



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

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Introduction

1.1 The planning system is broken. With 1.3million households on the social housing waitlist¹ and over 150,000 children experiencing homelessness, the country needs an effective and functioning planning system that builds the right homes in the right places.

1.2 As the government looks towards economic growth and building 1.5million homes, the focus must also be on delivering social rent homes as part of that agenda. As the only tenure tied to local income, social rent homes are the only genuinely affordable type of home, which provides safety and security to individuals and families.

1.3 While grant funding is the most direct and effective lever the government can use to increase social housing supply, **the planning system should have a role in delivering social homes at scale and at pace. It should also ensure that developers contribute their fair share of the good quality social homes that communities urgently need. The planning system must work for everyone and prioritise public interest and benefit over large profits.**

¹ MCHLG, Live tables on rents, lettings and tenancies. Table 600. <https://www.gov.uk/government/statistical-data-sets/live-tables-on-rents-lettings-and-tenancies>

1.4 Shelter welcomes the government's ambition to build the most social and affordable homes in a generation.

1.5 Alongside a new and reformed 10-year Affordable Homes Programme, changes to the National Planning Policy Framework (NPPF) can ensure the planning system helps to tackle social housing waitlists and end homelessness.

2.0 Shelter's response to specific consultation questions can be found in the section below. However, there are several key areas which we urge the government to act on to increase and improve social housing delivery through the planning system.

2.1 Set a national target for social housing. There should be a national target which sets a specific number of social rent homes and not just an overall housing target. **The national social housing target should be at least 90,000 social rent homes a year for 10 years.**

2.1.1 Part of the government's goal to build 1.5million homes by the end of this parliament, should include a strategy and commitment to scale up to building 90,000 social rent homes a year by the end of the 5-year period.

2.2 Local plans should include a target for the number of social rent homes that are needed in the respective area. Every local authority should be required to set provisions for social homes in their local plans. **Local plans should be updated every 5 years.**

2.2.1 Setting provisions for social homes in local plans must be accompanied by changes to Local Housing Need (LHN).

2.2.2 LHN calculations should be tenure specific. It should be based on and include:

- **Households that are at risk of homelessness; and**
- **Persons already experiencing homelessness, including families; and**
- **The number of households on local social housing waitlists (or an estimate of need where there is no waiting list).**

2.2.3 Local authorities should proactively make information around tenure splits transparent and available to the public.

2.3 There should be national duty on local authorities to require at least 20% social rent homes onsite of major housing developments (over 10 units). Shelter commissioned research by Arup found that over 25,000 social

homes² could come online nationally if a 20% requirement were set. A duty to require would ensure private developers are contributing their fair share of the social homes needed in a community.

- 2.3.1 It would help **minimise viability loopholes**, where developers place huge profits over public benefit. Far too often, developers negotiate down the number of social homes that are required or later renege on what was previously agreed to.
- 2.3.2 This requirement would bake in the cost of building good quality social homes onsite of where planning permission is granted and therefore would mitigate risks of some genuine viability concerns in today's build industry (e.g. labour and materials are expected to rise by 15% over the next five years³).
- 2.3.3 Over the years, Shelter has heard from local authorities across England that **having a minimum developer contribution would help with the power imbalance that currently exists when negotiating with big developers**. Local authorities do not have the in-house expertise or resource to often challenge viability assessments thoroughly.

2.4 Social housing should be prioritised over 'affordable' housing throughout the NPPF, including the sections on 'grey belt' sites and other Green Belt land.

- 2.4.1 Shelter welcomes the proposal of 50% affordable homes on Green Belt land that is released for housing. However, half of these affordable homes should be built for social rent (i.e. 25%).
- 2.4.2** Some developers report that having a meaningful national requirement for affordable housing would put too much strain on building costs and would therefore stop sites being brought forward. However, **for an example of what is viably possible under the government's new proposals, one can look to Hertmere Borough Council, where a scheme of 186 units will have 80% affordable homes, of which 45 would be for social rent. That is**

² Arup, "Council Housing Social Rent Delivery". July 2024 and Galarza, V. et al, "Brick by Brick: A Plan to Deliver the Social Homes We Need", Shelter. July 2024
https://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/brick_by_brick

³ BCIS building forecast 2Q2024-2Q2029, 'Building Cost Information Service, June 2024. Accessed August 2024. <https://bcis.co.uk/new/bcis-construction-industry-forecast/>

30% of the scheme's affordable housing being set for social rent homes.⁴

2.4.3 In addition, Councils have shared with Shelter firsthand, that they are confident these proposals will be viable for the following reasons:

2.4.3.1 Low quality sites in the green belt are likely to be close to existing use value because they are in areas of low land value use. This could manifest into savings for developers.

2.4.3.2 Other 'grey belt' sites may be considered "undevelopable" and therefore the government's new proposals would open opportunity for planning permission. If permission is granted, the land would have an uplift in value. This should be considered when weighing the benefits that this can bring to communities, as the uplift could support or justify the costs of affordable and social homes.

2.4.3.3 **In short, the policy to deliver 50% affordable homes, with half being for social rent (25%), should be factored into the price developers have paid for the land.**

2.4.3.4 Unfortunately, the current version of the NPPF has left certain policies and definitions too open for interpretation. Therefore, it is important that **any new definition, like the 'grey belt', be clearly defined.** To minimize delays and confusion, **examples of what is a 'grey belt' site should be given.** This would help local authorities, communities and developers have a better understanding of what types of sites are being promoted through the planning system.

2.5 References and phrases such as "subject to viability" should be removed or further clarified in the revised NPPF.

2.5.1 When developers purchase land, and apply for planning permission, a local area's affordable housing policy is already known, including the amount of social rent that the area expects.

⁴ "Council approves 186-home, 'grey belt' scheme with 80% affordable housing". Planning Resource, August 2024. Accessed August 2024. <https://www.planningresource.co.uk/article/1885600/council-approves-186-home-grey-belt-scheme-80-affordable-housing>

2.5.2 Before green belt land is released and planning permission granted, local authorities should carefully assess if a development is policy compliant and will meet community needs, including the need for social homes.

2.5.3 Removing or clarifying ‘subject to viability’ will help to limit speculation that causes land and house prices to rise. This is especially relevant in rural communities, where hidden homelessness exists.

2.6 The planning system, through national policy, should set responsible rules around Permitted Development Rights. The conversion of commercial and other non-purpose-built properties into homes must be done in a safe way.

2.6.1 Unfortunately, the government’s current consultation and proposals do not fully address the tenuous state of Permitted Development Rights (PDR), including proposals that were introduced by the last government.

2.6.2 However, the new NPPF can set parameters that would put a stop to unsafe and poor-quality conversions that are putting tenants’ health and safety at risk.

2.6.3 PDR conversions should not be given a carve out outside standard planning permissions.

2.6.4 Conversions can help deliver good quality social homes and other facilities like schools and GP surgeries, but it must be regulated and done through the planning system to contribute towards the needs of communities.

2.7 Lastly, the annex in the revised NPPF, must have clear and distinct definitions of social and affordable housing.

2.7.1 Social housing must mean social rent and not fall under the wider umbrella of ‘affordable housing’.

2.7.2 With the current definition of affordable housing, including affordable rent (up to 80% of the market rate), and products like shared ownership, the planning system will not help to deliver genuinely affordable social rent homes.

2.7.3 If social rent homes are not clearly prioritized in the new the NPPF, national policy will continue to allow developers to choose building tenures that are not at all affordable, particularly for individuals and families stuck in temporary accommodation and many households on the social housing waitlist.

Responses

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

Yes, Shelter partially agrees with reversing changes that were made in December 2023 to paragraph 61.

The current references to “an advisory starting point” and “exceptional circumstances” lack parameters around how local authorities should assess deviating from the minimum number of homes identified via the standard method. In short, this can cause under delivery, with new social homes being the most impacted, especially in areas that do not have an objective view on the social homes needed or who have outdated local plans.

However, even with these phrases removed, the government should consider changing the standard method of calculating local housing need, as mentioned above, to include the need for specific tenures and the provision of social rent homes to reduce homelessness and social housing waitlist.

Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

Yes. Shelter agrees with this proposal. The NPPF and future Planning Practice Guidance should be clear under what circumstances a lower housing requirement will be considered (i.e. National Parks, flood prone areas etc).

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

Yes. While many urban areas tend to need more housing, rural and suburban areas are also struggling with the housing emergency and in need of social homes. If the government is moving towards a model of wider strategic planning within the next five years, and also plans to better address the housing emergency through regional and cross-boundary strategic planning, then the urban uplift is not necessary.

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

Yes, the current language in paragraph 130 can present major barriers and undermine building the social homes communities need. This is particularly true when the meaning of “out of character”, for many people, is tied to their perceptions of beauty and/or is used to stop development regardless of meeting public interest, like reducing homelessness. Removing paragraph 130 can help to mitigate loopholes in areas not

meeting local housing need. The government should also consider redefining “local character” and its scope in the NPPF, as well as what is expected in an assessment.

For example, local authorities should consider other factors when assessing an area’s character profile. It should include current levels of homelessness and lack of housing affordability. While hinted in paragraph 129, in terms of decision making, local character should also highlight the state of facilities and infrastructure that already exist and their ability to support further densification.

Lastly, it should revise the language in the existing paragraph 129 to ensure the provisions in it do not inadvertently undermine the government’s proposals to remove the urban uplift. The considerations stated in (129) (a) can lead to pushing all or most of the expected new housing to surrounding urban areas. Until structures are in place for regional and cross boundary planning, paragraph 129 could jeopardise future regional planning.

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

See above.

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

Shelter has general concerns about the ‘presumption in favour of sustainable development’ and the ‘tilted balance’ in its current form. Right now, it supports bringing forward schemes that often do not benefit communities. It promotes poor quality homes and puts profits over public interests. Planning permissions are given quickly with few conditions and no requirements to include social rent homes or supportive infrastructure and facilities.

While the initial idea was to incentive authorities to update their local plans, the presumption falls short in setting conditions where developments still must meet the needs of a community. For example, although a site may have not been identified or allocated in an updated local plan, there should still be a safeguard in place to extract social homes or health and education facilities if brought forward.

The government’s proposal to be more explicit about the ‘presumption in favour of sustainable development’, in terms of land supply, does not solve the concerns above. It is unclear how, if a presumption is engaged, national policy will ensure the safeguards of good quality development that it refers to in the consultation.

At minimum, the text should guarantee that if a presumption is engaged or granted, that the delivery of some affordable or social homes is a condition.

Updated local plans, that reflect the social homes needed to end homelessness and reduce waitlist should be the gold standard. The presumption in favour of sustainable development should only be considered if the land that is brought forward will include good quality social rent homes onsite.

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

No. As the government has said in this consultation, less than a third of local areas have updated plans. Therefore, the requirement of a continuous 5-year land supply, should be used in places without an updated plan, until one is adopted with a tenure specific LHN calculation. There must be some mechanism in place for those areas without an updated local plan. While Shelter supports the requirement of a continuous 5-year land supply for those without local plans, we do not agree that any of the housing requirements should remain static. It should be reviewed annually and adjusted upward accordingly.

However, if the government re-establishes a nationwide 5-year continuous land supply for all local planning authorities, it is important that that policy sets a required percentage or set number of social rent homes on most or all of the sites identified for housing.

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

Yes. Shelter agrees that ambition needs to be part of delivering the homes communities need. However, careful consideration should be given to the types of homes that are delivered. Overall delivery numbers should not be the sole driver in development, specifically if social homes are not built to alleviate local housing emergencies.

As stated in our response to the last NPPF consultation in 2022, Shelter believes previous over-supply should not be used to offset future delivery and upcoming supply. Doing so could cause a ripple effect and inaccuracies when creating a stable pipeline to future delivery.

Undersupply should be assessed each year to properly understand what communities need and if there is room to do more.

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

Yes. While we do not have evidence of the exact percentage of that buffer, we support a mechanism in place to account for changing circumstances and fluctuations in an area.

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

See above.

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

Shelter agrees with the removal of the current policy on Annual Position Statements since keeping it as is, can provide avenues for areas to underdeliver in the long term. To solve the housing emergency there must be a commitment to a sustainable and long-term plan with social homes at the centre.

However, in addition to the 5% buffer, there should be a mechanism in place to account for an upward trajectory, specifically where homelessness and waitlists have increased, and more social homes are needed.

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

Yes, and Shelter looks forward to future consultations and calls for evidence on this. Cross boundary and strategic planning matters are extremely important to ending homelessness. It can help to ensure that building social homes are being done on a wider regional level. In addition, these systems will help build social homes and other needed facilities and infrastructure at scale and at pace. It can also serve as an opportunity for economic growth and job creation.

If done right, it can set the path for the government's agenda on new towns with public value and the economy at the centre.

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

N/A

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

N/A

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

None of the government's proposals to amend the standard method of LHN factors in homelessness, temporary accommodation, or even social housing waitlists. While the government has an ambitious target of 1.5million new homes, it can only be done with a mass scale social homes program as part of the overall target.

At this time, Shelter does not have evidence of whether the overall method should be based on housing stock versus latest household projections; however, appropriate baselines should include the number of social homes needed to reduce homelessness and waitlists (or an estimated need in areas where authorities do not operate waitlist).

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

N/A

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

N/A

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

See below.

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

The nation needs a mass scale building program of social homes. If the government is looking to increase economic growth, build 1.5million homes, **and end homelessness, it must commit to 90,000 social homes a year for 10 years.** This must be reflected in national and local policies. Therefore, it is imperative that the revised method is tenure specific and that provisions for social homes are part of the calculation.

The revised method should include social housing provision for:

- **The number of households that are at risk of homelessness; and**
- **The number of households already experiencing homelessness; and**
- **The number of households on local social housing waitlists (or an estimate of need where there is no waiting list).**

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

Shelter agrees that brownfield sites and previously developed land should be used for future development. However, our organisation disagrees with the text of the new proposal and the lack of safeguards to ensure that brownfield sites (as well as grey belt and green belt throughout the revised NPPF), will be used in the public interest or part of a larger planning strategy. If adopted, the draft text would just increase development without any set parameters. It would essentially be another form of the 'presumption in favour' policy.

The draft revised NPPF makes it clear that the "default answer to brownfield development should be yes". But it also incentivizes the wrong types of development and can fuel speculation by this alone. Development should only be viewed "positively" if it has been viewed through the lens of ending the local housing emergency through the delivery of social homes or if it meets other community needs identified in the local plan. Essentially this should be done on a case-by-case basis. Not all brownfield or grey belt sites will be appropriate to build on nor will they be close to needed infrastructure.

Prioritising brownfield and 'grey belt' sites will need additional funding and support from the national government, as many of these sites will need remediation. Many local authorities do not have the in-house expertise and capacity to assess sites and viability properly or at pace. They should not have to solely rely on the assessments and opinions of developers. Where possible, brownfield sites should be developed, but default approvals should not be granted anywhere in the planning system without set requirements.

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

See responses above.

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

N/A

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

Shelter does not agree with the proposed definition of grey belt land, because it is too vague and leaves too much open for interpretation. The draft text would not be helpful in the government achieving its stated goal of building on PDL or establishing. Nor will it deliver "a consistent and transparent approach to identifying land". The same applies to the proposals on what makes a "limited contribution to the Green Belt". For example, any two local authorities can have differing opinions on what contributes to the Green Belt and helps to preserve historic towns [(b)(iv)].

We believe that clear definitions and examples are needed in the body of the NPPF, the glossary and Planning Practice Guidance.

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

See response to 23.

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Yes, additional guidance is needed to help establish consistent practices. See response to question 23. This would be best contained in the NPPF itself and in Planning Practice Guidance so that two documents are aligned with each other.

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

See response to question 23.

Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

N/A

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

No. The lack of clear examples and parameters will make this very difficult in practice.

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

Expectations and guidance need to be clearer.

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

If there was a requirement or “golden rule”, with specific social housing targets in the policy, then Shelter would agree with the government’s approach to allow “development on the Green the Belt...when it is on sustainable grey belt land”.

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

Shelter believes a strategic look at ending homelessness and supporting wider social and economic objectives, including health and education, should be done strategically and not separate from each other.

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

Many local areas are not meeting the need to identify traveller sites and so this must be considered when applying the test and when understanding the different needs of traveller communities in different areas. A one size approach would not be appropriate.

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

It should be approached in consultation with traveller communities. See response to question 32.

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

Shelter welcomes the government's commitment to build the most affordable and social rent homes in a generation, as evident in this consultation. However, the draft text as it stands now, does not guarantee that this approach would deliver significant change to what is currently in place.

Draft language such as "with an appropriate proportion being Social Rent" in paragraph 155(a), does not prioritise social rent over other "affordable" tenures. It doesn't even give social rent homes an equal footing. It is also not clear what "appropriate" is. It should be tied to social housing waitlists and ending homelessness.

Shelter agrees that mixed tenure communities are best. However, without a specific target, an area can still achieve mixed tenure communities without delivering a single social rent unit. For example, a developer can prioritise profit over community interests and say it is not "viable" to build a meaningful number of social homes. Further, in proposal 155(a), the phrase "subject to viability" should be removed. The planning system through national and local policies must start holding developers to account for contributing their fair share of social homes.

Phrases like "subject to viability" or "where appropriate" can create loopholes for affordable housing targets and policies to be dismissed. The costs of complying with a

local area's policy should be baked into developers' plans before seeking planning permission or an exception for unallocated Green Belt land to be released. Similarly, if local authorities are reviewing their Green Belt boundaries to meet unmet housing needs, the delivery of social homes should be front and centre.

Shelter urges the government to adopt a nationwide policy where social rent homes comprise at least half of the 50% affordable housing contribution (i.e. 25%) in paragraph 155(a).

Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?

The target should apply to all Green Belt areas released for housing. As mentioned above, Hertmere Borough Council, approved a scheme which will have 80% affordable homes, of which 45 would be for social rent. That is 30% of the scheme's affordable housing being set for social rent homes. Also, please see section 2.4.3 of our consultation response, where we explain why local authorities believe it is possible to deliver these targets, including sites in low land value areas being close to existing use value.

Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

Many social housing residents and lower income families do not have access to green open space. So therefore, it is important from a climate justice perspective, that when homes are built, or various frameworks are being recommended that councils and local planning authorities take this into account when granting planning permissions.

Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?

Shelter does not have evidence of whether the Government setting indicative benchmark land values would be beneficial in maximizing public benefit, such as the delivery of social homes at scale, or whether another system would show better results given the wide variations of land value regionally. However, there may be some positive effects if Government can set benchmark land values for schemes where Councils and other public bodies use compulsory purchase powers to build social homes. Further analysis should be published by the Government to understand the possible outcomes.

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

N/A

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

The Government should be exploring a wider review of viability assessments and negotiations across the entire NPPF and planning system. This should not be exclusive to potential land value benchmarks.

Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?

If the government adopts this policy, Shelter believes that late-stage reviews and viability negotiations should be limited in most cases where developers are seeking lower social rent contributions.

Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?

Yes, but Shelter recommends that the government considers late-stage reviews for of **all** major developments of more than 10 homes to test initial viability assessments, not just those with specific land values.

Local authorities need resource to recruit inhouse expertise so that they can thoroughly initiate and manage these follow-up assessments.

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

No but please see our response to question 32.

Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?

There are differences between how these "golden rules" should be applied for specific sites versus preparing or updating draft plans that have not been submitted to the Planning Inspectorate.

Shelter believes these “golden rules” should apply more widely depending on how far a specific site and scheme has gone in the planning system (following these changes to the NPPF). While we want to see a maximum number of social homes built, the planning system does not have the capacity to try to retroactively apply “golden rules” to all sites that have already been brought forward **and** development has started.

In the case of draft plans that reach the regulation 19 stage, the local authority should be required to consult the public for a longer period, and not limit the public’s comments to soundness and legal compliance. Ideally though, they should be preparing new updated plans.

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

As mentioned above, it would have been helpful if some analysis on benchmark land values had been published with this consultation, specifically how it would serve to meet the 1.5million homes and a social housing target.

However, if the government implement this, then Shelter agrees that weight given to a viability assessment is a matter for the decision maker (e.g. local planning authority) and that late-stage reviews should be adopted to assess the possibility of further contributions. But more must be done to increase the number of policy compliant applications throughout the country.

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

No.

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

No.

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

Yes. Local planning authorities and councils should absolutely factor needs of those who require social rent homes when undertaking needs assessments and setting policies on affordable housing requirements.

Since 2022 Shelter has been calling for the calculation of LHN to be revised to include social rent provisions to reduce homelessness and social housing waitlists. It is also why we believe local plans should be tenure specific. Strategic policies must lay out a

specific target for social rent homes locally and nationally. The Government should start with a national target of at least 90,000 social rent homes as part of the 1.5million homes they intend to be delivered. It should also require updated local plans to set out a local social housing target.

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

Yes.

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

Yes.

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

No.

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

Yes. Shelter believes mix tenure developments benefit communities. However, we again want to emphasise the importance of having social rent targets and requirements. Without a social rent target, this new policy can leave the door open for developers and some local areas to under deliver or avoid building social homes.

Any new policy must be significantly different than what we have today. These policies have deprioritized social rent in the planning system. According to the government's Affordable Housing Supply Statistics, in 2022-2023 only 3,454 social rent homes were delivered via s106.

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

The most appropriate way to promote a high percentage of social rent is to set minimum targets and requirements in national and local planning policies.

- Communities need local authorities to set provisions for social rent homes in their local plans through a revised method of assessing LHN. LHN must account for homelessness, those at risk of homelessness and an area's social housing waitlist.
- There should be a minimum developer contribution of at least 20% of social rent homes on major developments of more than 10 homes.

- Local authorities need support from central government to recruit the right experts on staff to represent the needs of their areas, especially in negotiations with developers.
- There needs to be a clear distinction between social and affordable housing. Social housing should be defined as social rent, which is tied to local income. It should not fall under the ‘affordable’ definition, which can be as high as 80% market rate.
- Lastly, the planning system cannot end the housing emergency alone. We need a new Affordable Homes Programme that prioritises social rent.

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

For example, in terms of developer contributions, Shelter believes there should be a 20% national requirement for social rent homes on major sites of more than 10 homes.

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

The same measures that are recommended in responses to question 47 and 52.

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

Local plans should be explicit as possible about the types of homes and accommodation their areas need, including accommodation for looked after children.

Question 56: Do you agree with these changes?

Earlier this year, Shelter worked with the Community Land Trust Network to echo their calls for more support in delivering social rent homes. One policy intervention that is needed in the NPPF is the creation of community led and rural site exemptions. They need more sites to be set for community led housing in order to deliver the genuinely affordable homes their communities need. It is not just expanding their definition. Funding support and low-cost borrowing options to complement these changes in the NPPF are also needed.

While local authorities and councils can partially assist with this goal, central government must do more in supporting CLTs. Local authorities already have their limitations with budget constraints and other capacity challenges.

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

Shelter strongly believes in the need to decouple the definition of social rent from “affordable housing” including “affordable housing for rent” in the National Planning Policy Framework.

The continual reference of the two tenures together, and in some cases interchangeably, is confusing for many communities and the wider public. Unfortunately, developers and other stakeholders use the phrase “affordable housing” to mask what is and isn’t being delivered. However, they do so because national and local policies indirectly allow them to, by setting this broad definition of “affordable”. This broad definition has caused the shortage in social housing delivery. It also incentivises the wrong type of schemes without much consideration for the actual number of social rent homes needed.

These “affordable” tenures are not affordable to the many households on the social housing waitlist or families who are stuck in temporary accommodation. They are waiting for social rent homes, which are tied to local incomes.

Communities see these so-called affordable homes built in their neighborhoods, but know that at 80% market rate, they are not accessible to those who are in most need.

Social rent needs its own entry in the NPPF, along with a set target for the planning system to deliver. It also needs to be distinct throughout all of government’s housing policies and legislation.

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

Report after report, shows that small sites are not being allocated because of the lack of funding, capacity, and resources in the system, including at local authority level. This has a direct impact on SMEs bringing forward these small sites and building out. In addition, delays in the planning system create barriers and challenges, while the skills shortages have also been noted.⁵

Shelter could support option (d), which would require “authority-specific small-site strategies” to help implement the existing 10% requirement. However, we would recommend that these also include social rent homes onsite.

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

⁵ “Housing crisis needs action on planning, SMEs and housing for elderly, says Lords report.”
<https://committees.parliament.uk/committee/518/built-environment-committee/news/160142/housing-crisis-needs-action-on-planning-smes-and-housing-for-elderly-says-lords-report/>

Shelter knows that communities want homes that they see are beautiful and that they can be proud of. Everyone deserves that and we will continue to push architects and others to dream big and creatively when designing future social homes.

Unfortunately, however, “beauty” and beautiful” should be removed from a technical document, like the NPPF. They have naturally become too subjective for something like the planning system and the decision-making process. At times these words are used to block the delivery of much needed homes in an area.

Shelter agrees with retaining the phrase “well designed buildings and places”, but this paragraph should be amended to add references to good quality, energy efficient and safe homes.

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

N/A

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

N/A

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

N/A

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

N/A

Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

N/A

Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

N/A

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

N/A

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

Yes. If government's aim is to increase housing delivery and deliver the most social rent homes in a generation, it must ensure that the right infrastructure and supporting facilities, including for health and education, are also considered when: preparing local plans, allocating sites and considering development.

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

See response to question 67.

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

See response to question 67.

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

N/A

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

No.

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

N/A

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

N/A

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

N/A

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

N/A

Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

N/A

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

N/A

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

A reformed planning system can help align policy and action on both the housing and climate emergencies. For example, with aging housing stock and poor-quality homes that are damp and cold in the winter and unbearably hot in the summer, the planning system can ensure we are building homes fit to meet the challenges of climate change. But most importantly at pace and responsibly.

The planning system, through a revised NPPF and future National Planning Guidance, can ensure the country is building the right homes in the right way from the start. This fundamentally means promoting an **integrated approach to a mass scale social housing programme, including:**

- **building new social homes that are sustainable and energy efficient; and**
- **decarbonizing the use of existing homes, including retrofitting empty homes to convert into social homes; and**
- **regulating the conversion of existing buildings to good quality social homes, but responsibly and safely through the planning system. This means a full reversal of new proposals on expanded Permitted Development Rights, which can further compromise the safety and quality of homes.**

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

N/A

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

N/A

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

Addressing climate change and ensuring a just transition to net zero cannot be pushed onto underserved communities and low-income families, who are more likely to be impacted by the housing and climate emergencies. For example, Black persons are almost four times as likely as White people to not have access to outdoor space. This includes a balcony, patio or private garden at home.⁶ And more shockingly, are the figures around homelessness, as Shelter analysis in 2023 found that Black households are 11 times more likely to be living in temporary accommodation than White households.⁷

The government can end the housing emergency with delivering 90,000 social rent homes a year for 10 years. At the same time, it can begin to tackle the challenges of climate change, including a just transition, by building those good quality and genuinely affordable social homes. Later this year, Shelter will publish a report with analysis and modelling by Arup on the integrated approach to delivering social homes for the future.

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

No. This is an example, similar to policies around housing delivery and site considerations, that the government is proposing to remove instead of more clearly defining in the NPPF.

Shelter agrees that many of the changes that were included in the 2023 revised NPPF, did not add clarification nor helped local authorities better assess needs and solutions. However, removing and deleting points of clarification with no clear guidance or examples, will only cause further delays in the planning system. The government should elaborate here.

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

N/A

⁶ Office of National Statistics, "One in eight British households has no garden" May 2020, accessed August 2024, <https://www.ons.gov.uk/economy/environmentalaccounts/articles/oneineightbritishhouseholdshasnogarden/2020-05-14>

⁷ Garvie, Deborah et al. Shelter. "Still Living in Limbo: Why the use of temporary accommodation must end". March 2023. https://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/still_living_in_limbo

Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

N/A

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

While Shelter is a homelessness and housing charity, and does not have the expertise on delivering or improving water infrastructure, we are commenting because mass scale building programmes have rightfully been delayed because of concerns and controversy around water quality and availability. This can be seen with the proposals of new homes and even a hospital in Cambridge.^{8 9}

As the government seeks to deliver 1.5million new homes and is seeking to build new towns to increase housing supply and other infrastructure, water must be a priority.

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

N/A

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

N/A

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

N/A

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

N/A

Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For

⁸ Foster, Peter. The Financial Times. "Michael Gove's plan for thousands of Cambridge homes at risk from lack of water". January 2024. Accessed September 2024. <https://www.ft.com/content/d1c0bf52-c8ed-4673-9aa3-3df6c771e7a7>

⁹ Heywood, Harriet and Ben Schofield. BBC. "Cambridge Cancer Research Hospital approved despite water concerns" April 2024. Accessed September 2024. <https://www.bbc.co.uk/news/uk-england-cambridgeshire-68839066>

example, a 50% increase to the householder fee would increase the application fee from £258 to £387.

N/A

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

N/A

Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.

N/A

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

N/A

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee? Please give your reasons in the text box below.

This response does not specifically pertain to householder application fees and the questions above. Our response is based on the general state of the planning system and the lack of capacity and resources in local authorities' planning and delivery management departments.

Shelter agrees that local authorities should be able to set its own planning fees, especially for large schemes, where local authorities need independent experts and/or need to outsource any assessments or commissions for decision making.

Given the government's explanation in this consultation that some planning fees are not meeting recovery costs and nationally set fees do not always reflect the full costs for all local planning authorities, this approach is necessary.

However, Shelter also recommends that the government consider the benefits of a planning contract model. This would allow a council to come to an agreement (in principle) with developers to fast track any formal approval processes. These agreements would require a minimum percent of onsite social rent homes and a higher planning fee. These commitments would be non-negotiable. The higher fees would then serve as an investment to help build capacity and resource for further planning and delivery.

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

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

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

Neither

Don't Know

Please give your reasons in the text box below.

This is another area where government should have published an impact statement on the proposals they are consulting on. It would have provided further insight into the benefits and disadvantages of each model and a cost to councils.

Out of the two models the government is consulting on, Local Variation would allow some stability and consistency in the planning system with a non-negotiable minimum set fee. But it would also allow for the differences and unique circumstances at each local authority of they have the option to set their fees. This would also be in line with other areas in the NPPF that have been left to local areas to decide.

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

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

In certain circumstances yes, planning fees should be increased beyond cost recovery to deliver more benefit to councils and communities. See response to question 94.

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

Plan making and enforcement are two examples of wider planning services that could be funded by increased planning fees for developers. While the government has stated concerns around higher fees deterring development, it should also consider the tradeoff and benefits that higher fees can bring. Benefits include further planning resources for councils and reducing homelessness through the requirement of social homes for quicker planning permission.

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

Yes. Local authorities have shared with Shelter that although the main decision making process in a development consent order falls with the Planning Inspectorate and Secretary of State, there are still relevant services that are needed from local authorities. Development consent orders can take years, which drains the already limited capacity and resource from local areas. This can be problematic as then other applications, like most planning permissions for housing, become delayed.

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

See response to question 98.

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

Recovered costs should be associated with the relevant project but they could be reinvested into further planning and delivery management capacity and resources.

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

N/A

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

N/A

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

Yes. However, the government's proposal to require the preparation of a new plan if there is more than a 200 home (per annum) differential between existing LHN calculation vs revised LHN, can be quite high and consequential in some areas.

Every social home that can be built at pace will make a huge difference to the lives of the individuals and families that need them. It would also help contribute to economic

growth and alleviate housing pressures councils face. And so, the preparation of new updated plans, with tenure specific targets and LHN assessments should be triggered by a lower number than 200.

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

Yes, because government is expecting areas without updated local plans to continue working on adopting one, and “with the intention of preparing a plan under the new system”. This should help with the transition.

Shelter would also like the government to ensure that those areas without up-to-date local plans will build in enough time for communities to be properly consulted, especially on the need for social rent homes and ending homelessness in their areas.

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

Shelter thinks the guidance on transitional times need to be clear and language like as “quickly as possible” without an actual time frame or deadline should be removed and replaced with a specific timeline and milestones.

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

The planning system must deliver the social rent homes communities need at scale and at pace, in order to reduce social housing waitlists to end homelessness and the housing emergency. With it, the government can tackle the many inequalities that exist in the housing system, which includes many forms of discrimination, racism and sexism.