Local Government Association

Submission

LGA response to MHCLG's consultation "Proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system"

March 2026

Key Messages

- The LGA and councils across the country recognise the severity of the national housing and homelessness crisis. With over 1.3 million households on social housing waiting lists and record numbers of children living in temporary accommodation, councils are operating at the very sharp end of this emergency. Local government fully shares the government's commitment to significantly boost housebuilding and stands ready to work constructively with ministers, communities, and developers to deliver the 1.5 million safe, decent, and genuinely affordable homes that the country urgently needs. To successfully tackle this crisis and turn these shared ambitions into reality, it is vital that councils are equipped with the right powers through the planning system, along with the skills, resources and long-term funding to take effective local action.

- This consultation's proposals represent the largest shake-up of planning policy since the NPPF was introduced in 2012. Given the breadth of changes proposed, and the potential implications each change could have, **we strongly urge** Government to give consideration to this response and the responses of our member councils - those most intrinsically involved in plan-making and decision-taking - with relevant care and attention. The LGA and councils are ready and willing to discuss policy implications with Government.

- Planning is about creating communities linked with the right economic activity and public services, whilst conserving and enhancing the natural and local environment. Critically, local authorities must be empowered to take their residents along with them on this journey to develop and build more homes. That is because it is not just homes that are required to create thriving, attractive and desirable places and communities in which to live but the accompanying local and national infrastructure, to be developed both now and phased at early and timely stages alongside the development of new homes, which is of primary concern for residents.

- People cannot and do not live in planning permissions. The Government must take urgent action and work with the development and housebuilding industry to ensure there is a suitable pipeline of sustainable sites, which once allocated in a Local Plan and / or given planning permission, are indeed built out. Local authorities must be given greater powers to ensure prompt build out of sites with planning permission and we urge the Government to come forward with the outcomes of two

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consultations from last year regarding build out. Councils should not be subject to punitive measures, regarding the delivery of housing, which undermine the plan-led system including the 5-year housing land supply test and the Housing Delivery Test.

- While we support the Government's aim to improve the efficiency and consistency of the planning system, we have significant concerns about the limited flexibility within the proposed reforms for planning committees. A standardised approach does not account for the diversity across local planning authorities, and it is essential that councils retain the ability to tailor decision-making processes to reflect the specific needs of their communities. The involvement of elected councillors in planning decisions is the backbone of the English planning system and our reservations about a national scheme of delegation centre on this role potentially being eroded.

- Government must remain mindful that – with devolution, widespread local government reorganisation, the introduction of spatial development strategies, and with two approaches to plan-making with definitive backstop dates in place – this is a period of significant flux, change and uncertainty within local planning authorities.

Chapter 1: Introduction

Question 1: Do you have any views on how statutory National Development Management Policies (NDMPs) could be introduced in the most effective manner, should a future decision be made to progress these?

We welcome the Government's decision not to use the powers to designate statutory National Development Management Policies (NDMPs) at this stage. The LGA has consistently argued that centralising development management policies removes the ability of local planning authorities to set standards that reflect the unique character and needs of their local areas.

However, we remain concerned that the proposal to "hard-wire" a set of rules-based policies into the Framework, coupled with the prohibition on local plans "substantively restating or modifying" them, achieves the same centralising outcome.

If future NDMPs are introduced, they must be limited to strictly technical matters and must not restrict local authorities from setting higher standards, where there is local ambition to do so. Government must remain aware that frequent or regular updates to NDMPs will have destabilising implications for both local plan-making and decision-taking.

Question 2: Do you agree with the new format and structure of the draft Framework which comprises separate plan-making policies and national decision-making policies?

We support the objective of making national policy "accessible and understandable" and agree that separating procedural plan-making policies from decision-making policies improves clarity. Streamlining local plans by removing the need to cut-and-paste national

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policy is a positive step.

However, we caution that this structural change underpins a "rules-based" approach designed to provide a "default 'yes'" to development. We are concerned that national decision-making policies must not become a rigid substitute for local decision-making. The local plan must remain the primary vehicle for shaping places, and national policies must leave room for local discretion to address site-specific constraints that national rules cannot anticipate.

Question 3: Do you agree with the proposed set of annexes to be incorporated into the draft Framework?

Moving technical details, such as the standard method for Local Housing Need and flood risk tables, into Annexes is a logical step to streamline the main policy text.

Regarding the proposed Annex B on Viability, we strongly support the move toward "standardised inputs". The LGA has long called for reform to prevent developers from using viability assessments to negotiate down affordable housing and infrastructure contributions. We urge the Government to ensure these standardised inputs specifically prevent the price paid for land from justifying a failure to comply with policy.

Question 4: Do you agree with incorporating Planning Policy for Traveller Sites within the draft Framework?

We welcome the proposal to incorporate policies relating to traveller sites into the relevant chapters of the Framework. Maintaining a separate document for traveller sites has historically created unnecessary duplication and a two-tier system. Integrating these policies supports a more consistent and equitable approach, ensuring that the provision of traveller sites is treated with the same strategic importance as other forms of accommodation within the planning process.

Question 5: Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied?

The LGA has frequently highlighted that ambiguous language in national policy leads to differing interpretations, which fuels speculative applications and expensive legal challenges ("planning by appeal"). The current mix of terms such as "great" "significant" and "substantial" lacks a clear hierarchy.

Standardising this terminology to use "substantial weight" throughout the document will provide greater certainty for local planning authorities, applicants and communities. This should help speed up decision-making and reduce the resource burden of planning appeals on councils, provided that this weight is not applied so rigidly that it overrides specific local harms.

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Chapter 2: Plan-making policies

Question 6: Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1?

We welcome the commitment to achieve universal coverage of spatial development strategies (SDS) across England to tackle genuinely cross-boundary challenges like housing and infrastructure. However, it is vital that these strategies are led at a local or locally-agreed appropriate level - it should be ensured that all constituent local authorities, and local communities, have a meaningful voice and role within regional approaches to spatial planning. Local authorities should always be given the flexibility to influence the geography that is most appropriate for local needs, as opposed to a burdensome central directive – the LGA will be responding to the Government's consultation on this matter.

It is important that Government sets out explicit guidance on SDS content and scope to prevent SDS becoming 'giant local plans'. Councils have raised concerns about workforce capacity and skills to undertake both local plans and feed into SDS - the latest Government planning capacity and capability survey identifies that "recruitment difficulties remain widespread, with 79% of local planning authorities affected, and 93% continue to report skills gaps".

It will also be important that funding is made available to support SDS preparation.

We have significant concerns regarding the governance arrangements set out in the Planning and Infrastructure Act which underpins SDS - specifically:

We do not support powers for the Secretary of State to approve a strategy where a resolution to adopt it is not passed by local leaders. This undermines the democratic role of local government, particularly if the Secretary of State can override a unanimous vote against adoption.

We are concerned that the grounds for intervention (where a strategy "may be" failing) effectively grant the Secretary of State a "blank cheque" to intervene. Intervention should be reserved for exceptional circumstances only.

Constituent local authorities must have a statutory right to appear and be heard at the public examination of a Spatial Development Strategy (SDS). As currently drafted, this right is limited to the strategic planning authority, which risks marginalising the voices of individual councils and their communities.

Question 7: Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area?

We agree that SDS should be kept up to date, and, in principle, support a five-year cycle to maintain content alignment with Local Plans and changing needs, subject to realistic lead-in times and well-managed co-ordination with constituent local authorities, relevant bodies and infrastructure providers.

Question 8: If spatial development strategies are not altered every five years, should related policy on the requirements used in five year housing land supply and

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housing delivery test policies, set out in Annex D of the draft Framework, be updated to allow housing requirement figures from spatial development strategies to continue to be applied after 5 years, so long as there has not been a significant change in that area's local housing need?

We support the proposal to allow housing requirement figures to continue to apply after five years if local need has not changed significantly. The Government should, however, define 'significant change' to ensure consistent interpretation.

The LGA opposes mechanisms that automatically render policies "out-of-date" or impose punitive measures on local authorities, such as the presumption in favour of sustainable development, simply because a review deadline has passed. Ensuring that adopted figures remain valid protects local areas from speculative development that undermines the plan-led system while the complex work of updating a strategic plan is undertaken.

Question 9: Do you agree with the role, purpose and content of local plans set out in policy PM2?

We support the plan-led system and the clear definition of the Local Plan's role. However, the expectation that plans are prepared and adopted within 30 months is extremely ambitious given the current resourcing crisis in local planning departments. The latest Government planning capacity and capability survey identifies that "recruitment difficulties remain widespread, with 79% of local planning authorities affected, and 93% continue to report skills gaps". Consideration too, in the short- and medium-term, should be given to implications on plan-making of local government reorganisation.

Councils queried the proposal for "no more than 10 measurable outcomes" as requiring exemplification and definition – particularly in relation to monitoring.

Question 10: Do you think that local plans should cover a period of at least 15 years from the point of adoption of the plan?

A 15-year period is recognised and supported by councils as an appropriate Local Plan period from the point of adoption.

Question 11: Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies?

While we agree that avoiding verbatim repetition of national policy is sensible to keep plans concise, preventing councils from modifying national policies strips them of the ability to set standards that reflect local distinctiveness or ambition.

A "one size fits all" national policy cannot account for the unique character of every town, city, and rural area. If a local authority has the evidence to set a higher standard, regarding environmental standards, design or density for example, they must retain the primacy to modify or amplify national policy to suit local needs.

Question 12: Do you agree with the approach to initiating plan-making in PM7?

We support the introduction of project management principles, such as the Project Initiation Document and clear timetables, to streamline the process. However, the expectation that plans are prepared and adopted within 30 months is extremely ambitious

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given the recruitment and retention challenges of planners and other technical experts to support the planning system.

Achieving this timeframe is not solely within the gift of the local planning authority; it is also dependent on the responsiveness of statutory consultees (such as the Environment Agency and Natural England) and the Planning Inspectorate. Without a comprehensive skills strategy, full cost recovery for planning fees, and binding response times for statutory consultees, many authorities will struggle to meet these deadlines.

Question 13: Do you agree with the approach to the preparation of plan evidence set out in policy PM8?

We warmly welcome the explicit policy direction to "reuse or update existing evidence" rather than commissioning wholly new studies. The burden of evidence production has become a primary driver of delay and excessive cost in plan-making. Allowing authorities to take a proportionate approach and rely on existing data will significantly reduce the resource burden on councils and accelerate plan adoption.

We urge the Planning Inspectorate to apply this policy robustly during examinations to prevent unnecessary requests for additional evidence.

Question 14: Do you agree with the approach to identifying land for development in PM9?

We support a transparent and consistent approach to identifying land availability, suitability, and achievability. However, the assessment must remain a matter of local planning judgement. We welcome the link to Policy S1, ensuring that site identification is driven by a strategy that seeks to meet needs sustainably, rather than a purely arithmetic exercise.

Question 15: Do you agree with the policies on maintaining and demonstrating cross-boundary cooperation set out in policy PM10 and policy PM11?

Strengthened expectations for engagement and the alignment of policies across boundaries is sensible. The previous Duty to Cooperate was often ineffective and bureaucratic. However, voluntary cooperation or Statements of Common Ground are often insufficient where there are contentious unmet housing needs or infrastructure deficits.

Effective strategic planning requires that infrastructure providers (such as water companies and National Highways) are not just consultees but active partners. We are concerned that without stronger powers to compel infrastructure providers to align their investment plans with local growth strategies and SDS, the cooperation envisaged in PM10 will not deliver the necessary infrastructure to support growth. We reiterate our support for SDS to manage these issues, provided they are locally led and not imposed by central government.

Question 16: Do you agree that policy PM12 increases certainty at plan-making stage regarding the contributions expected from development proposals?

We support the intent of Policy PM12 to front-load certainty regarding developer contributions at the plan-making stage. The LGA has long argued that the planning system

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is undermined by the use of viability assessments at the application stage, which developers often use to negotiate down affordable housing and infrastructure contributions. Ideally we would like to see viability removed from the planning application stage.

We welcome the policy reinforcement that land values should adjust to reflect policy requirements. We have consistently made the point that under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies. By setting clear expectations early, the scope for speculative overpayment for land which subsequently necessitates a reduction in public benefits should be reduced. However, the effectiveness of this policy relies heavily on the robustness of the standardised inputs for viability assessments proposed in Annex B, ensuring that loopholes regarding "alternative use value" and "landowner premiums" are firmly closed.

Question 17: Do you agree that plans should set out the circumstances in which review mechanisms will be used, or should national policy set clearer expectations?

We agree that plans should set out the specific circumstances for review mechanisms, but national policy must set a high bar for their use to ensure they remain exceptional rather than routine. Review mechanisms are a necessary tool where viability is genuinely challenged by unforeseen economic shifts, but they should not be a safety net for developers who have overpaid for land.

The LGA supports the principle that if contributions are reduced below policy compliance at the permission stage, review mechanisms must be used to capture value uplift over the lifetime of the development. This ensures that communities do not permanently lose out on affordable housing due to temporary market fluctuations.

Question 18: Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015?

We are opposed to the commencement of Section 43 of the Deregulation Act 2015. We believe local planning authorities are best placed to make decisions about local standards for energy efficiency in their local areas.

Restricting local authorities from setting energy efficiency standards above Building Regulations undermines local climate leadership and the government’s own climate ambitions. Many councils have declared climate emergencies and wish to push for energy efficient and affordable to heat homes faster than national minimums allow. The NPPF should be "suitably flexible to accommodate this" local ambition, rather than capping it. While we support the standardisation of technical details to aid clarity, this must not come at the cost of preventing local innovation in building standards.

Question 19: Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination?

The proposed changes to the tests of soundness, particularly the shift from requiring a strategy to be "justified" (the most appropriate strategy) to being "an appropriate strategy" appear sensible. The current examination process has become overly legalistic and

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burdensome, often stalling on debates over whether a different strategy might be marginally better.

A proportionate test that focuses on whether a plan is "realistic" and "appropriate" should help streamline examinations and speed up plan adoption. However, regarding SDS (Policy PM14), we remain concerned that the tests must not be applied in a way that allows central government to override local democratic decisions regarding housing numbers or Green Belt release under the guise of "soundness".

Question 20: Do you have any specific comments on the content of the plan-making chapter which are not already captured by the other questions in this section?

The success of the reforms in Chapter 2, particularly the ambitious 30-month timeframe for plan production (Policy PM2), is entirely dependent on resourcing and capacity of local planning authorities.

The latest Government planning capacity and capability survey identifies that "recruitment difficulties remain widespread, with 79% of local planning authorities affected, and 93% continue to report skills gaps".

We urge the Government to ensure that the transitional arrangements for moving to the new system are managed carefully to avoid a hiatus in plan-making. The "cliff-edge" for plans currently at Regulation 18/19 stages must be managed to prevent work on valid local plans from being aborted due to new procedural requirements. Consideration too, in the short- and medium-term, should be given to implications on plan-making of local government reorganisation.

Chapter 3: Decision-making policies

Question 21: Do you agree with the principles set out in policy DM1?

We support the principle of proportionality in preparing development proposals to avoid unnecessary burdens. However, we caution against any relaxation of requirements that leads to a further reduction in the quality of applications submitted. Local authorities have reported a general decline in the quality of submitted applications, which necessitates significant time spent by officers on repeated communications with applicants to secure accurate and complete information. This back-and-forth is a major cause of delay. Therefore, while proportionality is important, the onus must remain on applicants to submit high-quality, decision-ready applications at the outset.

Question 22: Do you agree with the policy DM2 on information requirements for planning applications?

We have previously expressed concerns regarding proposals to reduce validation requirements or limit the scope of local validation lists. We argue instead that validation requirements should be strengthened to address the decline in application quality noted above. Restricting the ability of local planning authorities to set local validation lists risks limiting their ability to ensure applications are valid upon receipt. This shifts the burden of evidence gathering onto the local authority during the determination period, causing delays

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and increasing the administrative burden on under-resourced planning departments.

Question 23: Do you have any views on whether such a policy could be better implemented through regulations?

We oppose rigid national regulations that remove local discretion. Local planning authorities are best placed to determine what information is necessary to assess specific local impacts (such as nutrient neutrality, flood risk, or heritage) which vary significantly across the country. Implementing this through regulations risks creating a tick-box exercise that does not address specific local planning constraints or the complexity of modern applications.

Question 24: Do you agree with the principles set out in DM3?

The principles are broadly supported for a positive and proactive approach to decision-making.

However, we highlight our response to the recent consultation on reforms to statutory consultees where we identified that delays are frequently caused by statutory consultees failing to provide timely, high-quality advice due to their own resourcing crises.

We support the principle that decisions should be timely, but this cannot be achieved simply by bypassing consultees if it leads to unsafe decisions. We also oppose relying too heavily on standing advice to replace site-specific expert input, as this shifts technical liability onto local planning authorities who may lack the in-house specialist skills (such as ecologists or flood risk experts) to interpret it.

Question 25: Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed?

We strongly support the proposals to restrict the use of site-specific viability assessments. We have long argued that the planning system is undermined by the use of viability arguments from developers to avoid the need to meet local plan policy requirements, particularly regarding affordable housing and infrastructure contributions.

It is right that ‘where development proposals accord with relevant up-to-date plan policies and national decision-making policies, they should be assumed to be viable’. We propose Government could introduce a time-limited reliance period on plan-viability assumptions to minimise site-by-site re-appraisals, particularly in the early period of local plans.

Concern is also noted that other policies within this framework, particularly GB or HO policies, contain language that could re-open viability conversations on larger or phased schemes. Language across all policies should be aligned to ensure DM5 is effective.

Question 26: Do you have any further comments on the likely impact of policy DM5: Development viability?

While we broadly welcome DM5, we believe the Government should go further to ensure the policy is effective. The planning system continues to be undermined by the use of viability arguments from developers to avoid meeting local plan policy requirements, particularly for affordable housing and infrastructure.

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We urge the Government to review the 2019 amendments to the Planning Practice Guidance (PPG) on viability to assess whether they have achieved their intended objectives, as local authorities report that viability remains a primary barrier to delivery.

Question 27: Do you have any views on how the process of modifying planning obligations under S106A, where needed once a section 106 agreement has been entered into, could be improved?

There is general agreement that more can be done to streamline and standardise elements of Section 106 (S106) agreements to speed up the drafting process.

Genuinely affordable and social housing must remain at the heart of the Government's plan to reset the S106 market. Once agreed, developer contributions should be amendable only in exceptional circumstances. Cascade mechanisms in S106 to permit varying tenures should be introduced only as a last resort.

S106 agreements by their nature vary for each site, and therefore work well on large or more complicated sites as they allow for phasing and give additional flexibilities to both developers and local authorities. The creation of a standardised template that removes most of the drafting requirements could speed up preparation of S106 agreements and give certainty to communities, registered providers and developers. Clear guidance on how to amend the standardised templates to reflect site specifics will be required.

Question 28: Do you have any views on how the process of modifying planning obligations could be improved in advance of any legislative change, noting the government's commitment to boosting the supply of affordable housing.

Genuinely affordable and social housing must remain at the heart of the Government's plan to reset the S106 market. Once agreed, developer contributions should be amendable only in exceptional circumstances. Cascade mechanisms in S106 to permit varying tenures should be introduced only as a last resort.

Question 29: Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations?

Model planning obligations and conditions may be beneficial to promote consistency and speed.

S106 agreements by their nature vary for each site, and therefore work well on large or more complicated sites as they allow for phasing and give additional flexibilities to both developers and local authorities. The creation of a standardised template that removes most of the drafting requirements could speed up preparation of S106 agreements and give certainty to communities and developers. Clear guidance on how to amend the upcoming standardised templates to reflect site specifics will be required.

Question 30: Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes?

We support the principle that planning should not duplicate other regulatory regimes (such as Building Regulations). However, this reliance on other regimes requires those regimes

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to be robust and ambitious.

Historically, planning authorities have felt compelled to set higher local standards (most commonly for energy efficiency or water usage) because national building regulations have lagged behind local ambition.

To make DM7 effective, the Government must urgently bring forward a more ambitious Future Homes and Buildings Standard. If national regulations are sufficiently ambitious, the need for local planning authorities to intervene through planning conditions diminishes.

Question 31: Do you agree with the new intentional unauthorised development policy in policy DM8?

Intentional unauthorised development should be given substantial weight as a material consideration weighing against the grant of planning permission. Retrospective applications for development that has been carried out intentionally without permission undermines public trust in the planning system and fairness for those who follow the rules. It is vital that the planning system is not seen as something that can be bypassed or "gamed" by developers who build first and ask later.

There are, however, resourcing consequences of such a policy. Enforcement activity is non-statutory, and therefore is an area of planning where resourcing and capacity struggle to meet demand. Enforcement, however, underpins and upholds the integrity of the planning system.

Question 32: Are there any specific types of harm arising from intentional unauthorised development, and any specific impacts from the proposed policy, which we should consider?

The primary harm is the erosion of public confidence in the plan-led system. Furthermore, unauthorised development often results in irreversible environmental damage (such as the removal of trees, hedgerows, or topsoil) before a proper assessment can take place.

Investigating and taking action against unauthorised development places a significant burden on local authority resources. The proposed policy should help deter such breaches, potentially reducing the strain on enforcement teams.

We welcome the clarification that this policy applies to enforcement appeals. It ensures that inspectors back local authorities who take a robust stance against intentional breaches.

Question 33: Do you agree with the new Article 4 direction policy in policy DM10?

While we strongly welcome the proposal to introduce a more flexible policy for the use of Article 4 directions, the continuation and persistence of unfettered Permitted Development (PD) rights undermine the plan-led system and, more often than not, allow the creation of poor-quality homes without affordable housing or infrastructure contributions.

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Chapter 4: Achieving sustainable development

Question 34: Do you agree with the proposed approach to setting a spatial strategy in development plans?

It is a fundamental component of a plan-led system for development plans to set a clear spatial strategy, including identifying settlement boundaries.

Given the proposed changes to the presumption in favour of sustainable development, which introduces a split approach for development "within" (Policy S4) versus "outside" (Policy S5) settlements, it is critical that settlement boundaries are clearly defined in the Local Plan.

While we agree with the requirement to set a strategy, the specific definition of boundaries must remain a matter for local determination, reflecting the unique character and morphology of settlements in different parts of the country.

Question 35: Do you agree with the proposed definition of settlements in the glossary?

We note the definition includes "cities, towns, villages and other predominantly built-up areas". It is vital that this definition is robust enough to provide certainty but flexible enough to avoid unintended consequences.

It must be ensured that the definition does not inadvertently capture loose clusters of housing or hamlets as "settlements" where sustainable growth is not appropriate. Conversely, it must not exclude areas that local authorities identify as suitable for growth.

Villages should not be defined such that they, as opposed to towns, are able to be merged - as is the case currently in this revision and the Glossary.

The glossary definition states that settlements include "areas defined as a settlement in the development plan". We strongly support this primacy; where a Local Plan has defined a settlement boundary, this should take precedence over a generic national definition to avoid planning by appeal.

Government should also give consideration to the term ‘Large Built Up Area’ (LBUA) – frequently cited in green belt studies. Consistency of terminology is paramount.

Question 36: Do you agree with the revised approach to the presumption in favour of sustainable development?

It is a sensible approach to separate policies related to the presumption in favour of sustainable development by whether or not sites are located within settlement boundaries. Definitions within the NPPF glossary are key to this, as highlighted in our response to Question 35, especially in those places where a Local Plan may not be up to date – though where it is, the settlement boundaries within the plan must take primacy.

Question 37: Do you agree to the proposed approach to development within settlements?

While we support the emphasis in Policy S4 on optimising land within settlements and the "brownfield first" approach, it must continue to be said that local authorities already seek to

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prioritise brownfield sites, and land being "previously developed" does not automatically equate to it being in a suitable location for housing. The "default yes" within settlement boundaries must not override legitimate local concerns regarding infrastructure capacity, flood risk, or the loss of essential employment land.

The specific policy wording of S4 is too strong as only a small number of development management policies, as currently worded, outright refuse development. We would suggest the terminology be amended to replace “substantially outweighed” with a lower threshold. Policy could also be amended to reflect and recognise cumulative policy conflict (with other NPPF policies) as legitimate grounds for refusal.

Question 38: Do you agree to the proposed approach to development outside settlements?

As set out in our response to Question 35, it is sensible to introduce a policy related to the presumption for areas outside of settlement boundaries.

We support the general principle of restricting unjustified development outside settlements to prevent urban sprawl and protect the intrinsic character of the countryside. However, we strongly object to Policy S5(1)(j), which effectively mandates approval for development outside settlements where there is an "evidenced unmet need" (defined as a lack of a 5-year housing land supply or a Housing Delivery Test score below 75%).

This policy forces local authorities to approve speculative development in unplanned locations due to delivery failures that are often outside their control. As we have consistently stated, unless there is a fundamental shift in powers to ensure build-out, councils should not be forced to approve unsustainable development outside settlement boundaries as a penalty for slow market delivery.

Question 39: Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria?

We broadly accept the categories listed as they align with supporting the rural economy. However, regarding Policy S5(1)(c) (reuse of buildings) and S5(1)(d) (redevelopment of previously developed land), we urge caution on the terminology that such development should be "well-related" to existing settlements: this should be clearly defined to prevent isolated homes that increase car dependency.

Question 40: Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?

Optimising density around transport hubs to create sustainable patterns of development is supported in principle. However, regarding the specific requirement to approve development around "well-connected" stations outside settlements (Policy S5(1)(h)) it must be noted that high-density development of 50dph+ requires significant supporting infrastructure (schools, GPs, utilities), not just a train station. Approval must be contingent on infrastructure capacity.

These developments must be consistent with modal shift to public and active transport so

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the stations themselves should be integrated transport hubs with improved connectivity by bus, bike, and foot for resident of the new and existing developments in the locality, especially along public transport corridors to the development.

While we support efficient land use, rigid national density targets may not be appropriate for every location. Local planning authorities are best placed to determine the appropriate scale and massing through design codes.

The definition of "well-connected" must be robust to ensure that only locations with genuine, frequent services are targeted, preventing high-density dormitory settlements in unsustainable locations.

Question 41: Do you agree that neighbourhood plans should contain allocations to meet their identified housing requirement in order to qualify for this policy [Policy S6]?

We support the clarification in Policy S6 regarding the protections afforded to neighbourhood plans under the presumption in favour of sustainable development. The LGA has consistently supported the plan-led system, arguing that planning decisions should be driven by locally democratically elected leaders and communities, rather than by appeal.

Neighbourhood planning must be a tool for positive planning, and it is therefore reasonable to expect that for a neighbourhood plan to benefit from the specific protections against the presumption, it must positively allocate land to meet its identified housing requirement. It is important that any Planning Practice Guidance produced to support this provides clear and robust guidance on setting neighbourhood planning housing requirements.

Chapter 5: Meeting the challenge of climate change

Question 42: Do you agree with the approach to planning for climate change in policy CC1?

We agree with the aim of the revised policy and the prominence to climate change in CC1. We specifically welcome the inclusion of wildfires and overheating in the list of long-term climate trends that plans must address. We question whether CC1(b) can be delivered without guidance. Implementing the policy requires an element of future gazing which may have to take into account not only the specific place in the plan but also surrounding places and plans.

However, the effectiveness of CC1 is fundamentally undermined by PM13 and the proposal to commence Section 43 of the Deregulation Act 2015 limiting local energy and carbon standards beyond Building Regulations. Councils should be able to show local leadership and ambition where they wish, and risk having progress so far undermined. We welcome the acknowledgement in CC1(c) and PM13 that local water efficiency standards may be necessary in areas of water stress.

Question 43: Do you agree with the approach to mitigating climate change through

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planning decisions in policy CC2?

We support the introduction of a dedicated decision-making policy that gives substantial weight to the benefits of improving energy efficiency in existing buildings and deploying renewable and low-carbon energy. This policy looks to make it as easy as possible for occupants to take the lowest carbon action possible (active travel, minimum distances to travel, low carbon heating options etc) and provides essential backing for decision-makers to support retrofit schemes and green infrastructure.

To strengthen this policy, we urge the Government to decide on whether to repurpose, adapt, and extend existing buildings, rather than demolish and replace them, have a major impact on carbon emissions. Decision-making should consider embodied carbon alongside other public benefits.

Government should also urgently bring forward a more ambitious Future Homes and Buildings Standard. If national regulations are sufficiently ambitious, the need for local planning authorities to intervene through planning conditions diminishes.

Finally, it should review planning requirements for waste and recycling infrastructure in new developments to ensure Policy CC2 delivers on ambitions to shift to a circular economy.

Question 44: Do you agree with the approach to climate change adaptation through planning decisions in policy CC3?

We strongly welcome CC3, which requires development proposals to consider climate impacts over the lifetime of the development. Integrating adaptation into decision-making is vital to ensure new homes built today are resilient to the climate reality of tomorrow. As previously stated, some guidance or tools will be required to ensure there is a level playing field and allow a consistent approach to modelling.

Question 45: Does the policy on wildfire adaptation [in Policy CC3] clearly explain when such risks should be considered and how these risks should be mitigated?

As the voice of Fire and Rescue Authorities (FRAs), the LGA strongly supports the explicit inclusion of wildfire risk in national planning policy for the first time. Climate change means that spells of hot, dry weather are becoming more frequent, increasing the risk of wildfires even in areas not historically prone to them. It is right that the planning system anticipates this.

To ensure this policy is effective, Fire and Rescue Services must be engaged early in the plan-making and decision-making process. We have called for early engagement with fire services to ensure risks are highlighted at the Local Plan stage.

We support the specific examples of mitigation in CC3(e), such as creating "defendable spaces" and avoiding fire pathways like fences. This practical guidance will assist planning officers and developers in designing safer schemes on the urban-rural fringe.

Question 46: How should wildfire adaptation measures be integrated with wider principles for good design, and what additional guidance would be helpful?

Local planning authorities will require updated PPG and cross-agency tools (for example

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from Natural England and the NFCC) to operationalise new risks without generating blanket requirements that stall delivery. The future homes and building standards should include policies to adapt to a changing climate, whether that be wildfires, increasing temperatures, flash flooding, or heavy rain.

Question 47: Do you have any other comments on actions that could be taken through national planning policy to address climate change?

While we welcome the focus on operational emissions and adaptation, the Framework misses a critical opportunity by not explicitly addressing embodied carbon. Chapter 14 and Chapter 5 should be updated to recognise that decisions on whether to repurpose, adapt, and extend existing buildings, rather than demolish and replace them, have a major impact on the country's carbon emissions. It should be made clear that decisions on sustainability should consider embodied carbon alongside other public benefits, such as affordable housing delivery.

Furthermore, to truly address climate change, the Government must remove PM13**.** We strongly oppose the proposal to commence Section 43 of the Deregulation Act 2015. Local authorities create places and are best placed to take a whole-system view on climate action; they should not be restricted from setting energy efficiency standards above Building Regulations where local evidence supports it.

We also urge the Government to bring forward a more ambitious Future Homes and Buildings Standard as soon as possible to prevent the need for expensive retrofitting of homes built today.

Chapter 6: Delivering a sufficient supply of homes

Question 48: Do you agree the requirements for spatial development strategies and local plans in policy HO1 and policy HO2 are appropriate?

We are concerned by the requirements in Policy HO2 insofar as they enforce mandatory housing targets derived from a standard method that does not account for local constraints or circumstances. While we recognise that all local authorities have a part to play, a stock-based approach that ignores issues such as land value, viability, infrastructure capacity, and environmental constraints sets authorities up to fail.

Success of an SDS is paramount on constituent councils and communities being heard and represented throughout the preparation of the plan. Not permitting a seat at the table or a voting role for district councils on SDS could have significant implications on a strategic areas ability to meet housing need as local knowledge and evidence may be overlooked.

With regard HO2, the Government should define what constitutes a "significant change in circumstances" in relation to housing requirements.

Question 49: Is further guidance required on assessing the needs of different groups, including older people, disabled people, and those who require social and affordable housing?

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We welcome the proposed changes to Policy HO1 and HO5 that explicitly require local planning authorities to consider the particular needs of those who require Social Rent. We also welcome the specific reference to the needs of looked-after children and the requirement to align planning with the local authority's Children's Social Care Sufficiency Strategy.

We would point out the requirement in the Supported Housing (Regulatory Oversight) Act for LHAs to identify the need for supported housing and publish 5-year Strategic Plans. Guidance for this has been published. Local plans should be required to reflect the assessed need.

Local authorities need clear guidance on how to assess these specific needs without generating excessive and costly evidence bases that delay plan production.

Question 50: Do you agree with the approach to incorporating relevant policies of Planning Policy for Traveller Sites within this chapter?

We support the proposal to incorporate policies for Traveller sites into the main Framework (Policy HO12). Integrating these policies ensures that Traveller sites are treated with the same strategic importance as other forms of housing, reducing duplication and avoiding a "two-tier" policy system.

However, we maintain that decisions on releasing Green Belt land for Traveller sites must remain a matter for local authorities based on robust local evidence (Gypsy and Traveller Accommodation Needs Assessments), rather than being imposed by national triggers.

We remain concerned that strict 5-year land supply rules for Traveller sites (Policy HO3) acts as a punitive measure against councils when land availability is often constrained by factors outside their control.

Question 51: Is further guidance needed on how authorities should assess the need for traveller sites and set requirement figures?

We agree that further guidance could be beneficial, provided it supports local decision-making rather than imposing top-down formulas. The assessment of need for Traveller sites should be based on robust local evidence, specifically Gypsy and Traveller Accommodation Needs Assessments (GTANAs), rather than national targets.

Guidance must clarify how need figures interact with Green Belt constraints. We maintain that decisions on releasing Green Belt land for Traveller sites must remain a matter for local authorities based on local evidence, rather than being imposed by national triggers or the presumption in favour of sustainable development.

Guidance should also address the specific challenges of delivering transit sites, which require distinct management and funding arrangements compared to permanent pitches.

Question 52: Do you agree the new Annex D to the draft Framework is sufficiently clear on how local planning authorities should set the appropriate buffer for their local plan 5-year housing land supply?

We fundamentally opposed the reinstatement of the 5-year housing land supply rules and the application of buffers (whether 5% or 20%). While the drafting in Annex D may be

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technically clear, the policy itself is flawed.

The buffers act as punitive measures that undermine the plan-led system. Applying buffers simply increases the housing target against which councils are held to account, effectively punishing them for the development industry's failure to build out permissions. As we highlight in our key messages, more must be done to ensure sites with planning permission are promptly built out, and councils should be given more powers to address this.

By inflating targets through buffers, the policy forces councils into a position where they cannot demonstrate supply against such targets, triggering the presumption in favour of sustainable development. This forces the approval of speculative development in unplanned locations, often against the wishes of local communities.

We oppose the consequence set out in Annex D (paragraph 12c) where delivery below 75% triggers the presumption in favour of sustainable development. This removes local control over decision-making because of market failures.

Question 53: Do you agree the new Annex D to the draft Framework is sufficiently clear on the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision-making?

While the drafting in Annex D may be technically clear, the policy itself is flawed.

We continue to strongly disagree with the use of the Housing Delivery Test (HDT). The HDT measures the number of homes built, which is a metric largely outside the control of local planning authorities once permission is granted. Holding councils accountable for the build-out rates of private developers is unjust.

The new baseline for the standard method using existing housing stock rather than the latest household projections is flawed as it does not consider demographic factors, local housing tenures and types or household formation rates which would determine an actual need for housing. The stock-based approach sits at odds with many other local plan evidence base studies which use population growth to quantify need, such as economic strategies and school place planning. Councils are keen to reiterate that a stock-based local housing need is disconnected from local market realities.

Further, authorities in very high-cost areas reported four-fold step-ups versus historic delivery, driven by the affordability adjustment, with no viable pathway in examination to convert need into a realistic requirement once constraints and capacity are evidenced.

Question 54: Do you agree the requirements to establish a 5 year supply of deliverable traveller sites and monitor delivery are sufficiently clear?

Similar to our position on housing generally, we are concerned that strict 5-year land supply rules for Traveller sites acts as a punitive measure when land availability is often constrained by factors outside the local authority's control. Finding deliverable land for Traveller sites is often more complex than general housing due to specific locational requirements, and a failure to demonstrate a 5-year supply often leads to "planning by appeal" for sites in the Green Belt. We believe decisions on site suitability should be led by the Local Plan and needs assessment, not by the lack of a 5-year supply.

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Question 55: Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear?

We support the emphasis in Policy HO4 on identifying suitable locations for large-scale development (such as new settlements and urban extensions) and setting clear expectations for quality and tenure mix.

However members have warned that master-planning expectations at the SDS tier are misaligned with the fact SDS do not allocate sites. This risks duplication with local plans and delay.

Question 56: Do you agree our proposed changes to the definition of designated rural areas will better support rural social and affordable housing?

We welcome the principle behind the proposed changes to the definition of Designated Rural Areas to allow affordable housing contributions to be sought on minor development (fewer than 10 homes) in parishes with a population of 3,000 or less.

In many rural areas, small sites are the only source of new housing. The previous exemption for small sites meant that rural locations often secured zero affordable housing from new development. Restoring the ability to seek contributions on these sites is a vital step toward sustaining rural communities.

Government should simplify the definition though to be more specific about the geography and data sources to identify where such designations exist to prevent dispute.

Question 57: Do you agree with our proposals to ask authorities to set out the proportion of new housing that should be delivered to M4(2) and M4(3) standards?

In the past the LGA has called for higher standards and shares of accessible new housing, including the standard M4(2). Any target must take into account clear local needs, viability and other significant local circumstances. Government should consider additional funding to ensure delivery meets assessed need where viability or other local circumstances would make this difficult for developers to achieve. We support the proposal to require local planning authorities to set out requirements for accessible and adaptable dwellings (M4(2)) and wheelchair user dwellings (M4(3)) in their local plans. This is an important policy lever for reducing health and social care costs and improving population health. Local authorities are committed to ensuring that new housing meets the needs of an ageing population and disabled people. Setting clear expectations at the plan-making stage provides certainty for developers and ensures that necessary accessibility standards are baked into land values from the outset.

Question 58: Do you agree 40% of new housing delivered to M4(2) standards over the plan period is the right minimum proportion?

We support the ambition to increase the supply of accessible homes, but we caution against the imposition of a rigid national minimum of 40%. The housing needs and viability economics of different local areas vary significantly.

Local planning authorities should retain the flexibility to set targets based on robust local

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evidence of need and viability. In some areas, a target higher than 40% may be justified and viable and a minimum target might be viewed by developers as the limit. In other areas, particularly where development viability is marginal, a rigid national floor could inadvertently stall delivery or reduce affordable housing contributions.

If a national minimum is introduced, it must allow for exceptions where site-specific constraints make meeting the standard unfeasible.

Question 58: Do you agree 40% of new housing delivered to M4(2) standards over the plan period is the right minimum proportion?

Disagree. See answer to Question 57.

Question 59: Do you agree the proposals to support the needs of different groups, through requiring authorities to identify sites or set requirements for parts of allocated sites are proportionate?

We support the requirement in Policy HO5 to plan for the diverse housing needs of groups such as older people, students, and those wishing to build their own homes.

However, requiring specific site identifications for every specific group can be administratively burdensome and may delay plan preparation. We advocate for a flexible approach where criteria-based policies can be used where specific site allocation is not practical or where demand is dispersed.

Regarding the identification of sites for Travellers (Policy HO5(1)(c)(iv)), we welcome the integration of this policy into the NPPF. However, we reiterate that decisions on site suitability, particularly in the Green Belt, must remain a matter for local determination based on local evidence, without being undermined by punitive 5-year land supply triggers.

Question 60: Do you agree with our proposals to ask authorities to set out requirements for a broader mix of tenures to be provided on sites of 150 homes or more?

We support the emphasis on mixed tenure sites to speed up build-out rates and create diverse communities. Evidence shows that different tenures (market sale, social rent, build-to-rent) appeal to different market segments and can be built out concurrently, accelerating delivery.

While we agree with the principle of setting a threshold, we believe there should be discretion at the local level as to what this threshold is set at. What constitutes a "large site" appropriate for a broad mix of tenures in a metropolitan area may differ significantly from a rural district. A national threshold of 150 units is a reasonable starting point, but local authorities should be able to vary this based on local market evidence.

Question 61: Do you agree with proposals for authorities to allocate land to accommodate 10% of the housing requirement on sites of between 1 and 2.5 hectares?

While we strongly support the objective of diversifying the housing market and supporting Small and Medium-sized Enterprise (SME) builders, we disagree with the imposition of a

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rigid national mandate to allocate a further 10% of the housing requirement on sites between 1 and 2.5 hectares, in addition to the existing 10% requirement for sites under one hectare.

Land availability, parcel sizes and morphology vary drastically between urban and rural authorities. Mandating specific percentages for specific site sizes removes local discretion and may force the allocation of unsuitable sites simply to meet a quota. Government should consider an approach which permits councils to make best endeavours and evidence approaches to bring forward ‘medium’ site sizes, which could incorporate a mixture of allocations and evidenced windfall.

Question 62: Are any changes to policy HO7 needed in order to ensure that substantial weight is given to meeting relevant needs?

We agree with Policy HO7 as drafted. Giving substantial weight to the benefits of providing accommodation that meets evidenced local needs (including affordable housing and traveller sites) provides necessary clarity for decision-makers.

It is vital that this "substantial weight" does not automatically override other critical planning considerations, such as flood risk, design quality, or heritage protection. The planning balance must remain a matter of local judgement.

Question 63: Do you agree that proposals to add military affordable housing to the definition of affordable housing, and allow military housing to be delivered as part of affordable housing requirements, will successfully enable the provision of military homes?

Allowing this tenure to count towards affordable housing contributions on specific sites will help unblock delivery, provided it is supported by evidenced need from the local authority and MoD.

Question 64: Do you agree flexibility relating to the size of market homes provided will better enable developments providing affordable housing?

We support the pragmatic approach in Policy HO8(3) where a development meets or exceeds affordable housing requirements (including Social Rent), authorities should be flexible regarding the size of market homes. This flexibility may help cross-subsidise affordable housing, however this flexibility should not be used to deliver homes which clearly do not meet an evidenced need or demand in the local area.

We do not agree with Policy HO8 (1a) or (1b) – see our response to Question 67.

Question 65: Would requiring a minimum proportion of social rent, unless otherwise specified in development plans, support the delivery of greater number of social rent homes?

Yes – the Government’s shift towards explicitly prioritising social rent is positive. Requiring a minimum proportion on major sites as a national baseline is a positive step to reverse the decline of this tenure.

However, this national requirement must be a floor, not a ceiling. Local planning authorities must retain the right to set higher requirements for Social Rent where local

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housing needs evidence justifies it.

We urge the Government to ensure that viability rules (Annex B) are robust enough to ensure land prices adjust to accommodate Social Rent, rather than developers negotiating this requirement away.

Question 66: Are changes to planning policy needed to ensure that affordable temporary accommodation, such as stepping stone housing, is appropriately supported, including flexibilities around space standards?

We are extremely cautious about any proposals to relax space standards for specific types of housing. The LGA has consistently argued that all housing must be of high quality. Creating a two-tier system where housing for vulnerable groups is allowed to be smaller or of lower quality than market housing risks embedding inequality and storing up problems for the future.

If flexibilities are introduced, they must not be a national default. Local planning authorities should retain the discretion to apply them only where there is robust local evidence that it enables specific, high-quality schemes that would otherwise not come forward, without compromising the wellbeing of residents.

Question 67: Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites?

We fundamentally oppose the proposal to give applicants the discretion to choose cash payments over on-site delivery. Decisions on whether to accept commuted sums must remain the sole discretion of the local planning authority.

Giving developers the choice would likely lead to a reduction in affordable housing, undermining the creation of mixed and balanced communities.

Councils are best placed to determine whether a specific site is suitable for on-site provision or if a commuted sum would be better used to support a larger strategic affordable housing project elsewhere. This decision must be driven by local housing need and strategy, not developer preference or ease.

Question 68: What risks and benefits would you expect this policy to have?

The primary risk is a reduction in the overall delivery of affordable homes. If developers systematically opt for cash payments, it transfers the risk and burden of delivery onto the local authority, which may struggle to find alternative land or schemes to invest the funds in. It also risks inflating land values if developers assume they can buy their way out of on-site obligations.

We recognise that on a small number of small or medium sites, management of a small number of affordable units by registered providers can be unattractive. In these specific instances, commuted sums may be beneficial, but only where the local authority agrees it is the best outcome.

Question 69: What guidance or wider changes would be needed to enable Local Planning Authorities to spend commuted sums more effectively and more quickly?

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To spend commuted sums effectively, councils need flexibility similar to that requested for Right to Buy receipts. Guidance should explicitly allow and encourage the combining of commuted sums with other funding streams (such as Homes England grants or Right to Buy receipts) to maximise viability for council-led schemes. Restrictions should also be relaxed to allow funds to be used for the acquisition and refurbishment of existing stock (e.g., buying back former council homes or converting empty commercial buildings) rather than strictly for new build, where land availability is a barrier.

We oppose rigid time limits on spending these sums, as land assembly for strategic sites can take years.

The LGA support and want to work with Government on a piece of work seeking to support councils to calculate and use commuted sums more effectively.

Question 70: Would further guidance be helpful in supporting authorities to calculate the appropriate value of cash contributions in lieu?

The LGA support and want to work with Government on a piece of work seeking to support councils to calculate and use commuted sums more effectively.

Question 71: Do you support proposals to enable off site delivery where affordable housing delivery can be optimised to produce better outcomes in terms of quality or quantity?

Consistent with our view on commuted sums (Question 67), the decision to allow off-site provision must remain at the discretion of the local planning authority, not the applicant. It is vital that off-site delivery does not become a mechanism for developers to avoid creating mixed and balanced communities on prime sites.

The principle, however, of enabling off-site delivery where it demonstrably produces better outcomes is supported, such as a higher quantity of affordable units or a more appropriate tenure mix (e.g. Social Rent) than could be achieved on-site. We welcome the focus on optimising quality or quantity. This flexibility allows councils to channel contributions into strategic sites or estate regeneration schemes where they can deliver more impact.

Question 72: Do you agree the with the criteria set out regarding the locations of specialist housing for older people?

We support the criteria in Policy HO9(1)(a) requiring housing for older people to be located where residents can access frequently used services easily and safely by walking, wheeling, and public transport.

Question 73: Do you agree with the criteria set out regarding the locations of community-based specialist accommodation, including changes to the glossary?

We support the inclusion of specific criteria for community-based specialist accommodation in Policy HO9(1)(b), including the requirement for a management plan to ensure a safe environment.

We recognise the importance of supporting nationally important housing types, such as community-based specialist accommodation for criminal justice purposes, to support the 10-year prison capacity strategy. It is essential that these developments are located near

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necessary services but also managed effectively to maintain the confidence of the local community.

Question 74: Do you agree with the criteria set out regarding the locations of purpose-built student accommodation and large-scale shared living accommodation, including changes to the glossary?

We support Policy HO9(1)(c), particularly the requirements for adequate living and storage space and sufficient shared amenity areas. We agree that these high-density uses must be located where residents can access services via sustainable transport to prevent car dependency and parking issues in surrounding streets.

Question 75: Do you agree the proposals provide adequate additional support for rural exception sites?

We welcome the proposals to strengthen support for rural exception sites in Policy HO10.

Q76) Do you agree with proposals to remove First Homes exception sites as a discrete form of exception site?

The proposal to remove First Homes exception sites as a discrete form of exception site is supported. The First Homes policy frequently competed with rural exception sites, inflating land values and making it harder to deliver genuine affordable rental homes for local people. Removing this specific exception site category restores local flexibility, allowing landowners and councils to focus on delivering the specific tenure types most needed in their rural communities, rather than being forced to prioritise a specific home ownership product that may remain unaffordable to many local residents.

Question 77: Do you agree proposals for a benchmark land value for rural exception sites will help to bring forward more rural affordable homes?

We note the interest in using a benchmark land value (e.g., £10,000 per plot) to support delivery. While we support measures to suppress hope value, this must be set at a level that still incentivises landowners to bring sites forward.

Question 78: Do you agree the proposals to set out requirements for traveller sites at policy HO12 adequately capture relevant aspects from Planning Policy for Traveller Sites, whilst ensuring fair treatment for traveller sites in the planning system?

The proposal to incorporate policies for Traveller sites into the main Framework (Policy HO12) is supported. Integrating these policies ensures that the provision of Traveller sites is treated with the same strategic importance as other forms of housing, reducing duplication and avoiding a "two-tier" policy system.

Question 79: Please provide your reasons, particularly if you disagree.

While we agree with the integration of the policy, as we have highlighted elsewhere within this consultation response, we maintain specific concerns regarding Green Belt and land supply. Decisions on releasing Green Belt land for Traveller sites must remain a matter for local authorities based on robust local evidence (Gypsy and Traveller Accommodation Needs Assessments), rather than being imposed by national triggers. We remain concerned that the strict 5-year land supply rules for Traveller sites (as referenced in footnote 25 of the draft NPPF) acts as a punitive measure against councils. When land availability is constrained, failure to demonstrate a supply should not automatically override local plan policies or Green Belt protections via the presumption in favour of sustainable development.

Question 80: Do you agree the proposals in policy HO13 will help to ensure development proposals are built out in a reasonable period?

Policy HO13, which requires major development proposals to be capable of implementation within a reasonable period and allows councils to impose conditions requiring development to begin sooner than the statutory default, is a positive step. We also welcome the proposals to improve transparency through commencement notices and development progress reports as noted in [our response to the technical consultation] last year. Improving transparency in this area is a positive step for communities, and will help to build trust in the planning system. However, the Government must fully consider the implications of these new measures on the capacity and resourcing of LPA teams, which are already under significant pressure.

New developments and their residents would benefit from councils being able to strengthen phasing requirements for developers so that the provision of health, education, community infrastructure and affordable housing are not all provided only once market housing is completed**.**

However, transparency alone is not enough. To truly speed up build-out, the Government must introduce powers for councils to charge full Council Tax for every unbuilt home from the point the original planning permission expires. Last year, [we supported] the Government's intention to introduce a 'Delayed Homes Penalty' for those schemes 'which falls materially behind pre-agreed build out schedules'.

Government should also give consideration to streamlining Compulsory Purchase Orders (CPOs) to allow councils to acquire stalled sites more easily and introduce stricter "use it or lose it" measures to prevent land banking. Further, Government should work with the sector to redefine what constitutes a "start" on site to ensure it represents meaningful construction rather than tokenistic action to keep a permission alive.

Question 81: Do you agree the requirements to take a flexible approach to the consenting framework for large scale residential and mixed-use development is sufficient to ensure the opportunities of large scale development are supported?

We support the recognition in Policy HO13 that large-scale, multi-phase developments require a flexible consenting framework to respond to changing economic circumstances over long build-out periods. Rigidity can stall strategic sites which are essential for meeting housing needs.

However, this flexibility must not become a loophole that allows developers to erode affordable housing or infrastructure contributions agreed at the outline stage.

Any flexibility regarding "changing circumstances" (HO13(3)(b)) must be strictly governed by the viability principles in Policy DM5, ensuring that land values adjust to policy requirements, not the other way around. It will be important to secure a clear approach to design and infrastructure upfront - flexibility should apply to the phasing or mix of delivery, not the quality of the place being created.

Question 82: Are any more specific approaches or definitions needed to support the delivery of very large (super strategic) sites, including new towns?

To truly support "super strategic" sites and New Towns, national policy must go further than flexible consenting. The definition/approach must explicitly link housing delivery to the upfront provision of infrastructure. Large sites often stall because infrastructure funding is fragmented or delayed.

We urge the Government to strengthen Compulsory Purchase Order (CPO) powers to de-risk land assembly for these large sites. As outlined in our response to the CPO consultation, removing "hope value" and allowing councils to confirm their own non-controversial CPOs would significantly accelerate the delivery of new settlements.

Further, we support the use of Development Corporations for such very large sites. Local government should always lead these to ensure they remain accountable to the new communities they serve and provide long-term public stewardship of greenspaces and strategic infrastructure.

Question 83: Do you agree with the proposed changes to the Housing Delivery Test rule book?

While we acknowledge the technical proposal to remove the "lower of" rule to align the Test with the plan-led system, the LGA fundamentally opposes the continued use of the Housing Delivery Test (HDT) as a mechanism, as it penalises local authorities for the failure of private developers to build out permissions.

We also object to the consequence where delivery below 75% triggers the presumption in favour of sustainable development (Annex D, para 12c). This removes local democratic control over decision-making because of market failures outside the council's control.

Rather than refining the HDT rule book, the Government should give councils powers to charge full council tax on unbuilt permissions to incentivise build-out.

Chapter 7: Building a strong, effective economy

Question 84: Do you agree that more emphasis should be placed on relevant national strategies and the need for flexibility in planning for economic growth, as drafted in policy E1?

We broadly support E1 and the explicit link to the National Industrial Strategy and Local Growth Plans. It is vital that the planning system aligns with wider economic strategies to support key sectors. We welcome the flexibility for plans to accommodate needs not anticipated at the time of adoption E1(2).

Issues may arise from the inconsistent terminology between chapters, including between PM12 (spatial framework requirements) and those in this chapter, potentially causing

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uncertainty for SDSs.

Question 85: Do you agree with the approach to meeting the need for business land and premises in policy E2?

We support flexibility but ask Government to provide clearer guidance on reconciling sector-priority strategies with use-class flexibility. Government should also ensure employment-land flexibility does not undermine the evidence needed for housing and jobs alignment at examinations.

Question 86: Do you agree with the proposed new decision-making policy supporting freight and logistics development in policy E3?

We broadly support the introduction of Policy E3 to identify suitable locations for freight and logistics to support the supply chain. However, the requirement in Policy E2 to give "substantial weight" to the economic benefits of such proposals must be carefully balanced against Policy E3(b), which requires that impacts on local residents, specifically noise and night-time activity, are "acceptable".

Logistics developments place significant strain on local road networks. We are concerned that the policy does not go far enough in ensuring developers contribute fairly to the necessary highways improvements required to accommodate heavy goods vehicles.

Local planning authorities must retain the leverage to mitigate negative local impacts such as traffic and pollution without being overridden by a national "substantial weight" directive in every instance.

We encourage refinement to PPG to help councils manage strategic freight hubs whose impacts cross boundaries.

Question 87: Do you agree with the approach to rural business development in policy E4?

We generally support the sustainable growth of businesses in rural areas and the redrafting of Policy E4 to strengthen support for agricultural diversification and rural leisure.

We welcome the focus in Policy E4(2) on taking opportunities to reuse existing buildings and previously developed land outside settlements. However, we urge caution regarding how this policy interacts with Policy S5 (Development Outside Settlements). It is vital that "rural diversification" is not used as a trojan horse to justify unsustainable residential development in unsuitable isolated locations.

Greater clarity may help to set out ambitions for diversification of business in rural areas vs diversification of rural economic activity (e.g. agricultural diversification). Policy needs to avoid encouraging generic town-centre-type uses in rural locations.

Chapter 8: Ensuring the vitality of town centres

Question 88: Do you agree with the proposed changes to policy for planning for town centres?

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We agree, but the persistence of permitted development rights (PDR) undermines this strategy. We support the "Town Centre First" approach and the requirement in TC1 for plans to set a strategy that encourages diversification, including bringing vacant sites back into use. We also welcome the removal of the rigid requirement to look at least 10 years ahead for allocations, aligning instead with the plan period.

We support residential use in town centres if it is planned through the Local Plan (TC1). However, the effectiveness of a local strategy is fundamentally undermined by PDR, specifically Class MA which allows Use Class E (commercial, business, service) to convert to CE (residential). PDR allows for unplanned residential conversions that bypass local strategies, creating "commercial deserts" and poor-quality housing. A strategic plan as required by TC1 is of limited use if national PDR allows developers to ignore it. Residential intensification is supported but must not undermine active frontages, the night-time economy or centre vitality.

Question 89: Do you agree with the approach to development in town centres in policy TC2?

We agree with giving "substantial weight" to proposals that support the vitality and viability of centres, including diversification. We strongly support the inclusion of "protecting and enhancing community access to local shops" as a material consideration.

The LGA notes that culture- and heritage-led regeneration in town centres is most effective when it is plan-led and informed by robust local evidence, rather than relying solely on broad use-class flexibility. Many town centres contain sensitive historic assets and cultural infrastructure, which require active stewardship through local policy to ensure that change enhances, rather than erodes, what makes places distinctive.

The LGA supports the overall direction of policy TC2. National policy should reinforce local discretion, not constrain it. The LGA considers that diversified, mixed-use town centres – including bringing upper floors back into housing use – require local plan-led approaches informed by local evidence. Evidence from LGA case studies shows that culture- and heritage-led activity can strengthen pride, improve the public realm and support local businesses. For example, Reading’s Oxford Road High Street Heritage Action Zone demonstrates how targeted cultural activity can help to reactivate high streets and strengthen community confidence.

Evidence from the LGA’s Creating resilient and revitalised high streets in the ‘new normal’ report further reinforces this approach: the report highlights that cultural programmes such as the Stockton International Riverside Festival have been successful in boosting footfall in town centres; that the future of high streets is increasingly rooted in social and experiential uses aligned with cultural, leisure and heritage activity; and that permanent rises in domestic tourism and renewed local identity strengthen the case for culture- and heritage-led regeneration within mixed-use strategies.

Question 90: What impacts, if any, have you observed on the operation of planning policy for town centres since the introduction of Use class E?

Since the introduction of Use Class E, local authorities have observed a significant reduction in their ability to "curate" their high streets to ensure a diverse mix of uses. The

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flexibility to change uses without planning permission restricts a council's ability to protect essential local services (for example preventing a post office from becoming a café). Crucially, Use Class E acts as a gateway to Class MA PDR (commercial to residential). This has led to the loss of viable office and commercial space to housing, often without any affordable housing contributions or infrastructure support. This "hollowing out" of high streets undermines the very vitality that TC2 seeks to promote.

The LGA has received reports from councils indicating a loss of community-serving premises in some town centres. The LGA therefore believes that councils should have the ability to reintroduce targeted controls where supported by local evidence.

Question 91: Do you believe the sequential test in policy TC3 should be retained?

We strongly believe the Sequential Test must be retained. It remains the fundamental policy tool for delivering a "Town Centre First" approach, ensuring that main town centre uses are directed towards existing centres to support their vitality and viability.

While we acknowledge the Government’s observation that the introduction of Use Class E has reduced the influence of the sequential test by allowing changes of use without planning permission, removing the test entirely for new development would be a mistake. It would remove the last remaining lever local authorities have to "curate" their high streets and prevent unjustified out-of-centre development that draws footfall away from established centres. If anything, the flexibility of Class E makes the retention of the sequential test for new development even more critical to maintain any semblance of a strategic approach to town centre management. We recommend additional guidance to reduce perceived ambiguity and ensure consistency in decision-making.

Question 92: Do you agree with the approach to town centre impact assessments in policy TC4?

The requirement for impact assessments for retail and leisure developments outside town centres that are not in accordance with the development plan is supported. Ensuring that new edge-of-centre or out-of-centre developments do not have a "significant adverse impact" on existing investment and town centre vitality is essential.

However, we strongly emphasise that the national default threshold of 2,500m² is far too high for many smaller market towns and district centres, where a much smaller development could cause significant harm. We welcome the continued ability for local planning authorities to set their own, lower locally defined floorspace thresholds in their development plans (as per Policy TC1(e) and TC4(1)) to reflect local circumstances. This local discretion is vital to protect the delicate economic ecosystem of smaller high streets.

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Chapter 9: Supporting high quality communications

Question 93: Do you agree that the updated policies provide clearer and stronger support for the rollout of 5G and gigabit broadband?

Agree. The LGA supports the ambition to achieve nationwide coverage of standalone 5G and gigabit-capable broadband to support economic growth and public service delivery. We agree that the updated policies (specifically CO1) provide a clear framework for supporting network expansion.

However, "stronger support" must not come at the expense of local democratic oversight regarding the siting and appearance of infrastructure. While we recognise the strategic importance of connectivity, local planning authorities and communities must retain the ability to influence deployment to prevent unsightly street clutter and protect heritage assets, particularly given the increasing size of 5G masts. We recommend a review of PDR mast heights to reduce visual harm and restore planning authority discretion.

Question 94: Do you agree the requirements for minimising visual impact and reusing existing structures are practical for applicants and local planning authorities?

Agree. We strongly support the hierarchy set out in CO1, which prioritises the use of existing masts, buildings, and other structures before new sites are considered. This is a practical and essential requirement to minimise visual intrusion and the proliferation of street clutter, which is a significant concern for local communities. It should be noted though that prioritising existing masts may disadvantage rural areas needing new infrastructure to improve high quality communications now.

Regarding visual impact (CO1(1)(b)), we agree that infrastructure should be sited and designed to minimise visual impact. For this to be "practical" for local planning authorities to enforce, the onus must be on the applicant to provide robust evidence that site sharing is not feasible. Without this evidence, councils cannot effectively push back against unnecessary new monopoles in sensitive locations.

Question 95: Do you agree the supporting information requirements are proportionate and sufficient without creating unnecessary burdens?

Agree. We consider the information requirements set out in CO2 (and summarised in Annex C) to be the minimum necessary to enable a robust planning decision.

Requiring evidence that the applicant has explored the possibility of erecting antennas on existing buildings or masts (CO2(1)(b)) is vital. This is not an "unnecessary burden" but a fundamental justification for new development. We accept the continued use of self-certification regarding ICNIRP guidelines (CO2(1)(c)) as a proportionate approach to health and safety. We support the requirement for information on the outcome of pre-submission consultation (CO2(1)(a)), particularly where masts are proposed near schools or colleges. Meaningful engagement helps resolve local concerns early in the process.

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Chapter 10: Securing Clean Energy and Water

Question 96: Do you agree with the approach to planning for energy and water infrastructure in policy W1?

The LGA has consistently highlighted that a lack of grid capacity and water infrastructure is a major barrier to new development, and many existing sites, with some members unable to take renewable energy projects forward or deliver housing due to connection queues and infrastructure deficits.

Engagement alone has proven insufficient. Local authorities need resources to deliver effectively and stronger powers to ensure that the investment plans of water companies and grid operators actually align with local growth strategies. As noted in our feedback on infrastructure planning, there has been a failure by agencies to ensure water companies fulfil their statutory duties to manage wastewater for new housing, which leads to objections and costs on allocated sites. Policy W1 must be backed by funding and a regulatory framework that compels utility providers to deliver the necessary infrastructure upfront to support the local plan.

Question 97: Do you agree with the amendments to current Framework policy on planning for renewable and low-carbon energy development and electricity network infrastructure in policy W2?

We welcome the changes in W2 (and related guidance) that make the identification of suitable areas for renewable energy a discretionary choice rather than a mandatory requirement for all local authorities. Restoring this flexibility allows local leaders to determine the most appropriate approach for their area based on local evidence and landscape character. This process should take into account the work of the appropriate Regional Energy Strategic Plan (RESP). Where there are gaps in the RESP methodology, government should fund councils to develop Local Area Energy Plans to ensure a robust, technical, plan is informing the policy development process.

We also support the focus on decentralised energy and co-location opportunities W2(b). Local authorities are increasingly playing a role in energy systems planning as asset owners and place-shapers, and are best placed to identify opportunities for heat networks and micro-grids.

Question 98: Do you agree with the proposed approach to supporting development for renewable and low carbon development and electricity network infrastructure in policy W3?

Yes, we support giving substantial weight to the benefits of renewable energy W3(1) to support the transition to home grown renewable energy and improved energy security.

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However, regarding onshore wind and other significant energy infrastructure, we maintain that planning applications should be determined through a process that ensures meaningful local engagement. While we support the benefits of renewable energy, projects must not bypass local democratic oversight. We argue that regulations requiring applicants to consult with the local community before submitting applications for onshore wind should be retained, unless sites are specifically identified in a Local Plan that has already been subject to consultation. Local authorities are ready to support these projects but must be empowered to maximise local socio-economic benefits and community buy-in.

Question 99: Do you agree with the proposed approach to supporting development for water infrastructure in policy W4?

Agree. We support W4 and the substantial weight given to water infrastructure improvements. Ensuring that water supply and wastewater treatment capacity is available is critical to unlocking development. We welcome the policy support for improving water quality and reducing pollution W4(1)(b) but reiterate that this must be matched by robust action from regulators to ensure water companies invest in the necessary upgrades so that development is not stalled by environmental constraints outside the council's control.

Chapter 11: Facilitating the sustainable use of minerals

Question 100: Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance?

Agree. The LGA supports the prohibition on identifying new coal sites and the removal of coal from the list of minerals of national importance.

Question 101: Do you agree with how policy M1 sets out how the development plan should consider oil and gas?

We support the approach in M1 regarding oil and gas. Requiring development plans to distinguish between the three phases of development (exploration, appraisal, and production) within licensed areas ensures clarity. Crucially, we welcome the direction that development plans should not identify new sites or extensions to existing sites for oil and gas development outside of licensed areas. This aligns with the necessary transition away from fossil fuels and supports local authorities in prioritising renewable energy strategies and housing delivery over speculative fossil fuel extraction.

Question 102: Do you agree with the proposed addition of critical and growth minerals to the glossary definition of 'minerals of national and local importance'?

Agree. We support adding critical and growth minerals to the glossary definition. This update reflects the changing needs of the modern economy and aligns the planning

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system with the Industrial Strategy and the Critical Minerals Strategy.

Question 103: Do you agree criteria b of policy M2 strikes the right balance between preventing minerals sterilisation and facilitating non minerals development?

We generally support the strengthening of M2(b) to "require" rather than just "encourage" the prior extraction of minerals ahead of new primary extraction sites where practicable.

Sites should be fully restored post-extraction and have long-term restoration plans agreed in principle and funds secured for such restoration when planning is granted.

Question 104: Do you agree policy M3 appropriately reflects the importance of critical and growth minerals?

We support M3, which gives "substantial weight" to the benefits of mineral extraction, specifically including the exploration and extraction of critical and growth minerals. This is consistent with the LGA’s support for the green economy and energy security. We also welcome the inclusion of processing secondary and recycled aggregates M3(c) in this policy, as this supports the circular economy and reduces the pressure for primary extraction in sensitive landscapes.

Question 105: Do you agree with the exclusion of development involving onshore oil and gas extraction from policy M3?

Strongly Agree. The LGA strongly supports the removal of the requirement to give "great weight" (now "substantial weight") to the benefits of onshore oil and gas extraction. This change is vital to align national planning policy with the Climate Change Act and the climate targets that councils are striving to meet locally.

Question 106: Please provide your reasons, particularly if you disagree [with the exclusion of development involving onshore oil and gas extraction from policy M3].

N/A

Question 107: Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply?

Partially agree.

Question 108: Please provide your reasons, particularly if you disagree.

We support the guidance in M4 on managing the impacts of mineral development, specifically the requirements to ensure no unacceptable adverse impacts on human health, the natural environment, or aviation safety. We strongly support the requirement in M4(c) to provide for restoration and aftercare at the earliest opportunity to high environmental standards. Ensuring sites are repurposed for biodiversity net gain or community use is a vital part of the mineral lifecycle.

We are concerned by the stipulation in M4(c) that "bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances". Local authorities must be protected from the financial liability of restoring sites if a mineral operator becomes insolvent. Relying solely on planning conditions without financial backing can leave communities with derelict sites and councils with the bill for clean-up.

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We believe local planning authorities should have greater discretion to require financial guarantees where there is a risk to the public purse, rather than this being restricted to "exceptional circumstances." We would welcome exploring with Government the possibility of making these mandatory.

Question 109: Do you agree with approach to coal, oil and gas in policy M5?

Strongly Agree. We strongly support the approach in M5, particularly the prohibition of peat extraction and the strict limitations on coal.

Question 110: Are there any other exceptional circumstances in which coal extraction should be permitted?

No. We do not believe there are other exceptional circumstances beyond those already listed (public safety) where new coal extraction should be permitted. Any expansion of exceptions would undermine the clarity and effectiveness of the policy in addressing climate change.

Question 111: If yes, please outline the exceptional circumstances in which you think coal extraction should be permitted.

N/A

Question 112: Do you agree policy M6 strikes the right balance between preventing the sterilisation of minerals reserves and minerals-related activities, and facilitating non-minerals development?

Agree. We support M6, which safeguards mineral resources and infrastructure. It is essential that existing and planned mineral infrastructure (such as rail heads and wharves) is protected from the encroachment of incompatible non-mineral development (the "agent of change" principle) to ensure the steady supply of materials needed for housing and infrastructure projects. As stated regarding M3 we support the requirement for prior extraction of minerals where practicable and environmentally feasible (M6(3)). This prevents the unnecessary waste of finite resources.

Question 113: Does policy M6 provide sufficient clarity on the role of Minerals Consultation Areas?

We welcome the clarity provided in M6(2) regarding Minerals Consultation Areas. In two-tier local government areas, it is vital that district/borough councils (as the local planning authority for housing/commercial) consult effectively with county councils (the mineral planning authority). This policy formalises that requirement, ensuring that mineral safeguarding is considered early in the decision-making process for non-mineral applications.

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Chapter 12: Making effective use of land

Question 114: Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land?

We support the principles in L1, particularly the emphasis on accommodating as much development as possible on previously developed land (brownfield first). Again though, land being "previously developed" does not automatically equate to it being a prime site or suitable location for housing.

We support the requirement to allocate a mix of small, medium, and large sites to optimise land use and support SME builders L1(1)(a)(i) but this may prove a challenge in some areas.

We agree with using design codes to illustrate opportunities for intensification, such as filling gaps in roof lines or redevelopment of low-density plots L1(1)(a)(ii).

We support the principle of setting minimum density standards in town centres and locations with high connectivity L1(1)(a)(iii). However, national policy must remain flexible enough to allow local authorities to determine what is appropriate based on local character and infrastructure capacity. High density without adequate infrastructure (schools, GPs, transport) creates unsustainable communities builds opposition to development.

Question 115: If not, what further guidance is needed?

While L1 is clear on intent, further guidance is needed on viability and infrastructure.

Optimising land use on brownfield sites often involves high remediation costs. Guidance should be clear that while density should be optimised, it must not be pushed to a point where the viability of affordable housing contributions is compromised.

L1 refers to locations with a "high level of connectivity". Guidance must provide a robust definition of this to ensure that high-density development is only targeted at locations with genuine and frequent public transport services, rather than locations that are merely near a station with infrequent service. As stated with regard to vision-led transport planning, the DfT Connectivity Tool should be a tool and not determinative.

Further guidance would be helpful on how to effectively deliver mixed-use schemes L1(1)(b)(ii) in areas where commercial viability is low, ensuring that ground-floor commercial units do not remain vacant.

In addition, greater strength must be given in the planning system to the protection of our best and most versatile arable and farmland.

Question 116: Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land?

We support the principles in L2 that give substantial weight to the benefits of remediating despoiled land and making better use of vacant buildings and under-utilised land. Development on brownfield land should be supported and maximised, however, clarity in guidance must not be confused with a blanket approval for all brownfield sites.

We would urge the Government to acknowledge that land being "previously developed"

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does not automatically equate to it being in a suitable location for housing. For example, redevelopment on isolated industrial estates often results in poor-quality homes with poor access to amenities.

We would also urge that national policy must remain suitably flexible to allow local authorities to exercise discretion about site suitability to prevent the creation of "commercial deserts" or isolated communities. Rural districts with village-based geographies cannot meet uniform national density expectations. There is a risk of unintended consequences if context is not central to policy.

Question 117: Do you agree policy L2 identifies appropriate typologies of development to support intensification?

We agree that the typologies identified in L2, such as the addition of mansard roofs, filling gaps in roof lines, and the introduction of higher buildings at street corners, are appropriate forms of intensification in principle.

But while these typologies are appropriate in principle, their deployment must be sensitive to the local context. We welcome the focus on proposals being "consistent with the overall street scene".

We strongly support the use of local design guides and codes to steer where these typologies are deployed. It is vital that these forms of intensification are delivered through a plan-led approach rather than ad-hoc applications that harm local character.

Question 118: Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy?

We support the high-level design principles set out in Policy L2(d)(ii) regarding safe access, egress, and maintaining acceptable living standards (daylight, sunlight, privacy).

These safeguards are essential to prevent cramming under the guise of intensification. As we have seen with developments delivered through Permitted Development rights, without robust design standards, intensification can lead to sub-standard housing.

We explicitly welcome the inclusion of "external amenity space" as a key consideration. Access to private or shared outdoor space is vital for health and wellbeing, particularly in higher-density schemes.

Question 119: Do you agree policy L2 (d)(i) achieves its intent to enable appropriate development that may differ from the existing street scene, particularly in cases such as corner plot redevelopment and upwards extensions?

We support the intent to allow flexibility for larger buildings at street corners or where specific changes are provided for through a design code.

However, decisions on scaling and massing are best made by local authorities and their communities who know their areas best. We caution against national policy overriding local design codes.

We note the Government's decision to proceed with changes regarding upwards extensions. It is critical that "consistency with the prevailing form" remains a robust test to

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prevent incongruous additions that harm the streetscape.

Question 120: Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages?

The proposed safeguards in Policy L2(d)(iii), are insufficient. Infill development in gardens can have detrimental effects on local biodiversity, surface water drainage, and green infrastructure.

In some areas, for example conservation areas or low-density suburbs, a 50% retention may still result in overdevelopment. Local planning authorities must retain the power to set stricter limits where necessary to protect local character and amenity.

Question 121: Do you agree policy L3 provides clear guidance on achieving appropriate densities for residential and mixed-use schemes?

We support the objective of L3 to make efficient use of land, particularly the requirement to take into account the availability of infrastructure and the importance of securing well-designed places.

While we agree that development within settlements should contribute to an increase in density, this must always be balanced against DP3, which requires responsiveness to local character and history as well as reflect open space, topography, SuDS or other constraints. The guidance provided in L3 must be interpreted flexibly by decision-makers to ensure that "optimising" density does not lead to the erosion of local distinctiveness.

Question 122: Do you agree with the minimum density requirements set out within policy L3?

We have significant reservations about setting rigid national minimum density requirements (40dph generally, 50dph for well-connected stations).

Housing markets, topography, and character vary wildly across the country. A density of 40dph might be woefully under-ambitious for a city centre (leading to inefficient land use) but totally inappropriate for a rural market town's edge. Local planning authorities are best placed to set density standards through design codes and Local Plans, based on detailed knowledge of local infrastructure capacity.

High density requires high-capacity infrastructure (GPs, schools, utilities). Mandating density without guaranteeing the funding for the necessary supporting infrastructure risks creating unsustainable pressure on local services.

We note the Government's own acknowledgement that high density requirements may limit the delivery of certain types of accommodation, such as Traveller sites. We urge the Government to ensure that national density targets do not inadvertently preclude the delivery of diverse housing needs required by HO5.

Question 123: Do you agree that using dwellings per hectare is an appropriate metric for setting minimum density requirements? Additionally, is our definition of 'net developable area' within the NPPF suitable for this policy?

We partly agree. "Dwellings per hectare" is a standard metric but a blunt instrument.

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Prioritising this metric can encourage the delivery of smaller units to hit targets, rather than family-sized homes that might be needed locally. We would prefer to see flexibility for authorities to use other metrics (such as plot ratio or bedspaces per hectare) where appropriate to drive quality.

We broadly accept the definition of Net Developable Area, which includes access roads and private gardens but excludes major open spaces. However, it is vital that this definition is strictly applied to ensure that essential public open space and green infrastructure are not squeezed out of developments simply to artificially inflate density figures to meet the national minimum.

Question 124: Do you agree with the proposed definition of a 'well-connected' station used to help set higher minimum density standards in targeted growth locations?

We are concerned by the prescriptive nature of the definition for "well-connected" stations (Top 60 Travel to Work Areas + 4 trains per hour).

Frequency of service does not equate to capacity or reliability. A station may have four trains an hour, but if those trains are already at maximum capacity during peak times, increasing density without rail investment will lead to unsustainable overcrowding.

Using the "Top 60 Travel to Work Areas by GVA" creates an arbitrary cliff-edge. It may force high density in areas where market demand is lower while missing opportunities in high-demand areas that fall just outside this list.

Local planning authorities should determine which hubs are "well-connected" based on local transport modelling and the DfT Connectivity Tool, rather than a crude national list.

Question 125: Are there other types of location (such as urban core, or other types of public transport node) where minimum density standards should be set nationally?

No. We strongly oppose the expansion of nationally set minimum density standards to other locations.

Local Plans already identify urban cores and transport nodes suitable for intensification. National mandates are a blunt tool that cannot account for local heritage constraints, micro-circumstances, or specific infrastructure deficits.

Question 126: Should we define a specific range of residential densities for land around stations classified as 'well-connected'?

No. We strongly oppose the setting of specific, nationally mandated density ranges for land around "well-connected" stations. While we support the principle of optimising land use around transport hubs, local context is paramount.

A national range cannot account for the significant variations in local character, topography, heritage constraints, and infrastructure capacity that exist across the country. What is appropriate for a station in a dense urban environment may be wholly inappropriate for a station in a rural town or on the urban fringe.

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Local planning authorities are best placed to determine appropriate density ranges through their Local Plans and design codes, based on detailed local evidence and community engagement.

Question 127: If so, what should that range be, and which locations should it apply to?

As stated above, we do not believe a national range should be defined. If the Government proceeds with this proposal, any range must be indicative only and subject to local character assessments. It should not apply to locations where infrastructure capacity (such as schools, GPs, and utilities) cannot support such intensification without significant upfront investment.

Question 128: Do you agree policy L4 provides clear high-level guidance on good design for residential extensions?

We support the inclusion of L4, which provides high-level guidance on residential extensions. Residential extensions are a common form of development that can significantly impact the quality of an area if not well-designed.

We agree with the requirement that extensions should "blend effectively with the existing building and its immediate surroundings" in terms of scale and form.

We strongly support the requirement to maintain acceptable living standards for current and new occupiers, specifically regarding daylight, sunlight, privacy, and external amenity space. This aligns with our view that densification must not come at the expense of residents' wellbeing.

Question 129: Please provide your reasons, particularly if you disagree.

We agree with the policy because it provides a helpful national baseline that supports local decision-making without being overly prescriptive. We also welcome the recognition that this policy is intended to "complement locally produced design guidance and codes". It is vital that where a local authority has adopted a specific design guide or code that reflects local character, this takes precedence or is used in conjunction with L4 to ensure development responds to the specific distinctiveness of the local area.

Chapter 13: Protecting Green Belt land

Councils report that Chapter 13, as currently drafted, blurs the governance and decision-making between plan-making and decision-taking, as well as between Local Plans and SDS, in relation to Green Belt. This must be rectified to prevent duplication or misalignment. This comment should be considered throughout all our answers to this chapter, with further detail set out at Question 132.

Question 130: Do you agree that policy GB1 provides appropriate criteria for establishing new Green Belts?

We support the criteria set out in Policy GB1 for establishing new Green Belts.

We agree that establishing a new Green Belt may be necessary when planning for large-

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scale development, such as new settlements or major urban extensions, to prevent unrestricted sprawl.

We specifically welcome criteria (c), which requires demonstration that a new Green Belt would be "compatible with long term growth ambitions for the relevant area". Green Belt policy must be used as a tool to shape sustainable growth strategically.

Question 131: Please provide your reasons, particularly if you disagree [with Policy GB1].

N/A

Question 132: Do you agree policy GB2 gives sufficient detail on the expected roles spatial development strategies and local plans play in assessing Green belt land?

While we support the principle of a strategic approach to the Green Belt, we are concerned about the practical interaction between Policy GB2 (Strategic Assessment) and Policy HO2 (Housing Requirements).

Policy GB2 implies that Spatial Development Strategies (SDS) should focus on the "strategic role" and "broad locations". However, combined with the requirement in Policy HO2 for the SDS to set binding housing figures based on capacity, there is a risk that the SDS will be forced to undertake a granular, bottom-up "Green Belt review" of all sites to justify its strategy.

We urge the Government to provide guidance reconciling these requirements. The SDS should remain high-level, identifying broad corridors or areas for release, while detailed Green Belt boundary changes and the identification of "grey belt" sites should firmly remain the remit of the Local Plan, where local knowledge of site-specific constraints is strongest.

Question 133: Do you agree with proposals to better enable development opportunities around suitable stations to be brought forward?

The proposal in Policy GB3 to allow Green Belt boundaries to be altered to support development around stations in Local Plans is complex – proximity to a station should not be a stand-alone justification for Green Belt release. Any releases around stations should form part of a coherent, mixed-use neighbourhood with infrastructure and affordable housing.

Optimising density around transport hubs is efficient and sustainable - however, we maintain our concerns regarding the definition of "suitable" or "well-connected" stations. As noted in our response to Chapter 12, a national definition based solely on frequency (e.g., 4 trains per hour) does not account for capacity. A station may have frequent service but be overcrowded or lack the necessary social infrastructure (schools, GPs) to support a Green Belt release for housing.

Key to this as well, is that planning authorities must retain the discretion to determine which station-adjacent sites are suitable for housing based on a holistic assessment of infrastructure capacity and local character, rather than being forced to release land by a national policy.

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Question 134: Do you agree the expectations set out in policy GB5 are appropriate and deliverable in Local Plans?

While we support the principles of the expectations in Policy GB5 that Green Belt land should provide benefits for communities and nature, specifically the reference to Local Nature Recovery Strategies (LNRS), these expectations are weakly linked to the purposes of the Green Belt and as such may be better served in supporting guidance.

Question 135: Please provide your reasons, particularly if you disagree.

N/A

Question 136: Do you agree policies GB6 and GB7 set out appropriate tests for considering development on Green Belt land?

We broadly support the tests set out in Policy GB6 and GB7 as a necessary evolution of Green Belt policy, however there must be a policy link to the Green Belt purposes to ensure it is coherent.

We note the change in Policy GB7 regarding previously developed land, which replaces the requirement that development should "not have a greater impact on the openness" with "would not cause substantial harm to the openness of the Green Belt". This represents a different, potentially lower, test. The proposed changes further undermine Green Belt purposes and functions within the planning system. This combined with the proposals to allow permission in principle for developments on up to 2.5 hectare sites, could lead to a far less plan-led system in many areas. We urge the Government to provide clear guidance on what constitutes "substantial harm" to prevent speculative development that degrades the Green Belt without delivering sufficient benefit.

While we welcome the "Golden Rules" (Policy GB8) being linked to these permissions, we remain concerned that without robust viability guidance, developers may still use viability arguments to bypass the affordable housing and infrastructure contributions that justify the release of this land in the first place.

Question 137: Do you agree policy GB7(1h) successfully targets appropriate development types and locations in the Green Belt, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?

As noted in our response to Chapter 12, defining a "well-connected" station solely by frequency (4 trains per hour) ignores capacity and reliability.

Government should carefully consider what is applicable for a “mixed-use” development located in immediate or adjacent vicinity of transportation uses or hubs.

Question 138: Please provide your reasons, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers.

We maintain that decisions on Green Belt release for Traveller sites should be led by Gypsy and Traveller Accommodation Needs Assessments (GTANAs) and local decision-making.

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Question 139: Do you agree that site-specific viability assessment should be permitted on development proposals subject to the Golden Rules in these three circumstances?

We strongly support the Government's general move to restrict access to viability assessments to ensure the plan-led system is not subverted. Therefore we do not support re-opening site-specific viability assessments as this weakens the rules-based approach.

If the Government goes ahead with this proposal, they must deliver its commitment to update Planning Practice Guidance (PPG) to ensure these exceptions do not become the norm. The default position must be that land values adjust to reflect policy requirements (the "Golden Rules"), not that policy requirements are lowered to preserve inflated land prices.

Question 140: With regards to previously developed land, are there further changes to policy or guidance that could be made to help ensure site-specific viability assessments are used only for genuinely previously developed land, and not predominantly greenfield sites?

To ensure this exception is not gamed, the Government should ensure the definition of Previously Developed Land (PDL) is strictly applied and aligns with policy wording in HO13 and DM5. Guidance should require that where a viability assessment is submitted for PDL, it must demonstrate that the abnormal costs are the specific cause of the viability gap. It should not be used simply because the developer paid too much for the land based on "hope value".

Question 141: Do you agree with setting an affordable housing ‘floor’ for schemes subject to the Golden Rules accompanied by a viability assessment subject to the terms set out?

If the Government goes ahead with this proposal, then setting a "floor" to ensure that development on Green Belt land delivers genuine public benefits, specifically affordable housing, is a minimum.

Question 142: Please explain your answer, including your view on the appropriate approach to setting a ‘floor’, and the right level for this?

We support the option to allow local planning authorities to set their own “floor” to better reflect local circumstance.

Question 143: Do you agree with local planning authorities testing viability at the plan-making stage using a standardised Benchmark Land Values scenario of 10 times Existing Use Value for greenfield, Green Belt land?

The principle behind setting indicative Benchmark Land Values (BLV) for land released from the Green Belt is sensible. Using a standardised multiple of Existing Use Value (EUV) helps to suppress "hope value" and ensures that the uplift in land value resulting from planning permission is captured for the public good (infrastructure and affordable housing) rather than solely landowner profit.

Question 144: Do you have any other comments on the use of nationally

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standardised Benchmark Land Values for local planning authorities to test viability at the plan-making stage?

N/A.

Question 145: Do you agree that proposed changes to the grey belt definition will improve the operability of the grey belt definition, without undermining the general protections given to other footnote 7 areas?

We do not agree that changes to the grey belt definition will improve the operability the definition. Doing so may very well undermine Policies PM2, S1 and S5. The scope of grey belt has expanded significantly, especially in comparison to the Government's initial focus on previously developed land.

The definition to prevent neighbouring towns merging into one another should include larger villages merging with other villages and towns, as defined in Local Plans.

Chapter 14: Achieving well-designed places

Question 146: Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes?

We support the principles in DP1, particularly the shift in focus towards using design codes to support specific spatial visions rather than as a blanket administrative requirement.

Question 147: Do you agree with the approach to design tools set out in policy DP2?

We support the approach in DP2 for producing design guides, codes, and masterplans that reflect local character and are informed by economic, social, and environmental context.

We welcome the emphasis on effective community engagement (DP2(b)) to ensuring local aspirations are taken into account. This aligns with our view that communities should be empowered to have input into the design of their area.

While we agree with the approach, the production of these tools is resource-intensive. Given that nearly one third of planning departments report skills gaps in urban design, the successful implementation of this policy is entirely dependent on the Government's commitment to capacity-building programmes like "Pathways to Planning" and ensuring councils have the funding to recruit or commission the necessary expertise. Resources and national policy to support member training programmes may also be needed to ensure members can provide informed decision-making.

Question 148: Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places?

We support DP3, particularly the explicit requirement for development to respond to Context DP3(1)(a) and Climate DP3(1)(c).

We welcome the removal of subjective references to "beauty" and "beautiful" from the

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Framework. Focusing on objective principles like "well-designed" provides greater clarity for decision-makers.

We strongly support the integration of climate change mitigation and nature recovery into the definition of well-designed places.

We would welcome DP3 to reinforce connectivity and street network integration as core design principle. National support for national exemplars or demonstration projects would support this policy's introduction further.

As elsewhere, Government must recognise the resourcing required for this new approach to design-coding.

Question 149: Do you agree with the proposed approach to using design review and other design processes in policy DP4?

We support DP4, particularly the provision in DP4(2)(c) to prevent the quality of approved development from being "materially diminished" between permission and completion.

Local authorities frequently face attempts to "value engineer" schemes after permission is granted. Stronger national policy backing to resist changes that dilute design quality is a positive step. Councils will require enforcement powers and/or resourcing to deliver on this ambition.

We encourage the use of design review panels but note that this incurs costs. Government should consider how to support smaller authorities in accessing these panels without diverting funds from statutory plan-making duties, and providing flexibility in how these are used.

Chapter 15: Promoting sustainable transport

Question 150: Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through plan-making?

The LGA supports the adoption of a "vision-led" approach to transport planning TR1, moving away from the traditional "predict and provide" model which is often a “vision-led” approach of its own but limited to private vehicles.

We welcome the requirement to align land use policies with Local Transport Plans TR1(a). Planning is about creating communities linked with the right economic activity and public services, and transport is central to this. As the LGA has long urged, the Government must publish its long-promised Local Transport Plan guidance to ensure councils are able to push ahead confident that their local visions are not rejected by central government, as well as its delayed Integrated National Transport Strategy.

Any vision-led approach requires sophisticated modelling and scenario testing and then monitor-and-manage mechanisms once up and running, which is more resource-intensive than the current system. This approach must come hand-in-hand with access to Government transport funding that is timely, flexible, and long-term. Without adequate resourcing for council planning and highways teams, this policy shift may simply result in

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increased costs and delays.

Question 151: Do you agree that policy TR2 strikes an appropriate balance between supporting maximum parking standards where they can deliver planning benefits, and requiring a degree of flexibility and consideration of business requirements in setting those standards?

Agree. We support the approach in TR2, which empowers local planning authorities to set local parking standards that align with their specific transport visions. This recognises that maximum parking standards can be an effective tool to optimise density and encourage sustainable transport in well-connected locations. We agree that standards should allow for flexibility (e.g. using ranges) and must account for specific local business requirements and the availability of alternative transport modes. What works for a city centre will not work for a rural market town and local plans are the right place to determine this balance. There may still remain a limitation on the ambition of councils with the strongest accessibility strategies.

Question 152: Do you agree with the changes proposed in TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool?

We support the shift in TR3(1a) to focus on proposals that generate a "significant amount of movement" rather than just "significant development". This is a more logical metric for assessing transport impact.

While we acknowledge the utility of a national Connectivity Tool to inform site assessment, it must be used as an aid to decision-making, not a determinant. Local transport modelling and local knowledge of service reliability (not just theoretical frequency) must take precedence over a national dataset.

We note that moving to a "vision-led" approach requires sophisticated modelling and scenario testing. This will have resource implications for local planning authorities that must be funded.

Question 153: Do you agree that proposed policy TR4 provides a sufficient basis for the effective integration of transport considerations in creating well-designed places?

We broadly support TR4 and the prioritisation of pedestrian and cycle movements to create healthy, inclusive places. Greater clarity would be helpful around the provision of parking spaces, especially around which modes of transport and/or emissions or other relevant considerations.

However, we have a specific concern regarding public safety because of emergency access.

We strongly recommend that TR4(d) is strengthened to explicitly reference the operational needs of Fire and Rescue Services. While we support narrowing streets in some areas as a policy to reduce traffic speeds and improve aesthetics, this must not compromise the ability of fire engines and other emergency vehicles to access properties and water supplies efficiently. We urge the Government to ensure that Manual for Streets and the

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NPPF are fully aligned with fire safety requirements.

Question 154: Do you agree with policy TR5 as a basis for supporting the provision and retention of roadside facilities where there is an identified need?

Agree. We support TR5 and the recognition of the critical need for roadside facilities, particularly lorry parking.

A lack of adequate overnight lorry parking often leads to anti-social parking in residential areas, causing nuisance and safety issues for local communities. Supporting the provision of these facilities in appropriate locations away from settlements is vital for the logistics sector and local amenity. We would support a clearer definition in the formal glossary of roadside facilities as without there is a risk TR5 could be used to justify standalone development in inappropriate locations.

We also welcome the focus on improving access to electric vehicle charging infrastructure at these locations to support the decarbonisation of freight.

Question 155: Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and travel plans will be required, and for considering impacts on the transport network?

We support the clarification in TR6 that assessments should be required where proposals are "likely to" generate significant movement. But this must be matched by the resources to deliver on this.

We welcome the broadening of the assessment to consider impacts on the transport network as a whole, rather than just highways capacity. This aligns with the vision-led approach.

Shifting the burden of assessment from a rules-based approach (e.g. National Highways' 10-unit threshold) to a more nuanced assessment of "movement" and "vision" places aligns a significant technical burden on local planning authorities. As noted in our response to the Statutory Consultees consultation, there is a critical shortage of transport planners and urban mobility specialists within local government. Without investment in these skills, there is a risk that this policy will lead to delays or reliance on expensive external consultants.

Question 156: Do you agree the proposed text in policy TR7 provide an effective basis for assessing proposals for marine ports, airports and general aviation facilities?

We support TR7, particularly the emphasis on facilitating the modernisation of facilities to enable the transition to low and zero-carbon fuels (TR7(1)(a)).

The aviation and maritime sectors are significant contributors to carbon emissions. Planning policy must support the infrastructure required for their decarbonisation (e.g. sustainable aviation fuels, shore power).

We also welcome the requirement in TR7(1)(d) that such developments must demonstrate an "acceptable environmental effect" regarding noise, air quality, and surface access. It is vital that the economic benefits of these facilities are balanced against the impact on the

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health and amenity of local communities. Greater definition and metrics, and some consideration of cumulation, would likely make this policy more useful to councils.

Question 157: Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8?

We agree with TR8, which encourages taking opportunities to extend and link existing routes. This aligns with our support for promoting active travel and healthy lifestyles. Improving connections between local footpaths, cycle routes, and public transport hubs (TR8(1)(b)) is essential to reduce car dependency and improve access to the countryside and green spaces. Some clarification on where public rights of way duties sit as much of the legislation is outside planning control.

Chapter 16: Promoting healthy communities

Question 158: Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards?

The LGA agrees with the proposal to require local standards for recreational land. In many areas, historic parks, green spaces and civic environments contribute significantly to health and wellbeing, and this should be recognised within locally evidenced standards.

The LGA believes that this approach supports improved public health outcomes but depends on adequate resourcing for councils to develop standards that are based on robust local evidence. The LGA recommends that national guidance should avoid rigid thresholds that do not reflect local conditions.

Councils understand their communities and are increasingly expected to lead prevention and tackle health inequalities through housing, transport, planning, environmental quality and public health. The planning system is therefore a vital tool for improving population health and addressing the wider determinants of health.

The LGA is concerned that the draft NPPF weakens the national policy framework for doing this. While health is referenced, the draft no longer clearly states that planning should reduce health inequalities, a commitment that was explicit in the current NPPF. This risks misalignment with recent legislation and devolution reforms that place growing emphasis on health improvement, reduces the weight councils can give to health in plans and decisions, and makes it harder to justify strong local policies on healthy place making.

The LGA urges government to reinstate a clear objective on improving health and reducing inequalities so the NPPF supports local leadership, aligns with statutory duties, and enables councils to create healthier and fairer places.

Question 159: Do you agree that Local Green Space should be ‘close’ to the community it serves?

The LGA supports the proposal to require that Local Green Space should be “close” to the

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community it serves. The LGA considers this wording to be clearer than the current “reasonably close”. The LGA recommends that accompanying guidance should set out expectations on walking distances while allowing flexibility for rural areas.

The 2025 Active Lives children and young people survey showed that just 39% of children who say they do not have access to outdoor sports places (such as playing fields) are active, compared to 59% of children who say they have access. This shows the crucial contribution of playing fields in close proximity to communities.

Question 160: Do you agree that the proposed policies at HC3 and HC4 will support the provision of community facilities and public service infrastructure serving new development?

The LGA agrees that policies HC3 and HC4 can strengthen provision of community facilities, but emphasises that the planning framework must explicitly recognise culture, tourism, heritage, sport, libraries, and parks as essential community infrastructure , which are often directly impacted by population growth. These services are central to place-making, public health, and economic vitality, and rely heavily on predictable planning contributions to remain viable.

To ensure councils can continue to meet rising demand for cultural, sporting and green space facilities, the LGA recommends explicit wording in HC3/HC4 confirming that planning obligations may legitimately fund these sectors in line with national practice, where it is deemed locally appropriate to do so. The LGA also believes that HC3 should continue to be part of the NPPF even after the commencement of the specific powers.

Question 161: Do you have any views on whether further clarity is required to improve the application of this policy, including the term ‘fast food outlets’, and the types of uses to which it applies?

Yes, we support the strengthened 2024 amendments to HC5 and agree that further clarity would improve consistent application of the policy.

Councils regularly report that the term “fast food outlets” is too vague, making it difficult to distinguish between traditional takeaways, hybrid Class E restaurants, cafés operating primarily as takeaways, and emerging models such as dark kitchens and delivery-led businesses. Evidence shows that many operators adapt their format to avoid restrictions, which undermines the intent of policies designed to reduce children’s exposure to unhealthy food environments.

A clearer, nationally consistent definition would help ensure that planning controls apply to all premises whose primary business model involves the sale of foods typically high in fat, sugar or salt, regardless of seating arrangements or delivery focus. This is especially important given the concentration of such outlets in more deprived areas and near schools, where they contribute to poor diet and health inequalities.

Further clarity is also needed on what constitutes a “reasonable walking distance”. Councils currently rely on varying thresholds - most commonly around 400m, as reflected in existing local plans and supplementary planning documents - which leads to inconsistency and increases the potential for challenge. Providing indicative national guidance on appropriate distances or walking times, while still allowing for local discretion,

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would improve both implementation and legal defensibility.

Flexibility should be given to allow restrictions of new fast-food outlets also based on other factors, such as local childhood obesity rates (based on local obesity strategies). This could be used in conjunction with reasonable walking distance.

Question 162: Do you agree with the proposed approach to retaining key community facilities and public service infrastructure in policy HC6?

The LGA agrees with the intent of the proposed approach to retaining key community facilities and public service infrastructure, but considers that greater clarity is needed to ensure that cultural and community infrastructure is not lost through overly narrow or restrictive tests. We are also concerned that cultural buildings are no longer explicitly referenced, which makes the revised Framework weaker than many existing local plans.

In particular, the geographic catchment and role of a facility is materially relevant: cultural venues such as theatres may serve distinct or wider audiences even where more than one exists within a local area, and an approach based solely on protecting only the last remaining venue risks incremental loss, with particular impacts in rural areas.

Question 163: Do you agree with the approach taken to recreational facilities in policy HC7, including the addition of 'and/or' with reference to quantity and quality of replacement provision?

The LGA does not support the proposed change to allow replacement recreational facilities that are equivalent in quantity "and/or" quality. The LGA opposes this change because it weakens long-standing protections for playing fields and recreational spaces. The LGA further notes that this change contradicts assurances given during the consultation on statutory consultees. The LGA therefore considers that replacement facilities must retain both quality and quantity to ensure no net loss of amenity.

Question 164: Do you agree with the clarification that Local Green Space should not fall into areas regarded as grey belt or where Green Belt policy on previously developed land apply?

We strongly support the clarification in HC8 that Local Green Space (LGS) should not be subject to "grey belt" or "previously developed land" policies. LGS is designated for its particular value to the community (beauty, tranquillity, history, recreation), not its openness or strategic Green Belt function. Even if an LGS appears "grey" or neglected, it may still hold immense value to the local community.

Chapter 17: Pollution, Public Protection and Security

Question 165: Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans?

We support P1, which consolidates policies on pollution, ground instability, and safety into a coherent strategy for plan-making.

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It is right that development plans should identify areas where ground conditions (e.g. contamination or instability) may inhibit development upfront, rather than leaving this solely to the application stage. This de-risks the plan and supports the delivery of safe, liveable places.

We also welcome the inclusion of requirements to identify land needed for public safety and defence P1(f), ensuring these critical needs are not overlooked in the drive for housing growth.

Question 166: Are any additional tools or guidance needed to enable better decision-making on contaminated land?

While we support the principle in P2 that responsibility for securing a safe development rests with the developer, local authorities need robust guidance and tools to verify the quality of site investigations without incurring excessive costs or risks of appeal.

We welcome the requirement for information to be prepared by a "competent person" in P2(3). However, the definition of "competent" can be subjective. Government should work with professional bodies to provide clear guidance or a national accreditation register to ensure that "competent persons" submitting contamination reports meet a consistent, high standard. This de-risks the process for local planning authorities who may lack in-house specialist contamination officers.

Question 167: Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution?

Yes we agree with the criteria set out in Policy P3, particularly the explicit references to daylight, sunlight, and artificial light as key planning considerations.

This policy aligns with the LGA's priority to reduce health inequalities. Poor access to natural light and exposure to noise pollution disproportionately affect vulnerable communities. Setting clear criteria provides a stronger basis for councils to refuse poor-quality permitted development or over-densified schemes that would otherwise harm residents' mental and physical health.

We specifically welcome the inclusion of water quality and the reference to sensitive bodies such as chalk streams P3(1)(c). This reinforces the need for development to demonstrate nutrient neutrality where applicable.

Question 168: Do you agree policy P4 makes sufficiently clear how decision-makers should apply the agent of change principle?

The LGA agrees that Policy P4 is sufficiently clear in its wording and intent. However, implementation of the agent-of-change principle remains underused in practice, and we therefore recommend investment in updated guidance, training and support to give councils greater confidence to apply P4 consistently and robustly.

Question 169: Do you agree policy P5 provides sufficient basis for addressing possible malicious threats and other hazards when considering development proposals?

We support P5 and the requirement to anticipate and address safety risks, particularly

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regarding locations where large numbers of people congregate P5(1)(d).

This policy aligns well with the requirements of the Terrorism (Protection of Premises) Bill ("Martyn's Law"). Ensuring that security considerations are integrated into the design stage of major developments (such as transport hubs and shopping centres) is the most effective way to protect the public.

We agree with the provisions for consultation zones around hazardous installations and aerodromes P5(1)(c), ensuring that public safety remains paramount in land-use decisions.

Question 170: Do you agree that substantial weight should be given to the benefits of development for defence and public protection purposes?

We agree with P6, which gives substantial weight to the importance of sites and facilities required for defence and public safety. Local authorities recognise the critical nature of this infrastructure. Giving substantial weight to these benefits helps ensure that necessary modernisation or expansion of defence and emergency service facilities (such as new fire stations or custody suites) can be delivered effectively to serve the community.

Chapter 18: Managing Flood Risk and Coastal Change

Question 171: Do you agree with the proposed changes set out in policy F3 to improve how Coastal Change Management Areas are identified and taken into account in development plans?

Yes, however if this is to be undertaken utilising the most accurate data and tools then planning authorities will require additional resources to undertake to the greatest effect. There may be value to redrafting for plain language and alignment across F1–F9 and Annex F.

Question 172: Do you agree with the proposed clarifications to the sequential test set out in policy F5?

We oppose any carveouts that downplay surface water flood risk; the sequential test should assess all sources of flooding consistently.

Question 173: Do you agree with the proposed approach to the exception test set out in policy F6?

Where a Flood Risk Assessment (FRA) is required, NDMP text should specify that the FRA must be found satisfactory by the Environment Agency (or relevant RMAs) to support approval; otherwise refusal reasons will be vulnerable at appeal.

Local authorities seek more consistent national guidance and engagement from the Environment Agency so local policies aren't repeatedly reworked mid-process, as set out in our response to the consultation on statutory consultees.

Question 174: Do you agree with the proposed requirement in policy F8 for sustainable drainage systems to be designed in accordance with the National Standards?

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We strongly support Policy F8, which mandates that SuDS should be designed in accordance with the National Standards for Sustainable Drainage Systems. We welcome the emphasis on SuDS providing multifunctional benefits, such as improvements in water quality, biodiversity, and amenity.

Question 175: Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels?

We strongly support the new requirement in F8(3) to avoid enclosing watercourses and to encourage de-culverting and re-naturalisation. This aligns with the LGA's support for nature-based solutions and nature recovery. De-culverting not only reduces flood risk by increasing capacity and reducing blockages but also restores habitats and improves the amenity value of watercourses for local communities.

We agree that enclosure should only be permitted in compelling circumstances, ensuring that open watercourses are the default expectation for new development.

Question 176: Do you agree with the proposed changes to policy for managing development in areas affected by coastal change?

We support the strengthened wording in F9, particularly the explicit statement that permanent new residential development is inappropriate within Coastal Change Management Areas (CCMAs). This change brings the Framework into line with existing Planning Practice Guidance and provides necessary clarity for local planning authorities to refuse inappropriate applications that would otherwise burden the public purse with future defence or relocation costs.

Question 177: The National Coastal Erosion Risk Map sets out where areas may be vulnerable to coastal change based on different scenarios. Do you have views on how these scenarios should be applied to ensure a proportionate approach in applying this policy?

A proportionate approach must be based on the lifetime of the development. For critical infrastructure and permanent residential development (where permitted outside CCMAs), decision-makers should apply the most precautionary scenarios (e.g. Upper End estimates) to ensure long-term safety. For temporary or less vulnerable uses (e.g., beach huts, seasonal camping), central estimates may be appropriate. Crucially, while the National Coastal Erosion Risk Map provides a baseline, Shoreline Management Plans (SMPs) often contain more granular, locally specific evidence. National policy should ensure that where an updated SMP indicates a higher risk than the national map, the local evidence takes precedence in decision-making.

Question 178: Do you agree with the proposed new additions to Table 2: Flood Risk Vulnerability Classifications?

Yes. We welcome the modernisation of Annex F to include essential modern infrastructure such as data centres, battery energy storage systems, and carbon capture facilities.

Question 179: Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain,

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strikes the right balance between consistency, viability, deliverability, and supporting nature recovery?

We disagree with the restriction on local ambition. While we support the broad principles of N1, we are concerned by the proposal in N1(2) to restrict the ability of local authorities to set Biodiversity Net Gain (BNG) targets above the statutory 10% unless they are for specific site allocations.

Many local authorities have declared climate and ecological emergencies and have successfully adopted policies requiring 20% BNG where viability evidence supports it. Restricting this ambition undermines local democratic mandates and the ability of councils to respond to specific local ecological deficits identified in Local Nature Recovery Strategies (LNRS).

We agree that higher targets must be viable. However, this should be tested through the Local Plan examination process based on local evidence, rather than being capped by a blanket national restriction. If a council can demonstrate that 20% is viable and necessary for their area, the NPPF should not prevent them from doing so.

Question 180: In what circumstances would it be reasonable to seek more than 10% biodiversity net gain on sites being allocated in the development plan, especially where this could support meeting biodiversity net gain obligations on other neighbouring sites in a particular area?

It is reasonable to seek more than 10% BNG where the site is identified in a Local Nature Recovery Strategy (LNRS) as a critical location for habitat creation or connectivity. It is also reasonable where the Local Plan viability assessment demonstrates that the specific allocation can support a higher target without rendering development undeliverable.

Question 181: Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development?

We support the clear expectations in N2 for development to contribute positively to the natural environment, particularly the explicit requirement to conserve and enhance landscape character and existing natural features.

We note the new mandatory requirement for integrated nest boxes (swift bricks) in N2(1)(f). While the LGA supports low-cost biodiversity measures, national mandates must not override local design codes or specific local ecological evidence. Local planning authorities should retain the discretion to determine the most appropriate features for species support based on local biodiversity priorities.

We welcome the emphasis on green infrastructure providing multifunctional benefits, including surface water management and climate resilience N2(1)(e). This aligns with our call for a holistic approach to environmental planning and local leadership and flexibility to deliver this.

Question 182: Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them?

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We accept the change in terminology from "great weight" to "substantial weight" regarding the conservation of National Parks, the Broads, and National Landscapes. While the change is intended to improve consistency across national policy, councils have raised concerns about how it will be interpreted in practice, particularly in light of statutory duties and established case law. The LGA considers that this change risks creating uncertainty and increasing appeals and therefore recommends retaining the existing wording or providing clear and detailed guidance to ensure consistent application.

It is vital that planning policy reflects the strengthened legal duty for relevant authorities to "seek to further" the purposes of these designated areas. Wording should mirror the statutory “conserve and enhance” expectation so NDMPs do not slip below existing duties.

Question 183: Do you agree policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the planning system?

We welcome the clarity N6 provides regarding the hierarchy of designated sites. We specifically welcome the inclusion of clear protections for locally designated sites (such as Local Wildlife Sites) in N6(1)(c). Addressing this gap in the previous Framework ensures that locally valuable nature is not overlooked in the drive for development. The Government may wish to consider a last resort compensation hook (not a default) so local authorities can set locally defined compensation ratios/criteria in plans where unavoidable public interest losses arise (e.g. statutory undertaker projects), while keeping a strong presumption against loss.

Question 184: Are there any further issues for planning policy that we need to consider as we take forward the implementation of Environmental Delivery Plans?

The LGA has a number of reservations about the implementation of Environmental Delivery Plans (EDPs), as detailed in our response to the *Development and Nature Recovery* working paper.

We are concerned that Natural England could become both the delivery body for the plan and the environmental regulator. This represents a clear conflict of interest. We would be happy to work with the Government to develop a process that allows local authorities to lead strategic plans where they wish to do so.

The Nature Restoration Levy must be carefully calibrated. If the levy, combined with other development costs, renders development unviable, housing delivery will stall. We need to understand the "cut-off point" where added overhead costs prevent development from proceeding.

Many councils have already made significant upfront investments in nutrient neutrality schemes (e.g. creating wetlands) to unlock housing. Implementing EDPs must not expose these councils to financial risk by removing the mechanism for them to recoup these costs.

There is also a risk that EDPs become another layer of administration on top of development management, rather than streamlining the process. We need clarity on how EDPs relate to Local Nature Recovery Strategies (LNRS) to avoid duplication.

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Chapter 20: Conserving and enhancing the historic environment

Question 185: Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act?

Yes. The LGA agrees that the additional regard duties under Section 102 should be implemented. The duties place designated heritage assets on a consistent statutory footing and align legislation more closely with existing national planning policy and established local authority practice. Professional bodies representing council heritage and archaeology services, including Association of Local Government Archaeological Officers (ALGAO), have welcomed the strengthening and clarification of statutory duties, particularly where this supports earlier, clearer consideration of heritage significance within decision-making. The LGA considers this a proportionate change that supports sound planning judgments rather than constraining local discretion.

Question 186: Do you have any evidence as to the impact of implementing the additional regard duties for development?

Evidence from councils and bodies representing local authority heritage and archaeology services, including published parliamentary evidence and consultation responses, suggests the impact on development is likely to be limited and manageable. Local planning authorities already give significant weight to designated heritage assets through the National Planning Policy Framework, and Section 102 largely codifies existing practice rather than introducing a new decision-making test.

Professional evidence indicates that clearer statutory duties can support earlier engagement, better design outcomes, and reduced risk of delay or challenge later in the process. However, to deliver these benefits consistently, planning and heritage services must be properly resourced, as set out elsewhere in this response. Without sufficient capacity and expertise, there is a risk that implementation could place additional pressure on already stretched planning services, affecting both decision-making timescales and outcomes.

Question 187: Do you agree with the approach to plan-making for the historic environment, including the specific requirements for World Heritage Sites and Conservation Areas, set out in policies H1 – H3?

Clear and robust heritage policies at the plan-making stage are essential to avoiding conflict at decision-making stage and ensuring that change is managed in a way that sustains what makes places distinctive. For areas with World Heritage Sites, plan-making plays a particularly important role in setting a clear and consistent framework that reflects their international significance.

The LGA therefore agrees that heritage evidence, World Heritage Site management plans and Conservation Area appraisals should inform plan-making. The LGA notes that additional responsibilities arising from these changes must be accompanied by new burdens funding to ensure councils have the specialist capacity required.

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We also recommend that the NPPF explicitly recognises the significant, currently untapped potential of heritage buildings as a source of housing supply. Councils should be supported through clear direction and guidance to bring historic assets back into constructive use wherever possible, helping to meet housing need while safeguarding heritage significance.

Question 188: Do you agree with the approach to assessing the effects of development on heritage assets set out in policy H5?

The LGA agrees with the approach to assessing the effects of development on heritage assets and supports the emphasis in HE5 on decision-makers exercising judgement over the quality and reliability of heritage impact assessments.

The LGA recommends further clarity to support sensitive retrofit and reuse, helping to unlock heritage buildings as a source of housing supply while protecting their significance.

Question 189: Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties?

The LGA urges caution regarding the proposed change from “great weight” to “substantial weight” in policy HE6. While the change is intended to improve consistency across national policy, councils have raised concerns about how it will be interpreted in practice, particularly in light of statutory duties and established case law. The LGA considers that this change risks creating uncertainty and increasing appeals and therefore recommends retaining the existing wording or providing clear and detailed guidance to ensure consistent application.

The LGA also notes that policy HE6 removes the specific reference to “optimum viable use”, instead emphasising the reuse of vacant or underused listed buildings and the installation of energy-efficiency and low-carbon measures as important public benefits. While the LGA supports sensitive reuse and retrofit, it considers that further clarity would be helpful, including recognising heritage benefits as public benefits and ensuring that the removal of the “optimum viable use” test does not result in greater harm where less damaging or original uses may remain viable.

Question 190: Do you agree with the new policies in relation to world heritage, conservation areas and archaeological assets in policies HE8 – HE10?

The LGA supports the new policies relating to world heritage, conservation areas and archaeological assets, provided that councils are given funded capacity to meet these responsibilities. There is an opportunity to develop closer alignment and language that reflects the UNESCO guidelines on managing world heritage sites, to ensure that World Heritage Sites are understood and managed in a way that reflects their international designation, distinct from other heritage assets. This could otherwise lead to conflict, especially around the issue of balancing harm.

The LGA considers that Historic Environment Records should be placed on a statutory

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footing with dedicated resources.

Question 191: Do you have any other comments on the revisions to the heritage chapter?

The LGA considers heritage buildings to be an underused source of housing supply and would highlight the significant potential of heritage high streets, redundant mills and upper floors of historic buildings. For example, Lowestoft's Heritage Action Zones demonstrate how conservation-led investment can restore buildings, increase footfall and strengthen economic resilience.

Further questions: Transitional arrangements

Question 192: Do you agree with the transitional arrangements approach to decision-making?

The threshold to protect existing local plans through the transitional arrangement approach to decision-making is too high.

Government must urgently clarify what constitutes a policy being "in any way inconsistent" with NDMPs as set out in the Framework.

Question 193: Do you have any further thoughts on the policies outlined in this consultation?

The LGA has been made aware that a number of authorities will be caught out by the transitional arrangements for the purposes of plan-making in relation to both the new NPPF and the new-style of plan-making. Government must work to identify, and adequately support, those authorities who may be compelled to begin preparing a new local plan under a reformed system before its current plan will be adopted. This is fundamentally flawed as it requires such authorities to initiate a resource-intensive process and undermines the stability and certainty that the current local plan examination is intended to secure.

Annex A: Written Ministerial Statements

Question 194: Do you agree with the list of Written Ministerial Statements set out in Annex A to the draft Framework whose planning content would be superseded by the policies proposed in this consultation?

Yes.

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Annex A: Data Centres and onsite energy generation

Question 195: Do you consider the planning regime, including reforms being delivered through the Planning and Infrastructure Bill, provide sufficient flexibility for energy generation projects co-located with data centres to be consented under either the NSIP or TCPA regime?

Agree. The LGA recognises the critical economic role of data centres and the need for reliable energy supply. We generally support the proposal to allow co-located energy generation to be opted into the Nationally Significant Infrastructure Projects (NSIP) regime alongside the data centre itself to streamline consenting.

However, "flexibility" must not become a route to bypass local democratic oversight for smaller schemes. We strongly argue that the NSIP regime should be reserved for projects of genuine national significance. We welcome the Government’s commitment to consider limiting the direction power to developments over a certain size.

Where projects are considered under the NSIP regime, it is vital that the Local Impact Report produced by the council is given significant weight, and that environmental and cumulative impacts are rigorously assessed regardless of the consenting route. We would oppose any move that allows smaller, locally impactful energy schemes to bypass the Town and Country Planning Act (TCPA) regime simply because they are associated with a data centre.

One impact of greater flexibility for data centres co-located with renewable projects on the rural economy and national food security is the potential loss of high quality farming land.

Question 196: Would raising the Planning Act 2008 energy generation thresholds for renewable projects that are co-located with data centres in England (for the reason outlined above) be beneficial?

We would support raising the thresholds to ensure that energy generation projects co-located with data centres remain within the Town and Country Planning Act (TCPA) regime unless they are of genuine national significance.

The Nationally Significant Infrastructure Project (NSIP) regime should be reserved for projects of genuine national importance. We believe that planning applications for renewable energy that have an impact on local communities and places should be considered through the traditional planning application route (TCPA) to ensure local viewpoints are fully considered.

Raising the threshold for co-located energy projects aligns with our position on other energy forms; for example, we welcomed the Government's decision to raise the threshold for onshore wind to 100MW, ensuring more decisions remain with local authorities.

Question 197: Do you have any views on how we should define ‘co-located energy infrastructure’?

While we do not have a technical definition to propose, any definition must ensure that the energy infrastructure is functionally linked to the data centre rather than simply being a general grid-supply project sited nearby. A tight definition ensures that general energy

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projects do not bypass local planning scrutiny under the guise of being "co-located" data centre infrastructure.

Question 198: Do you think the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for other use types of projects should be increased, or should this be limited to projects co-located with data centres?

Yes, they should be increased for other use types. The LGA supports increasing thresholds for other renewable technologies to keep decision-making local.

We have stated that the threshold for onshore wind should be set at 100MW (which the Government has accepted) and that the threshold for ground-mount solar should be raised to 150MW (higher than the Government's proposed 100MW). Keeping these projects within the TCPA regime allows for more thorough scrutiny of local impacts and better engagement with communities than the NSIP regime typically affords.

Question 199: What benefits or risks do you foresee from making this change?

The primary benefit is restoring local democratic oversight. Local authorities are best placed to balance the economic benefits of infrastructure against local environmental and amenity impacts.

The main risk is the capacity of local planning authorities to handle complex infrastructure applications. This change must be accompanied by the full localisation of planning fees (cost recovery) to ensure councils have the resources and skills to determine these applications efficiently. Without adequate funding, keeping these complex applications local could lead to delays.

Annex B: Viability: Standardised inputs in viability assessment

Question 200: Would you support the use of growth testing for strategic, multi-phase schemes?

Measures that ensure viability assessments reflect the true long-term value of a development, preventing the "locking in" of pessimistic assumptions that reduce affordable housing delivery may be supported.

Strategic, multi-phase sites are built out over many years. It is right that viability assessments should include growth testing to account for likely increases in sales values over the life of the scheme, rather than allowing developers to cap contributions based on current-day values while reaping future profits.

The LGA has consistently argued that the planning system is undermined by the use of viability arguments to avoid meeting local plan policy requirements. We welcome the Government's commitment to update viability guidance to restrict the use of site-specific viability assessments and ensure that land values reflect policy compliance. Growth testing is a necessary tool to ensure that the public secures a fair share of the value created by development.

Question 201: Would you support the optional use of growth testing for

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regeneration schemes?

The optional use of growth testing for regeneration schemes could be supported. Regeneration projects often have long build-out periods during which market values can rise significantly.

It is essential that the viability assessment process captures this value uplift to deliver the maximum reasonable amount of affordable housing, rather than locking in low contribution levels based on conservative estimates made at the start of the project when values might be suppressed.

Growth testing should be used in conjunction with robust review mechanisms (late-stage reviews) to ensure that if the scheme performs better than expected, the surplus is shared with the local community through additional affordable housing or infrastructure, rather than becoming solely super-normal profit for the developer.

Question 202: Do you agree greater specificity, including single figures, which local planning authorities could choose to diverge from where there is evidence for doing so, would improve speed and certainty?

We support providing greater specificity on developer returns. The current range of 15-20% of Gross Development Value (GDV) in Planning Practice Guidance has frequently been treated by developers as a minimum, regardless of the specific risk profile of the site.

Establishing a single, lower default would improve certainty and ensure that land prices adjust to reflect policy compliance, rather than policy requirements (like affordable housing) being cut to preserve inflated developer profits.

We welcome the ability for local authorities to diverge where there is evidence, allowing for local market conditions to be reflected.

Question 203: Are there any site types, tenures, or development models to which alternative, lower figures to 15-20% of Gross Development Value might reasonably apply?

Lower return expectations are appropriate for de-risked tenures. Clarifying that a profit of 6% of GDV is appropriate for affordable housing tenures is supported. These units are often sold to Registered Providers, significantly reducing sales risk and marketing costs for the developer.

Alternative metrics or lower margins may also be appropriate for Build to Rent schemes, which operate on a long-term yield model rather than immediate sales profit. Recognising these distinctions prevents the viability of mixed-tenure schemes from being artificially depressed by applying a blanket "market sale" profit margin to the whole development.

Question 204: Are there further ways the government can bring greater specificity and certainty over profit expectations across landowners, site promoters and developers such that the system provides for the level of profit necessary for development to proceed, reducing the need for subjective expectations?

To reduce subjectivity and speculation, the Government should explicitly reinforce in policy that the price paid for land is not a justification for failing to meet policy requirements. If a

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developer overpays based on "hope value" or unrealistic profit expectations, this should be at their risk, not the community's expense.

We support the move to standardise inputs for benchmark land values as set out in this consultation. The system must move away from the "circularity" where high land prices justify lower affordable housing, which in turn sustains high land prices. The default assumption must be full policy compliance.

Question 205: Existing Viability Planning Practice Guidance refers to developer return in terms a percentage of gross development value. In what ways might the continued use of gross development value be usefully standardised?

GDV inputs must be based on robust, comparable market evidence, not aspirational sales values or conversely, artificially low estimates designed to show a viability deficit. We support the requirement for full transparency. Any viability assessment relying on GDV inputs to justify non-compliance must be made publicly available to allow for scrutiny by the local authority and the community. This transparency discourages the "gaming" of figures to avoid contributions.

Question 206: Do you agree there circumstances in which metrics other than profit on gross development value would support more or faster housing delivery, or help to maximise compliance with plan policy?

Relying solely on profit on Gross Development Value (GDV) may not always be the most appropriate metric for all types of development. If alternative metrics can demonstrate that a scheme is viable while delivering full policy compliance, they should be encouraged.

Metrics that account for long-term income streams (such as Internal Rate of Return) may be more appropriate for developments where value is realised over decades rather than through immediate sales, preventing short-term market fluctuations from justifying a reduction in developer contributions.

Question 207: Are there types of development on which metrics other than profit on gross development value should be routinely accepted as a measure of return e.g. strategic sites large multi-phased schemes, or build to rent schemes?

Yes. Build to Rent (BtR) schemes are long-term investments based on rental yields. Applying a standard "sales profit" margin (15-20% GDV) often artificially depresses the viability of these schemes, leading to reduced affordable housing contributions. Metrics like Internal Rate of Return (IRR) or Yield on Cost are more appropriate reflections of the developer's return.

Large, multi-phase sites often have high upfront infrastructure costs but generate significant value over time. Using metrics that capture this long-term cash flow is preferable to a snapshot GDV assessment that might justify cutting infrastructure contributions.

Question 208: Do you agree that guidance should be updated to reflect the fact a premium may not be required in all circumstances?

We strongly support updating guidance to explicitly state that a landowner premium is not

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an automatic right in all circumstances.

The expectation of a guaranteed premium, regardless of site constraints, drives up land values and reduces the funding available for affordable housing. We have argued that the "price paid for land" should never be a justification for failing to accord with plan policies.

Guidance should clarify that a premium may not be required where:

1. The land is owned by the public sector or bodies with a social purpose, where the priority is public benefit rather than maximising land receipt.
2. The site has limited alternative use value.

Question 209: Do you agree that extant consents should not be assumed to be sufficient proof of alternative use value, unless other provisions relating to set out in plans are met?

We strongly agree that extant planning consents should not automatically establish a high Alternative Use Value (AUV).

Developers often use historical or theoretical consents (which may never be built out because they are unviable) to establish an artificially high benchmark land value. This inflates the land cost in the viability assessment, wiping out the surplus available for affordable housing.

AUV should only be accepted if the alternative scheme is fully compliant with current planning policies, including up-to-date affordable housing and sustainability standards. If an extant consent relies on outdated lower standards, it is not a valid benchmark for current value.

Question 210: If extant consents were not to be assumed as sufficient proof of alternative use value, should this be at the discretion of the decision-maker, or should another metric (e.g. period of time since consent granted) be used?

It should be at the decision-makers discretion. Local planning authorities are best placed to judge whether an extant consent represents a genuine fallback position or a "zombie consent" that will never be implemented. Discretion allows the decision-maker to require evidence that the alternative scheme is actually deliverable in the current market. If the developer cannot prove they would build the alternative scheme, it should be disregarded as a benchmark for land value.

Question 211: What further steps should the government take to ensure non-policy compliant schemes are not used to inform the determination of benchmark land values in the viability assessments that underpin plan-making?

To ensure non-policy compliant schemes do not inflate benchmark land values (BLV), the Government should:

- Update Planning Practice Guidance (PPG) to explicitly state that evidence from schemes that failed to meet full policy requirements (e.g. affordable housing targets) must be disregarded when establishing BLV for plan-making. Allowing such evidence rewards historic under-delivery and bakes inflated land values into the

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new plan.

- Require that any market evidence submitted to support a BLV figure must be accompanied by a clear statement of its policy compliance. If a scheme was not compliant, it should be inadmissible as evidence for future benchmarking.
- Reinforce the principle that the price paid for land is not a justification for failing to accord with relevant policies. The BLV must reflect the value after policy costs are deducted, not the speculative price a developer might have paid based on hope value.

Question 212: Do you agree that the residual land value of the development proposal should be cross-checked with the residual land values of comparable schemes; to help set the viability assessment in context.

We support the use of cross-checking residual land values against comparable schemes to provide context and robust scrutiny.

This tool could help decision-makers identify where a specific viability assessment is producing abnormally low residual values compared to the market norm, which may indicate inflated costs or pessimistic sales assumptions designed to reduce contributions. However, it is vital that "comparable" schemes are genuinely comparable in terms of site constraints and policy requirements. A greenfield site should not be used as a cross-check for a complex brownfield regeneration site where residual values will naturally be lower due to remediation costs.

Annex C: Reforming Site Thresholds

Question 213: Do you agree that a 2.5 hectare threshold is appropriate?

We generally accept the proposal to set the area threshold for "medium sites" at 2.5 hectares. As noted in our response to the *Reforming Site Thresholds* working paper, a stricter 1-hectare limit would have been overly restrictive for developments delivering up to 49 homes in lower-density suburban or rural areas, where more land is required for landscaping, open space, and infrastructure.

It is important however that validation requirements are proportionate to the proposal at hand. Poorly evidenced applications simply delay determinations.

Question 214: Do you agree that a unit threshold of between 10 and 49 units is appropriate?

We agree with the principle that categorising 10 to 49 units as "medium development" is sensible, subject to our concerns set out at Question 215 and 216. Schemes of 15 homes should not be treated with the same procedural weight as schemes of 1,500 homes.

Question 215: Do you foresee risks or operability issues anticipated with the proposed definition of medium development?

We anticipate several risks that must be mitigated:

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1. "Gaming" - There is a risk that developers will artificially split larger sites into parcels of 49 units or 2.4 hectares to fall within the "medium" definition. This allows them to benefit from lighter-touch regulation and potentially avoid obligations that kick in at 50 units (such as the Building Safety Levy). Robust anti-avoidance measures are essential, such as assessing the cumulative size of adjacent sites in the same ownership or requiring masterplanning for areas where multiple "medium" applications come forward contiguously. There is also a risk of developers delivering at lower densities to stay under the 50-unit threshold on larger sites (up to 2.5ha). Local planning authorities must retain the ability to refuse applications that represent an inefficient use of land (Policy L3) to prevent this.
2. Building Safety Levy (BSL) Exemption: We are concerned by the proposal to potentially exempt medium sites from the Building Safety Levy. If sites up to 49 units are exempt, many local authorities (particularly in rural or smaller districts where most sites are small/medium) will collect very little levy money, leaving them without funds to remediate building safety defects in their area nor to fund the administration of the levy process itself (further concerns on that matter have been raised repeatedly with Government).
3. Permission in Principle (PiP): We remain concerned about the proposed expansion of Permission in Principle to medium sites. Expanding PiP reduces democratic oversight and the ability of the local planning authority to secure high-quality design and necessary infrastructure contributions at the initial stage. It risks creating a system where "in principle" approval is granted without sufficient scrutiny of technical constraints.
4. Determination Timescales: Any new definition must be matched by operational changes. Currently, local authorities are subject to the same statutory 13-week determination target for an application of 11 units as they are for 1,000 units. If the Government introduces a "medium" category, it must review statutory timescales. 49 units is still a complex application; maintaining outdated timescales while reducing information requirements risks undermining the quality of decision-making.
5. Planning fees: Further, any change in categorisation must not result in a loss of planning fee income for local authorities. We urge the full localisation of planning fees to ensure cost recovery regardless of the label applied to the application.

Question 216: If so, please explain your answer and provide views on potential mitigations.

See our response to Question 215.

Question 217: Do you have any views on whether the current small development exemption should be extended to cover a wider range of sites – indicatively to sites of fewer than 50 dwellings, or fewer than 120 bedspaces in purpose-built student accommodation?

We have significant reservations about extending the Building Safety Levy (BSL) exemption to sites of fewer than 50 dwellings.

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As noted in our response to the *Reforming Site Thresholds* working paper, introducing a medium site threshold and exempting those sites from the BSL could mean that some local authorities, particularly in rural or smaller districts where most development is small or medium-scale, will collect very little levy money. This reduction in revenue would severely hamper the ability of these councils to fund necessary building safety remediation works in their area. The levy is a crucial mechanism for fixing historic safety defects; eroding the tax base by exempting medium sites undermines this objective.

Our further concerns about the operation of the BSL have routinely been raised with Government.

Question 218: If the exemption were to be extended, do you have any views on whether the development of 120 purpose-built student accommodation bedspaces is an appropriate equivalent to a development of 50 dwellings for the purposes of the levy exemption?

If the Government proceeds with extending the exemption despite our concerns, using the Housing Delivery Test ratio (2.4:1) to equate student bedspaces to dwellings appears methodologically consistent.

However, our primary concern remains the principle of extending the exemption rather than the specific conversion ratio. Any exemption reduces the funding available for building safety remediation.

Question 219: If the exemption were to be extended, do you have any views on whether the exemption should be based solely on the existing metrics (dwellings/bedspaces) or whether there should also be an area threshold.

If the exemption is extended, it should not be based solely on unit numbers. It must align with the full definition of "medium development", which includes an area threshold (proposed as 2.5 hectares). Without an area threshold, a developer could build fewer than 50 very large, high-value luxury homes on a large site and escape the levy. This would be inequitable and further reduce the funds available for remediation. The exemption criteria must mirror the planning definition to ensure consistency and prevent the construction of low-density executive estates escaping a levy designed to support public safety.

Question 220: If you do have views on possible changes to the small developments levy exemption, please specify the potential impact of the possible change of the levy exemption on people with protected characteristics as defined in section 149 of the Equality Act 2010.

The purpose of the Building Safety Levy is to fund the remediation of unsafe buildings. Residents in unsafe buildings often include vulnerable groups, including those with disabilities (who may face greater challenges evacuating) and those on lower incomes.

By extending the exemption to medium sites (up to 49 units), the Government risks significantly reducing the funding pot available for remediation. This could delay essential safety works, disproportionately affecting residents with protected characteristics living in buildings requiring remediation, prolonging their exposure to risk and anxiety.

Question 221: What do you consider to be the potential economic, competitive, and

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behavioural impacts of possible changes to the levy exemption? Please provide any evidence or examples to support your response.

We are concerned that exempting medium size sites from the Building Safety Levy (BSL) could create a significant revenue deficit for some local authorities. Rural or smaller authorities, where the majority of development sites fall below this 50-unit threshold, may collect very little levy money, leaving them without sufficient funds to remediate building safety defects in their area.

As noted in our response to the *Reforming Site Thresholds* working paper, establishing a cliff-edge exemption at 50 units creates a behavioural incentive for developers to artificially subdivide larger sites into smaller parcels (e.g., 49 units) to avoid the levy. This "gaming" undermines the policy intent and reduces the funding available for safety remediation.

Question 222: Do you agree with the proposal to extend the Permission in Principle application route to medium development?

Local authorities have expressed significant concern regarding the proposed uplift to the Permission in Principle (PiP) threshold to include medium sites (10 to 49 units).

Extending PiP reduces the ability of local planning authorities and communities to scrutinise the technical details of a scheme at the initial stage. This risks granting "in principle" approval to sites where technical constraints (such as drainage or highways) might make the site unsuitable for the proposed density.

We are concerned about the implications this may have on design quality. A streamlined route must not bypass the necessary checks that ensure development is well-designed and integrates properly with the local area.

Question 223: Do you have views about whether there should be changes to the regulatory procedures for these applications, including whether there should be a requirement for a short planning statement?

If the Government proceeds with extending PiP, validation requirements should not be diluted.

Local authorities argue that validation requirements should be strengthened rather than reduced. A general decline in the quality of submitted applications has led to significant delays while officers seek accurate information. A mandatory planning statement is the absolute minimum required to ensure decision-makers have sufficient information to assess compliance with the development plan.

Public Sector Equality Duty

Question 224: 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?

Throughout our response to this consultation, the LGA has highlighted several areas where proposals may impact groups with protected characteristics:

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- Older and Disabled People: We welcome the proposals in Chapter 6 to require local authorities to set policies for M4(2) and M4(3) accessible housing standards. However, we urge that there should remain local flexibility to set targets based on local needs assessments.
- Gypsies and Travellers: We have raised concerns that the "Golden Rules" and density requirements in Chapter 13 (Green Belt) effectively exclude Traveller sites, which require lower densities. This risks indirectly discriminating against this group by preventing site provision in sustainable locations.
- Children and Health: We strongly support the strengthened policy in Chapter 16 regarding hot food takeaways near schools to tackle childhood obesity and health inequalities, which disproportionately affect children in deprived areas.
- Rural Communities: We support changes to the definition of Designated Rural Areas to secure affordable housing on smaller sites, ensuring that rural populations (often with an older demographic) are not priced out of their communities.

Question 225: Is there anything that could be done to mitigate any impact identified?

The most effective mitigation is ensuring local authorities have the resources to enforce standards. Whether it is ensuring homes meet the Decent Homes Standard or enforcing accessible housing requirements, councils need new burdens funding to employ the necessary officers.

Government must avoid "one size fits all" policies. Local planning authorities must retain the discretion to adjust density targets, affordable housing tenures, and site allocations to meet the specific demographic needs of their local population (for example, ensuring enough accessible housing for an ageing local population).

To mitigate the negative impact of poor-quality housing on vulnerable groups, the Government should remove Permitted Development Rights (PDR) for office-to-residential conversions. These developments often bypass space and light standards and fail to provide affordable housing, disproportionately affecting low-income households.

Other

While the specific regulatory mechanics of Short Term Lets (STLs) are not directly covered by the questions in this consultation, this issue is fundamental to the Framework’s objectives of delivering a sufficient supply of homes (Chapter 6) and supporting the rural economy (Policy E4).

To mitigate the impact of housing stock loss on local communities—which disproportionately affects those reliant on the private rented sector—the Government must ensure that the introduction of the STL Registration Scheme occurs simultaneously with the proposed planning use class changes (specifically the introduction of Class C5). Implementing one without the other would render the measures ineffective in managing the sector and protecting local housing supply.

Furthermore, both the registration scheme and planning class changes should be

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implemented prior to the introduction of the overnight visitor levy. This sequencing is vital to ensure local authorities possess accurate data regarding their housing stock and visitor accommodation, enabling them to effectively engage the sector regarding the potential introduction of a local visitor levy.

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