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Dear Sir/Madam,

### **Consultation on Changes to the National Planning Policy Framework**

Thank you for the opportunity for Fylde Council to provide comments on this consultation. This response provides answers to the questions considered particularly relevant to the Borough of Fylde following consideration by the Council's Local Plan Steering Group.

#### **Questions 1 and 2: alternative approaches to housing need**

The removal of the possibility of using an alternative approach to the standard method is helpful, providing that the outcomes of the standard method itself are sensible in all authority areas. Much time has been wasted in Examinations where developers or other third parties have argued for an alternative approach to the standard method, even where the authority proposed to meet the standard method. A standardised approach is therefore beneficial in general terms. The appropriateness of the calculation is considered separately in the response to questions 15 to 19.

#### **Question 4: removal of character restriction on density**

Fylde Council objects strongly to this change. As worded, this could result in uncontrolled higher density development in areas where it is wholly inappropriate, leading to a loss of character and amenity, potentially at a town scale. Successful places that produce the highest GVA have high standards of character and amenity that are attractive at a national or international level to highly qualified people, contributing to increased wealth creation. The attractiveness of places such as Fylde should not be diminished by loss of character due to inappropriate increases in density.

#### **Question 6: strengthening the presumption in favour of sustainable development**

The introduction of the term "the supply of land", to specify which out-of-date policies are covered, is helpful clarification.

The change to paragraph 11d)ii. that states "and for securing affordable homes" is highly problematic. This gives exaggerated weight to the delivery of affordable homes when making a decision under the "tilted balance". The likely result is that appeals will be successful on many schemes on sites that are contrary to development plans, but where there is a shortfall in the five-year housing land supply, solely due to the provision of affordable housing. This would undermine the proper consideration of

the appropriateness of the site's location for the development and the design of that development, leading to poor quality development or development of wholly inappropriate sites. If this change were removed, the delivery of affordable housing would be given appropriate weight under the tilted balance.

**Question 7: require councils with an adopted plan to demonstrate a 5 year supply**

Fylde Council disagrees with this proposed change. The provision in current paragraph 76 that indemnifies councils that have adopted a local plan within the last five years from the requirement to demonstrate a five-year housing land supply creates a strong positive incentive for plan preparation and reinforces the importance of a plan led system.

The change is unnecessary, as the requirement to demonstrate a sufficient supply of housing, at the local plan examination, ensures that sufficient sites are included within the plan at the outset. Provided that plans are updated promptly on a 5 yearly basis, this becomes an ongoing requirement, undertaken through the plan-making system, which is the proper place for it to occur, and where the sites added to ensure necessary levels of delivery are carefully chosen and tested against other potential development sites in order to deliver sustainable development in accordance with a coherent strategy.

The requirement for a constant five-year supply leaves the status of the local plan at the mercy of developers and their decisions on the rate of delivery, even immediately after adoption. As is the case with local plan examinations wasting significant time in assessing local housing need in the absence of a standard methodology, many planning appeals relating to proposed housing developments waste considerable time debating housing supply positions. It is considered that the regular reviewing of the five-year housing supply position through the local plan process would provide greater certainty to developers and local communities alike. As councils have effectively no control on delivery, local plans can be rendered inoperative by developers choosing to delay starting delivery on a site, or by accelerating delivery to complete very quickly. This is likely to dissuade some authorities from making plans at all. If the government genuinely means to encourage universal local plan coverage, it should not implement this proposed change.

**Question 8: remove the possibility to set past over-delivery against the supply required**

This proposed change will penalise authorities that have set out to ensure sufficient delivery with certainty, and should not be taken forward. Instead, the NPPF should be changed so that it makes explicit that over-delivery within the plan period can be set against supply required in all circumstances. Without allowance for over-delivery, where there is a sudden burst of completions (such as a large flat development) this can result in significant differences in completion figures between one year and the next, which can be of significant detriment to a council's supply position.

**Question 9: the addition of a 5% buffer to the 5 year supply requirement**

Fylde Council disagrees with this change. The required housing supply should be based on the local plan requirement alone. The result will be a requirement for a disproportionate level of delivery in the next 5 years. Where this is the first 5 years of a plan, this is problematic particularly as many of the sites are likely to be newly allocated and be affected by the time needed to reach the stage where initial completions occur, including the grant of planning permission, site clearance, access construction, services and initial build of the first units.

### **Question 11: annual position statements**

Fylde Council have previously prepared annual position statements and they have proved useful. However, the resource required is disproportionate which has discouraged their widespread adoption. Fylde Council suggests that five-year housing supply is established via regular reviews of development plans as set out in the response to question 7, and that APS be retained, but that the process be simplified significantly: in particular, only a single period of developer engagement should be required.

### **Question 12: cross-boundary matters**

The changes to new paragraph 28 provide helpful clarification on how the misalignment of local plans or evidence between neighbouring authorities will be dealt with. This matter has resulted in difficulties and challenges to plan-making in the past, some vexatious, and the change provides a clear steer as to how such situations will be managed.

The effect of new paragraph 27 is that local planning authorities will be expected to defer to the plans and proposals of government departments and agencies, and to infrastructure providers of all types, "unless there is clear justification to the contrary". Fylde Council has concerns about this:

- It is contrary to the principles of local accountability and the independence of councils;
- It assumes that the plans and proposals brought forward by such bodies are always implicitly appropriately located, appropriately designed and result in sustainable development. It assumes that local planning authorities should not either individually or collectively criticise the proposals. The likely result will be poor quality development. Bodies such as government service and infrastructure providers should expect to be subject to good planning in the same way as any other type of development.

Paragraph 8 of the NPPF requires that "land of the right types is available in the right places and at the right time to support growth." The requirement of authorities to deliver land to help meet the need identified in a neighbouring authority will potentially result in development being delivered in the "wrong" place and so undermining the principles of sustainable development. This would particularly be the case where that need results from distant parts of a neighbouring area with, as is often the case with large rural authorities, poor transport links. Development sites need to be delivered where they are needed and if there are physical or other policy reasons why the sites cannot be delivered, this should be tested at the examination of a development plan.

### **Question 13: soundness of strategic scale proposals**

Fylde Council would support alterations to the NPPF whether through the tests of soundness or through other policies that would allow that detailed delivery plans for infrastructure in connection with such an allocation that would not necessarily be available at the time of the allocation of such large sites, only that in principle it could be achieved in order to deliver sustainable development.

### **Questions 15-19: the new standard method**

For Fylde, the use of a multiple of existing dwelling stock as a baseline is a sensible starting point for the calculation. In particular, it is more realistic in comparison with other boroughs than the former use of the household projections, which gave a number for annual growth based on previous trends, irrespective of the relatively small total population of the Borough. An approach that is based on proportions of existing dwelling stock represents a fairer approach. It also represents better planning,

as planning for housing number increases that are proportionate to the existing number of homes will mean that, in general, the existing settlements will be more able to absorb growth.

The selection of 0.8% as a multiple of dwelling stock across the nation is understood to reflect the objective to ensure an even pattern of housing growth across the country. However, the consultation notes that the objective of this part of the calculation is to lock-in existing growth levels. For Fylde, the average annual growth figure for housing stock is 0.89% since the beginning of the current plan period (2011), exactly in line with the national figure quoted in the consultation. However, in taking the national figure of existing growth adjusted to 0.8%, the baseline will itself represent very significant growth from previous delivery rates across many other authorities in the North West region including Fylde's immediate neighbour authority Blackpool, rather than merely a lock-in of existing delivery.

The proposed standard method then uses the similar approach of the previous method by providing an uplift where the affordability ratio exceeds 4, but applying a much greater uplift than hitherto. The use of the workplace-based affordability ratio is supported, as this reflects an assumption of sustainable development where people are enabled to live close to their workplaces.

The result of the proposed standard method for Fylde would result in a baseline reflecting actual delivery across the current plan period, plus an uplift of 38% over and above that figure. However, for Fylde's neighbouring authorities the outcomes are far greater than this. Whilst paragraph 11 of the NPPF sets expectations that authorities should meet needs unless exceptions apply, given the scale of the increases it seems likely that many authorities nationwide will seek to demonstrate that they should not meet their own needs in full and attempt to pass proportions of it to their neighbours. Paragraph 11b) is subject to wide interpretation as to its scope and invites such challenges. Because of the immediate scale of the increase in the need figures nationally, the result could be chaotic for plan making, and present recurrent challenges for inspectors examining plans. If it is really intended that authorities should, in general, meet their own needs based on the new calculations, Fylde Council suggests that the wording of paragraph 11b) be made more robust, to clearly define the circumstances where a reduced housing requirement will be entertained at Examination.

However, it may be that the scale of the challenge of such large increases in the housing need figure will be recognised as too dramatic and unachievable. Fylde Council suggests that the multipliers in the calculation be lessened in order to produce need figures that are broadly achievable across all authorities.

#### **Question 20: brownfield development acceptable in principle**

The intention of this move is sensible in theory. However, the definition of previously-developed land in the glossary to the NPPF is loose, as it includes buildings that remain in use, or are capable of reuse for the existing use. The change to this policy gives greater weight to development proposals that would require the cessation of commercial business uses such as pubs, garden centres, garages/workshops or any other commercial use in favour of redevelopment for residential. This is likely to result in loss of many such uses, leaving unsustainable communities without a sensible balance of commercial, employment and residential land use, as well as the loss of ongoing GVA from the business operations. The premium that exists on residential land values over commercial means that successful commercial operations will still be targeted, as will land within established industrial areas. If this measure is to be introduced, it is recommended that changes are made to the definition of previously developed land in the glossary, to state that premises that are in use or have been in use within the last 12 months (to allow for resale for their existing purpose) are excluded from the definition.

**Question 21: previously-developed land in the green belt**

The softening of the acceptable impacts of redevelopment in the green belt could have profound effects in some places. In particular, it would render criterion d) of the same paragraph useless, as the replacement of a building (which is previously developed land) could now be substantially larger providing it does not cause substantial harm to the openness of the green belt. There will likely be some effects in Fylde, but the greater effects will be in other boroughs where green belt covers small settlements entirely.

**Question 22: horticulture**

No observations

**Questions 23-27: grey belt land: definition**

Fylde Council recognises the difficulties in bringing forward a workable definition of “grey belt”, and understands that use of very specific criteria could prove difficult. However, it immediately introduces planning status for a very vague description of land, which will result in arguments between applicants and councils on a case-by-case basis, and lead to appeal-led decision making. The consultation asks for assistance in understanding how green belt land can be prevented from being deliberately degraded to meet the definition of grey belt: unfortunately, it will happen. Rather than seeking to find a suitably precise definition of “grey belt”, Fylde Council believes that areas of previously developed land that are considered appropriate for limited forms of development should be identified at the plan making stage rather than ‘created’ by developers on a case-by-case basis.

**Question 28: sequential test for green belt release**

Fylde Council has extensive areas of land that are not within the green belt, and as such is highly unlikely to be required to undertake a green belt review. Therefore, Fylde Council does not wish to comment on the trigger for green belt review.

However, the application of the sequential test for development in the green belt will also affect decision-making, if a council does not have a five-year land supply. This is because a lack of five-year supply will trigger a presumption for grey belt development to be accepted. As previously developed land is at the top of the hierarchy, there will be a presumption for the redevelopment of such sites, applying the looser impact test as noted in the response to question 21. This will result in the targeting of such sites for development, and as noted in the response to question 20 will result in the loss of commercial uses. Grey belt development will also be allowed, resulting in a diminution of the green belt as a whole. This trigger will apply despite Fylde having green field (and previously developed) sites which are not in the green belt, which in most cases should be sequentially preferable.

**Question 29: release to not fundamentally undermine the function of the green belt**

Fylde Council supports the intention that release of land should not fundamentally undermine the function of the green belt. However, the proposed text caveats this with “across the area of the plan as a whole”. This again implies extensive areas of green belt. In some authorities, including Fylde and its neighbours, the areas of green belt are more localised and important in separating settlements. It is suggested that the text should be “...not fundamentally undermine the function of the green belt.” i.e. with the last phrase omitted; it is considered sufficient protection without this, whilst essentially applying the same test.

### **Question 30: allowing development in the green belt through decision taking**

Fylde Council has concerns over the proposals for allowing development on grey belt land through decision-taking, where a council cannot demonstrate a 5-year supply. This allows development to take place in the green belt, even in circumstances where there is a plentiful supply of preferable sites that are not within the green belt at all. The policy appears to have been written with a particular type of authority in mind, where all undeveloped land is within the green belt, rather than, as with many authorities including Fylde, where there is other undesignated countryside land (which will include “grey” sites) available.

### **Question 31: grey belt land for commercial uses**

Although new paragraph 152 would allow development on grey belt sites for commercial uses as well as housing, in the case of commercial uses the trigger is different. Paragraph 152b would require that “there is a demonstrable need for land to be released for development of local, regional or national importance”. Where land is available on undeveloped sites not in the green belt, this trigger would not be fulfilled; but it would be better if the text were explicit: “there is a demonstrable need for land in the green belt to be released...”.

### **Questions 32: travellers’ sites**

For the reasons stated in the response to question 30, Fylde Council has concerns over the release of green belt land through decision-making, and these concerns apply particularly strongly in the case of travellers’ sites. The policy as worded could result in development harmful to the green belt, in boroughs where alternative undesignated land could be sought such as Fylde.

### **Question 33: travellers’ sites: assessment of need**

Fylde Council believes that there should not be any change to the policy on assessment of need.

### **Questions 34 to 46: green belt release, public benefits and infrastructure**

As the need for Green Belt release in Fylde is highly improbable, Fylde Council do not wish to comment on these matters.

### **Questions 47 to 50: affordable housing**

Fylde Council believes that the contents of policies regarding affordable housing delivery should be determined locally. Insofar as the proposed changes support this, the Council supports the proposed changes. However, the Council would prefer the NPPF to explicitly state that the balance of affordable housing provision should be determined locally having regard to locally identified needs.

### **Question 51: mixed tenures**

The proposed policy promoting mixed tenure developments is supported.

### **Questions 52, 53 and 54: high percentage affordable housing developments**

The benefits of mixed tenure development are widely recognised, and the disadvantages of the social segregation that results from large areas of affordable housing are likewise widely understood. Fylde Council would be concerned at any policy move to promote large single tenure affordable housing sites. On relatively small, particularly previously developed sites, the delivery of 100% affordable housing supported by Homes England finance can be and has been an effective mechanism to bring

sites forward, including relatively hard-to-deliver sites, whilst encouraging affordable housing delivery.

**Question 55: looked after children**

The provision of housing for looked-after children has been a significant issue for Fylde Council and other authorities in the North West (see the report to the Council's Internal Affairs Scrutiny Committee <https://fylde.cmis.uk.com/fylde/MeetingsCalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1505/Committee/50/Default.aspx> ). Lancashire County Council have identified large numbers of children from outside the county who have been housed within Lancashire, including significant numbers in Fylde, due to the lower costs involved, meaning that despite having more accommodation than local needs assessments identify, there is insufficient accommodation to meet the needs of local children (see LCC statement of November 2023 <https://www.lancashire.gov.uk/council/strategies-policies-plans/children-education-and-families/childrens-homes-market-position-statement/> ). Fylde Council welcomes the change to ensure local need is assessed and planned for in each individual local authority. However, additional controls through other areas of legislation will be needed to ensure commissioning councils are restricted from placing large numbers of children in inappropriate locations which are often concentrated and in locations that are in many cases long distances from home. This should include changes to the use classes order to ensure there is adequate planning control over the number and location of children's homes. Given the large number of children from outside the county housed within Lancashire, and a lack of further legislative guidance on restrictions on where Looked After Children should be cared for, Fylde Council would like to see a proportionate limit placed on the number of Children's Care Homes developed in an authority which is directly linked to the local area's need.

**Questions 56 and 57: community-led development**

Fylde Council has no comment to make on these proposals.

**Question 58: small sites**

Fylde Council has no comment to make on this question.

**Question 59: references to "beauty"**

Fylde Council supports the intention to achieve well-designed places and works to achieve this on all new developments. The term "beautiful" is vague and lacks interpretation, and as such has not assisted in achieving good design in assessing development proposals: as such its removal is supported.

**Question 60: upward extensions**

The support in the NPPF for upward extensions contradicts absolutely with the aim to produce well-designed places. In almost all cases they result in poor quality development, which causes great harm to the street scene and neighbouring amenity. Upward extensions also undermine attempts to ensure high quality design in new developments by allowing poor quality additions to be made subsequently. Rather than make the policy still more permissive, Fylde Council's view is that the policy should be removed entirely.

**Question 61: any further comments on affordability and design**

No further comments

### **Questions 62 and 63: sites for key growth industries**

Fylde Council considers that the word “sustainable” should be added after “Appropriate” in new paragraph 84b). Otherwise, there are no observations.

### **Questions 64 to 66: additional classes of development to the NSIP regime**

Fylde Council considers that there may be justification for very large-scale development of the types mentioned that could be handled by the NSIP regime. However, it must be recognised that developments following the descriptions (which are necessarily vague in the NPPF, but would need to be clearly defined) of any size could be brought forward. In most cases, developments of these types which are similar in scale to other types of employment use should continue to be handled by local planning authorities.

### **Question 67: public infrastructure**

The changes made to paragraph 100 (new paragraph 98) place significant weight on granting permission. In doing so these changes conflict with the earlier part of the paragraph which states that key planning issues are resolved before applications are submitted. Public authorities will be given *carte blanche* to demand that their proposals are approved in whatever form they are presented. This could result in poorly designed, unsustainable development in inappropriate locations, solely because it happens to be expedient for the public body bringing forward the scheme. In particular, Fylde is vulnerable to surface water flooding and waste water flooding into bathing waters. These are critical issues for a low-lying coastal authority such as Fylde. They should be resolved before applications are submitted. Fylde Council believes that the existing wording allows local planning authorities to give suitable weight to the benefits of a scheme, whilst encouraging public bodies to engage with planners to maximise the sustainability and encourage good design of the development proposed.

### **Question 68: early years and post-16 education**

Fylde Council supports the proposed changes.

### **Question 69 to 71: transport and healthy communities**

No observations

### **Question 72: Onshore wind into NSIP regime**

Fylde Council has concerns that the taking control of decisions on onshore wind projects from councils could result in failure to give adequate weight to strategic local priorities.

### **Questions 73 and 74: renewable energy**

Fylde Council is concerned about the wording of the changes proposed to paragraph 163 of the NPPF. As proposed, the wording would allow developments in wholly inappropriate locations and without any consideration of, or requirement for mitigation of the effects of the development. The wording “renewable and low-carbon development” would allow not only renewable energy schemes, but also any kind of “low-carbon” development, which could include buildings for unrelated uses. The following is proposed: “Local planning authorities should support proposals for all forms of renewable and low-carbon energy generation, providing that the site is suitable and that impacts on residents and other nearby uses can be effectively mitigated.”



**Questions 75 to 77: raised NSIP thresholds for renewable projects**

Fylde Council supports the raising of the thresholds.

**Questions 78 to 81: climate change**

With regard to the flood risk question, there is a thrust in the NPPF to increase delivery of housing across the country. In some locations there are challenges with this in relation to flood risk. The practical delivery of these houses is compromised by poor coordination of existing legislation relating to surface water management, with a range of agencies (EA, LLFA, councils) involved. It would be helpful if the opportunity of NPPF revision was used to bring together the coordination of this legislation to ensure that LPAs are able to readily ensure developers deliver and maintain their drainage arrangements.

**Questions 82 and 83: agricultural land**

Fylde Council objects to the removal of the text from the footnote. Whilst the consultation insists that the value of agricultural land remains important, the resultant draft NPPF does not. All that remains is a cursory reference in paragraph 180 that does not apply any kind of sequential test described in the consultation document. Agriculture remains an important business sector in Fylde and, as has been latterly recognised, food security is important. Fylde Council believes that careful selection of sites for development to minimise the impact on agricultural land and farm buildings remains desirable.

**Questions 84 to 86: water infrastructure**

No observations

**Questions 87 and 88: intervention criteria**

No observations

**Questions 89 to 91: householder application fees**

Fylde Council supports an increase in the householder fee. However, if the increase is too great it will lead to householders failing to make applications, particularly in the case of retrospective development. This will result in criticism by third parties of the enforcement function of councils, and will likely lead to complaints, which would be a draw on the resource of councils. Fylde Council do not wish to offer a view on the actual amount, only that it will be viewed as reasonable. An enhanced (double?) fee for retrospective applications should be considered in order to encourage the proper application process to be followed in advance of commencement.

**Questions 92 and 93: other fees**

No comments

**Questions 94 to 97: local fees**

Fylde Council's view is that the fees should be standard nationally, which all stakeholders will understand; locally set fees will require staff time to determine the fees and then to defend them to applicants.

**Questions 98 to 102: fees for local authority costs from NSIPs**

Fylde Council supports the principle of fees being payable by applicants to reimburse local planning authorities for their costs relating to involvement in the processing of NSIPs. This is considered to be a better solution than the current arrangement where NSIP applicants usually offer a planning performance agreement as this brings bureaucracy, and potential tensions from a local community about applicants making associated payments to councils that could not be raised with the mandatory payment of fees.

**Questions 103 and 104: transitional arrangements**

Fylde Council is not directly affected by the proposed transitional arrangements and therefore does not wish to comment on the text changes proposed.

However, there is a lack of clarity over the broader consequences for existing adopted local plans, including that of Fylde, from the implementation of the new NPPF, particularly in view of the extent of the proposed changes to the housing need calculation. The consultation does not propose to change paragraph 225 of the NPPF, which provides the only guidance in relation to transitional arrangements for existing adopted plans. There is concern that adopted local plans will be immediately challenged with the allegation that they are out-of-date, due to the raised housing need figures. It is noted that, under the transitional arrangements in paragraph 226a for plans that have reached Regulation 19 stage, those plans in which the housing requirement is 200 or fewer dwellings below the new local housing need figure will be allowed to proceed to examination under the current NPPF. Given that this is the case, it would provide helpful clarification to state (in paragraph 225 or a footnote attached) that plans which are already adopted that are in the same position (housing requirement 200 or fewer below the new figure) should continue to be treated as up-to-date until 5 years from adoption.

Should you require clarification on any aspect of the above, please do not hesitate to contact me.

Kind regards

**Mark Evans**

**Head of Planning**