent upon the developer agreeing to engage in this way and setting up such agreements is itself time-consuming and has a cost to the Council.

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

Shropshire Council Response:

- 99.1. The Local Planning Authority that is being consulted should be able to recover their costs.
- 99.2. Cost recovery should also include the costs of procuring consultants to assist with the consultation process, particularly where the Local Planning Authority does not have the required capacity or resource.
- 99.3. However, agree that fees should be waived if a Planning Performance Agreement is in place as an alternative mechanism.

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

Shropshire Council Response:

- 100.1. No comment.

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

Shropshire Council Response:

- 101.1. Cost recovery could potentially save the Local Planning Authority the significant cost of involvement in the determination process; ensure that applicant is provided with the information that they require for the project in a timely manner; and ensure that sufficient resources are available to achieve best outcomes for all – communities, applicants and decision makers.

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

Shropshire Council Response:

102.1. No comment.

Chapter 12: The Future of Planning Policy and Plan Making

Transitional arrangements for emerging plans in preparation

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

Shropshire Council Response:

- 103.1. Shropshire Council has **very significant concerns** about the proposed transitional arrangements, which risk both **devaluing** and **undermining** the plan-led approach to development and the wider plan making process. There is also a clear **internal inconsistency** within the NPPF as a result of these proposed transitional arrangements.
- 103.2. In particular, Shropshire Council is very concerned about the proposed transitional arrangements in new draft paragraphs 226 and 227 of the NPPF. As drafted, these arrangements would require the majority of Local Plans that are at very advanced stages of plan making to start again. They would also require the majority of Local Plans that are currently the subject of examination be reviewed "*as soon as possible*" after their adoption.
- 103.3. This epitomises the Council's concerns about proposed transitional arrangements undermining a plan-led approach to development and devaluing plan making. This is because immediately after adoption:
 - a. There would be uncertainty about the status and value of such plans.
 - b. Trust amongst and the ability to proactively engage with local communities will be tarnished.
 - c. Resources available to implement Local Plans will be reduced, as they would be required to commence a review.
 - d. Confidence amongst developers and other investors would be reduced as there is uncertainty about competition in the

market from proposals beyond the scope of the Local Plan - which will impact on levels of development.

- e. There would be a very real risk of unplanned and unsustainable development.
- 103.4. These paragraphs are also internally inconsistent with paragraph 33 of the NPPF, which requires Local Plan reviews to occur no later than five years from the adoption date.
- 103.5. There is also a potential conflict with proposed timescales by which Local Plans developed under the current planning system can be submitted for examination (no later than December 2026). How can a Local Authority commence a Local Plan Review as soon as possible after adoption, if there is no possibility of it being submitted for examination before the end of December 2026 and no certainty about the new plan making process to be undertaken for Local Plans submitted after this date.
- 103.6. Shropshire Council very strongly recommends that the transitional arrangements in new paragraphs 226 and 227 of the draft NPPF are amended to provide certainty about the status of soon to be adopted Local Plans. This is essential if a plan-led approach to development is to be achieved.**
- 103.7. Shropshire Council would also strongly recommend that these transitional arrangements are amended to ensure internal consistency and align with paragraph 33 of the NPPF. Specifically, that a review of Local Plan is completed within five years of adoption.**
- 103.8. Government has recognised within this consultation that "*Local plans are critical to ensure the delivery of the homes, infrastructure and commercial development local communities need, while protecting and enhancing valued assets.*" Shropshire Council fully supports this principle. However, much of this value is achieved through their positive implementation and their ability to provide certainty and stability to all parties – communities, developers, investors and decision makers.
- 103.9. Proposed transitional arrangements in new draft paragraphs 226 and 227 of the NPPF reduce the ability to implement Local Plans and reduce the certainty and stability associated with them, **devaluing** and **undermining** the plan-led approach to development and the wider plan making process.
- 103.10. Shropshire Council is also surprised that within the Consultation Document, Government has committed to providing "*direct funding support*" due to the "*unforeseen additional work*" and need to "*reopen engagement with communities*" for Local Authorities that due to paragraphs 226 and 227 would be

required to re-start plan making; but no such commitment is made for Local Authorities that would be required to adopt their Local Plan but commence a review as soon as possible afterwards.

- 103.11. This is considered unreasonable, as to these Local Authorities this would also mean "*unforeseen additional work*" and a need to "*reopen engagement with communities*". In actuality, the funding support required by such Local Authorities is likely to be more significant, as there is also the significant expense of an additional unforeseen examination.
- 103.12. Whilst not relevant to Shropshire Council, it is considered that the expectations in new paragraph 228 are unachievable. Where Local Plans that have reached Regulation 19 stage but due to other transitional arrangements need to 'start again' in order to align with the new 'standard methodology' for assessing housing need, it will not be possible to proceed to examination within 18 months. Such Local Authorities will need to revisit housing requirements and site allocations which cannot be introduced at Regulation 19 stage – this position is informed by legal advice sought during the plan making process.
- 103.13. Shropshire Council also considers that it is entirely unreasonable to not introduce any transitional arrangements alongside a new 'standard methodology' for assessing housing need. Failing to introduce such arrangement poses significant risk to the plan-led approach to development.
- 103.14. This is because Local Authorities will have a sudden escalation in need, without the ability to positively respond through a plan-led approach. Indeed, wider transitional arrangements delay the ability for many Local Authorities to introduce a plan-led approach to meeting needs. This is also a pertinent issue for Local Authorities (such as Shropshire Council) that is at a very advanced stage in the plan making process and seeking to positively plan for development.
- 103.15. The draft Local Plan for Shropshire is currently the subject of examination and intends to positively respond to housing need through a proposed housing requirement 15% above current housing need, plus a further 1,500 dwelling contribution to unmet needs forecast to arise in closely related Local Planning Authorities.

Summary

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

Shropshire Council Response:

104.1. See response to Question 103.

Future changes to the NPPF

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

Shropshire Council Response:

105.1. In order for Shropshire Council to provide comment on proposals regarding Spatial Development Strategies (SDS); the role of Mayoral Combined Authorities'; and also implications of proposals outside of mayoral areas, further information and clarity of implications is required. Shropshire Council considers an appropriate geography for SDS's is likely to relate to housing market areas (HMA's).

Chapter 13 – Public Sector Equality Duty

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

Shropshire Council Response:

106.1. No comment.