

North Devon Council and Torrington District Council – Draft response to the Government consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system

Chapter	Topic	Question Number	Question	Draft Response
Chapter 3 - Planning for the homes we need	Advisory starting point and alternative approaches	1	Do you agree that we should reverse the December 2023 changes made to paragraph 61?	No. Whilst the Councils are satisfied that the starting point should be an expectation that there is an aim to meet an area's identified housing need and supports this principle, the Councils fundamentally consider that national planning policy needs to incorporate provisions that accept that there may be circumstances whereby it is not possible to meet identified housing need in full. Support for this is however predicated on the basis of the identified housing need being based upon a methodology that meaningfully reflects housing need for a local area and is not simply predicated on a relatively arbitrary distribution of a national ambition. The Councils do not believe that the proposed changes to the standard method provide a sound basis for deriving an identified local housing need and that it is fundamentally flawed, deriving a housing figure that is wholly unrelated to likely future housing need for northern Devon.
Chapter 3 - Planning for the homes we need	Advisory starting point and alternative approaches	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?	No. The Councils fundamentally disagree with the simple removal of wording as proposed. The Council is seriously concerned that the proposed changes do not simply reverse the changes made in December 2023 but also remove the longstanding acceptance that allows for deviation from the standard method on the basis of exceptional circumstances. It is essential that a degree of flexibility is afforded to local planning authorities to move away from the outcomes of the standard method so long as they are able to robustly justify, with appropriate and proportionate evidence, why it is appropriate and necessary to do so. The Councils are concerned that there is a need to recognise that the standard method does not provide a mechanism for calculating housing need when the local planning authority boundary is different to the local authority boundary, as can be the case when there is a national park overlap. It is essential that there is scope to deviate from the standard method in such circumstances. The Councils would suggest that there may be value in having specific guidance to set out how housing need should be apportioned in such circumstances.
Chapter 3 - Planning for	Urban uplift	3	Do you agree that we should reverse the	Yes. The existing wording pays no regard to the reality of spatial planning, the often constrained nature of large urban areas and the need to plan for their growth

Chapter	Topic	Question Number	Question	Draft Response
the homes we need			December 2023 changes made on the urban uplift by deleting paragraph 62?	beyond their boundaries and therefore accept that the wording should be reversed. The Council does however have concerns about the loss of the focus on the largest urban areas and the associated urban uplift in the standard methodology, recognising that this provided a proxy for apportioning housing growth in places that have scope to be more sustainable, therefore by definition, distributing additional housing growth to less sustainable places.
Chapter 3 - Planning for the homes we need	Character and density	4	Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?	No. From the perspective of two predominantly rural authorities, the Councils recommend the retention of paragraph 130, as depending on what is defined as 'urban', there is risk of harming the character of towns (that provide services to large rural areas) if there is no consideration of existing character when density is being increased. Therefore the Councils request further clarity on what is defined as 'urban', as significant uplifts in density in most of the market towns would be wholly out of character. In addition, there are negative health impacts on communities that result from increased densities. Particularly, there is concern that increase densities would lead to smaller dwellings whilst people appear to be spending more time in their homes. The Councils also have concern that increased densities lead to poor provision of private gardens in towns. Further, vehicle parking is limited within high density new residential developments. Councils require more ability to improve design and build quality in order to enable higher densities in appropriate locations, which in turn could result in greater community cohesion and healthier places. In relation to densities, Local Planning Authorities could use design codes, created through engagement with communities, to justify planning decisions on density within towns serving rural areas. This would allow them to objectively and consistently (within local context) consider the impact of higher or lower densities on existing character. The Councils agree that more localised design codes would serve the councils better than district-wide design codes.
Chapter 3 - Planning for the homes we need	Character and density	5	Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas	Yes, the Councils agree that more focused design codes will be beneficial to supporting local plan visions. District-wide design codes would likely be at such a high-level that they would be more akin to design guides than codes, and therefore design codes that affect smaller areas are considered more appropriate. The Councils consider that time and energy would likely be better spent on more

Chapter	Topic	Question Number	Question	Draft Response
			that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?	local design codes that are targeted to where they can realise the most impact and address particular challenges. However, there is concern that until design codes are adopted by a Local Planning Authority, there is a risk that development would be out of character with future design codes, and therefore more guidance is requested of the sequencing of the delivery of visions and supporting design codes.
Chapter 3 - Planning for the homes we need	Strengthening and reforming the presumption in favour of sustainable development ('the presumption')	6	Do you agree that the presumption in favour of sustainable development should be amended as proposed?	<p>No. The proposal to amend the wording of paragraph 11 (d) to make clear that the presumption in favour is triggered by 'policies for the supply of land' being out-of-date would bring some clarity and broadly aligns with how this part of paragraph 11 has previously been interpreted. Nonetheless, the Councils' view is that the application of the presumption in favour of sustainable development has historically not been an appropriate or effective means to address the fundamental issue of increasing housing delivery. As the government itself recognises, the presumption has been used to promote poor quality development in unsustainable locations. Our view is that highlighting the locational and design aspects of the NPPF and the need for development to secure affordable homes (as proposed in the amendments to point 2 under paragraph 11(d)) will not fundamentally address this issue; after all, these aspects of national policy should already be taken into account when proposals are assessed against the NPPF 'taken as a whole'.</p> <p>The plan-led system is fundamental to ensuring that local communities are engaged with and support the ambitions for housing delivery and economic growth in their local areas and at a national level. The application of the presumption may not be unreasonable in some circumstances - if there is no local plan in place, for instance. However, in our experience (and it would appear to be the case for many other Local Planning Authorities), the presumption has been triggered soon after the adoption of the Local Plan, when there is little evidence that the plan itself is failing. The presumption undermines not only the policies of the plan but the support local communities have given to those policies. The Councils, local communities and key stakeholders (including the development industry) put in a significant amount of work to prepare our current joint Local Plan, which sets ambitious targets for new homes and economic growth. However, as a result of a planning inspector's decision, the presumption was triggered only 18 months after the adoption of the plan, effectively rendering a set</p>

Chapter	Topic	Question Number	Question	Draft Response
				<p>of policies 'out of date' that had gained significant community buy-in. In view of the proposed significant increase in the local housing requirement (through the revised standard method), there would appear to be a strong possibility that the same situation could arise again. Our local communities and stakeholders could be forgiven for asking whether it is worthwhile putting in the effort to engage with a future local plan process, if local policies can so easily be undermined by national policy. A lack of community engagement in the local plan process is surely not something the government would want to encourage, particularly given its commitment to the plan-led system and the importance of local plans in supporting the delivery of future growth ambitions.</p> <p>There is ample evidence that the application of the presumption in favour of sustainable development results in a 'scatter-gun' approach to achieving new planning consents without increasing local housing delivery or addressing the significant affordability issues we face in our local area. We have numerous examples in the local area of sites being granted permission under the presumption which do not come forward for development (within a five year window, if at all). A proliferation of planning permissions also undermines the potential to deliver housing on allocated sites and our ability to secure the infrastructure needed to support planned development. Further frustrating local communities is the inability to secure affordable housing through 'exception-site' policies once the presumption is in force. We have experienced a proliferation of planning applications on the edge of smaller settlements for developments which fall below the threshold to deliver affordable housing. If the aim of increased housing delivery is to secure more affordable housing, this is a prime example where the presumption in favour is counter-productive.</p> <p>The Councils recognise the need to make sufficient land available through the planning system to support the development industry in bringing sites forward. However, it is clear that simply granting more planning permissions does not address the fundamental issues which constrain housing delivery and fails to tackle the root causes of the housing crisis and the lack of affordable homes. Increasing housing delivery requires complex interventions across a range of issues, many of which are outside of the control of LPAs and the wider functions of Councils. These include addressing supply chain issues, infrastructure</p>

Chapter	Topic	Question Number	Question	Draft Response
				<p>investment and modernising the current housing development model. It is of significant concern that the mechanisms through which the presumption is triggered (e.g. 5 year housing land supply and the housing delivery test) rely largely on assessments of local housing delivery and the deliverability of sites. These are factors which smaller district LPAs have very little ability to influence directly and appear largely to have a weak relationship with the amount of land made available through the planning system. As LPAs, we have the power to allocate sites for development and grant planning permissions, but we do not control the myriad of factors which influence whether a site actually gets delivered. There would therefore appear to be a fundamental flaw in triggering the presumption, on the basis of constrained delivery and/or the lack of deliverable sites, when there is little evidence that this provides an effective mechanism to improve local housing delivery.</p> <p>Our local communities are broadly supportive of ambitious targets for housing supply and delivery, if development is targeted at the right locations, delivers infrastructure and community benefits, protects valued local assets and provides genuinely affordable housing. However, our experience and evidence from elsewhere suggests that the presumption in favour fails to achieve this. Instead, it undermines Local Plan policies and community support for growth, works against the delivery of affordable housing and fails to address fundamental issues of housing delivery.</p>
Chapter 3 - Planning for the homes we need	Restoring the 5-Year Housing Land Supply (5YHLS)	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?	<p>No. There is clearly a strong case for regular monitoring of housing supply and delivery. However, as set out above under our response to question 6, the way 5-year housing land supply is currently assessed provides a flawed basis on which to bring into force the presumption in favour of sustainable development. As a site must be considered 'deliverable' (under the current NPPF definition) to contribute to the five-year housing supply (5YHLS), any sites the LPA allocate for development– or indeed most sites granted outline planning permission – will not, in the short term, have any impact on the 5YHLS. The factors which influence whether a site is 'deliverable' are largely outside of the control of the LPA. We recognise that unforeseen issues can arise, and we need to be responsive and flexible when there are viability/deliverability concerns; however, as two small Councils that do not have housebuilding functions, we are fundamentally reliant</p>

Chapter	Topic	Question Number	Question	Draft Response
				<p>on private sector developers to deliver new housing.</p> <p>At the point of adoption in 2018, the North Devon & Torridge Local Plan was able to demonstrate a housing supply 17% in excess of the housing requirement. Furthermore, a significant amount of the land identified in the plan was subject to planning permissions and was coming forward for development. As recognised by the Local Plan Inspector, the Councils had done everything in their power to ensure there was a sufficient supply of land for new homes, build in resilience to account for fluctuations in delivery and support national ambitions for housebuilding. Yet only 18 months after adoption of the plan, the presumption in favour came into force, following an inspector's decision that the Councils could not demonstrate a five-year supply of deliverable sites. Even if we accept the opinion that the delivery situation had changed so dramatically within the 18-month period, it is difficult to argue that this was due to anything the Councils had 'failed' to do. The result of the appeal inspector's decision has been the imposition of un-planned development on our local communities, although the site in question has still not delivered any housing, nearly 5 years later. This is a source of significant frustration for our local communities, and reinforces the view that assessment methods such as 5YHLS are heavily skewed in favour of developers and undermine community involvement in planning.</p> <p>Assessment of the 5YHLS is a complex and resource intensive process; for smaller councils such as Torridge and North Devon, this takes up a significant amount of staff time over a number of months each year. Assessing whether a site is 'deliverable' in accordance with the NPPF definition is often subjective, particularly in terms of what would constitute 'clear evidence'. Gathering sufficient evidence is often challenging and time-consuming. This is particularly the case where developers, who may be at various stages in negotiations with landowners, are unwilling - or unable - to engage in the process and provide a clear indication of their projected delivery timescales. From appeal decisions, we have first-hand experience of widely varying interpretations of whether the available evidence is sufficient to demonstrate a site is capable of delivering within 5 years. The complex, technical and often subjective nature of the 5YHLS assessment contribute to the view of many in our local communities that decisions which trigger the presumption under NPPF paragraph 11 lack transparency.</p>

Chapter	Topic	Question Number	Question	Draft Response
				<p>In reality, many sites with outline planning permission – and indeed many that are simply allocated in a local plan- are capable of being delivered within 5 years if the right set of conditions are in place – e.g. a willing housebuilder, no significant unforeseen development costs, favourable market conditions etc. The timescales for a site to gain detailed planning are clearly partly dependent on LPAs but in many instances this will be dependent on work that developers or landowners need to undertake outside of any planning requirements - the sale of the site for example. When obstacles to delivery do present themselves, as Councils we can do everything in our power to help facilitate, but even then, there is potential for a whole range of issues to arise that can hinder deliverability, that are completely beyond the control of the planning system.</p> <p>The current wording of the NPPF means that recently adopted plans have a five-year period in which they are protected from the presumption as a result of 5YHLS. We are broadly supportive of an approach which supports plan-making and the plan-led system by offering some form of protection for recently adopted plans. We therefore do not agree with reversing the changes brought in in December 2023, without some alternative means of protection for adopted local plan policies.</p> <p>As such, we would advocate for a simpler and more transparent approach to the assessment of housing supply, which more accurately reflects what Councils can do within their planning powers. The potential contribution to housing supply from allocated sites and those with outline planning should be recognised. This may mean, for example, that the five-year assessment period should be extended. Either way, the starting assumption should not be that only sites with detailed planning can contribute to the assessed housing supply. Sites with clear evidence of concerns around developability or subject to significant issues that appear likely to affect their future deliverability could still be excluded from the projected housing land supply, allowing alternative sites to come forward if needed.</p> <p>Alternative approaches to assessing housing supply could be accompanied by a more nuanced relationship between the release of additional land through the planning system and targets for housing supply and delivery. Local Plans could identify a hierarchy of ‘reserve’ sites, that have previously been identified as suitable, available and achievable (e.g. though a HELAA) and would not</p>

Chapter	Topic	Question Number	Question	Draft Response
				undermine the broad principles established by existing spatial strategies. Mechanisms to release additional land should be embedded in local plans, be responsive to local requirements and not adopt the 'one size fits all' approach of current five year supply assessments.
Chapter 3 - Planning for the homes we need	Restoring the 5-Year Housing Land Supply (5YHLS)	8	Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?	No. We are concerned about the removal of past oversupply from consideration in assessing future supply needs. Delivery can fluctuate over a plan period; it would seem entirely reasonable to account for past oversupply in the same way that under supply is taken into account.
Chapter 3 - Planning for the homes we need	Restoring the 5% buffer	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?	No. The Councils are broadly supportive of the idea that the planned housing supply should exceed requirements so that there is flexibility for the market and allowance for some sites not coming forward. However, we do not agree with the way the buffer (5% or otherwise) is used in the current assessment of five-year supply, where the buffer is effectively added to the requirement. This is inconsistent with the stated aim of the buffer. Housing requirements are already based on significant uplifts and the proposed standard method will introduce a huge 'affordability' uplift for many local authorities. The use of buffers to 'penalise' Councils is not an effective way to improve housing delivery and undermine the plan-led system.
Chapter 3 - Planning for the homes we need	Restoring the 5% buffer	10	If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?	No. Housing requirements effectively already include a 'buffer' so there should be no need for an additional buffer as part of the five-year housing land supply calculations.
Chapter 3 - Planning for the homes we need	Restoring the 5% buffer	11	Do you agree with the removal of policy on Annual Position Statements?	Yes. While we support the broad concept behind Annual Position Statements (APS), we are unlikely to be able to make use of them in their current form. It would be beneficial to have a mechanism to 'fix' the 5YHLS position at certain points in the plan period and avoid the need to defend costly appeals. However annual assessments of housing supply are resource intensive and time-consuming; the Councils consider the current timescales for APS submission are unrealistic given the resources available to us.

Chapter	Topic	Question Number	Question	Draft Response
Chapter 3 - Planning for the homes we need	Maintaining effective co-operation and the move to strategic planning	12	Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?	Yes. The Councils recognise the importance of strategic planning and for co-operation between local planning authorities and other key public sector bodies. North Devon Council have worked together positively and successfully over many years to deliver the now adopted North Devon and Torridge Local Plan 2011-2031, to successfully plan for the growth of northern Devon; demonstrating that it is possible for local planning authorities to co-operate successfully in plan-making. The Councils developed a successful working relationship with Devon County Council as the Upper Tier Authority on matters that were their responsibility and with other public sector bodies as necessary. The Councils also co-operated with Exmoor National Park Authority to accommodate their unmet housing need in full, albeit a very modest quantity. The Councils acknowledge that the Duty to Cooperate has not necessarily been effective and has been somewhat of a blunt tool, with the Councils finding that effective co-operation and good planning outcomes are often rather achieved through the development of good relationships between individuals, the development of trust and goodwill. The Councils would highlight the importance of ensuring that other public sector bodies and those with a responsibility to deliver infrastructure are subject to any provisions to ensure effective co-operation and that they are adequately resourced in order to do so.
Chapter 3 - Planning for the homes we need	Maintaining effective co-operation and the move to strategic planning	13	Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?	The Councils do not consider that it is necessary to alter the tests of soundness in order to better assess and support the delivery of strategic scale plans or proposals. Rather the Councils would suggest that a more pragmatic and reasoned approach needs to be applied to the tests when being considered at examination. In particular, it is considered that a more flexible interpretation needs to be applied to the definitions of deliverable and what constitutes proportionate evidence. In particular, for longer term delivery of strategic scale plans or proposals, there needs to be an acceptance that there may be less certainty on some aspects of delivery or the latter phases of development. This does not however require any specific change to the wording of the tests of soundness but rather the provision of guidance on appropriate interpretation - possibly through the provision of additional or updated planning practice guidance and/or the guidance provided to Planning Inspectors.

Chapter	Topic	Question Number	Question	Draft Response
Chapter 3 - Planning for the homes we need	Maintaining effective co-operation and the move to strategic planning	14	Do you have any other suggestions relating to the proposals in this chapter?	The Councils feel that it is important that any approaches to strategic planning and co-operation are not overly prescriptive and provide flexibility that recognises that different approaches may be required to fit the different characteristics and circumstances of local areas and organisations. In particular it is important to recognise that predominantly rural areas may need a different approach to those that have a strong relationship to a large urban area. The Councils would highlight that various local planning authorities across Devon have been successful in coming together in specific groupings that take account of local circumstances (i.e. Plymouth, South Hams and West Devon and also North Devon and Torridge). These groupings have enabled positive strategic planning that have successfully reflected local geographies and the function of individual sub-regions and places - northern Devon (North Devon and Torridge) does for example function as a relatively self-contained functional housing market and economic area.
Chapter 4 - A new standard method for assessing housing needs	Setting the baseline – providing stability and certainty through housing stock	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?	No. The Councils recognise that there are flaws with basing future housing need on the basis of the household projections; most notably 'baking in' historic under delivery for some areas and skewing future need for those that could have been perceived to 'over deliver'. However, that being said, whilst not perfect, it does provide a proxy for housing need - if the market has historically been responsive to local demands. The Councils are concerned that the amendments proposed to baseline the standard method on housing stock rather than the latest household projections fundamentally remove any link between actual housing need and the results of the standard method. Whilst it would seem obvious to the lay person to consider that larger places should accommodate larger levels of growth, this is in reality an over simplification that does not bear out in reality; having no regard to constraints, demands or opportunities. However, if it is accepted that the standard method does not derive housing need but is rather simply intended to provide a proportionate distribution of the national housing requirement to local areas then the approach is sound. The Councils do not however consider that this is an appropriate or legitimate basis to plan for future housing growth for a local area. The Councils are concerned that the starting assumption of seeking 370,000 dwellings per annum nationally is a flawed assumption that will undermine the plan-led system, resulting in the provision of unachievable housing requirements at the local level. It is stated that the target is increased on the basis of

Chapter	Topic	Question Number	Question	Draft Response
				<p>acknowledging that it will not be achieved but to stretch the real terms delivery at a somewhat lower level. This is considered to be flawed and not an appropriate basis upon which to plan, with other mechanisms already in place to address any potential under-delivery of housing through the planning system; recognising that planning does not always form the barrier to the delivery of housing, especially in northern Devon. These potentially unachievable levels of housing, established by the imposition of this arbitrary national figure, propagate through to the Housing Delivery Test (HDT), calculation of five year housing land supply and ultimately the application of the presumption of sustainable development, likely resulting in the release of additional un-planned housing development, undermining the planned system, any vision and plan for delivery established on the basis of robust evidence and comprehensive community and stakeholder engagement, whilst disenfranchising communities and often compromising the delivery of allocated sites and their good place-making aspects.</p>
Chapter 4 - A new standard method for assessing housing needs	Adjusting for affordability	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?	<p>No. Whilst the Councils acknowledge the intent of using a 3-year average to smooth any fluctuations in the data, they are seriously concerned that this will fundamentally disadvantage those local planning authorities who are seeing positive movement in their ratios, as has been seen for many over the past few years post-Covid. Given the proposed emphasis that is placed upon the affordability ratio in the standard method calculation, it is felt inappropriate and unfair to disadvantage those who may have seen improvements to the ratio over more recent periods. The Council would highlight that there are concerns for local planning authorities such as North Devon Council, which is intersected by a National Park and whereby the dataset is provided at a local authority level rather than at a local planning authority level. In such circumstances, this may skew the affordability ratio, given that National Parks often see higher housing costs. The Councils are concerned about the continued use of the workplace-based affordability ratios, believing that the resident-based ratios would be more appropriate - reflecting the ability of people to afford housing in the locality where they choose to reside. There are a variety of reasons why people may work in a different place to they reside and not a simple correlation that they cannot afford to live in the place where they work. Accordingly, the resident-based ratios would</p>

Chapter	Topic	Question Number	Question	Draft Response
				be more reflective of local circumstances and the true challenges of housing affordability for local communities.
Chapter 4 - A new standard method for assessing housing needs	Adjusting for affordability	17	Do you agree that affordability is given an appropriate weighting within the proposed standard method?	No. The Councils feel that the proposed weighting places a disproportionate and inappropriate emphasis on the affordability aspect of the standard method. There are many factors that impact on the affordability of housing and these may vary dependent upon the local context and circumstances. Whilst it is accepted that constraints on housing supply can contribute to housing affordability challenges, this is not the only factor and will often not be the principal driver. Simply increasing the housing requirement on a local area, will not necessarily result in an increase in housing supply, nor result in an improvement in housing affordability. For northern Devon, the planning system is not considered to be resulting in a constraint on housing supply, with the North Devon and Torridge Local Plan 2011-2031 providing a specific identified supply of housing (allocations and permissions) far in excess of the housing requirement, which in itself was higher than the level of identified housing need. Many of the larger and smaller allocations have planning consent and have developers on board to facilitate their delivery. However, the market is simply not seeking to absorb the housing at the required rate - be that due to the relative geographical isolation of the area, housing finance (i.e. mortgage rates) or other factors. In reality, the macro-economics of the housing market means that it is unlikely that any increase in the housing requirement will result in a significant reduction in house prices, therefore one has to question the basis for artificially increasing housing requirements for a locality based on affordability. There are also other factors that significantly impact on housing affordability. For northern Devon, the affordability is impacted more by a relatively low-wage economy rather than the constraints on housing stock. A focus on interventions in the economy and striving to increase earning potential for households, alongside the delivery of additional affordable housing of an appropriate tenure, is likely to be far more effective at addressing housing affordability than simply increasing housing requirements.
Chapter 4 - A new standard method for	Adjusting for affordability	18	Do you consider the standard method should factor in evidence on rental	No. The Councils recognise the challenges that are faced by local communities in the rental market and are keen to support any interventions that can be reasonably be made to address the situation. The Councils do not however agree

Chapter	Topic	Question Number	Question	Draft Response
assessing housing needs			affordability? If so, do you have any suggestions for how this could be incorporated into the model?	that rental affordability should be factored into the standard method. Local Planning Authorities have no control over how housing delivered through the planning system is utilised or to ensure that stock that is planned for delivery would actually permeate into the rental market. Accordingly, there is no certainty that planning for additional housing would have any bearing on rental costs in a local housing market. Equally, the Councils are concerned that even if it were considered prudent to consider rental affordability, there are no readily available and reliable datasets that could be incorporated into the standard method.
Chapter 4 - A new standard method for assessing housing needs	Result of the revised standard method	19	Do you have any additional comments on the proposed method for assessing housing needs?	The Councils have fundamental concerns that the proposed method for assessing housing needs will result in housing requirements that will be wholly undeliverable for northern Devon. This will likely undermine the principle of a plan-led system from the outset, resulting in the triggering of the presumption in favour of sustainable development, resulting in the delivery of unplanned development, potentially compromising the delivery of a vision-led approach to place-making and disenfranchising local communities. The Inspector who examined the North Devon and Torridge Local Plan 2011-2031 considered the level of housing that should be planned for across northern Devon, concluding that it was not appropriate to plan for a higher level of housing (to support the delivery of additional affordable housing) as the local housing market would not realistically absorb the associated market housing. It would appear that the revisions to the standard method are directing housing away from some of the areas with the highest housing demand and affordability challenges, such as London, and distributing this to other areas of lesser need; this would appear to be counter intuitive and perverse.
Chapter 5 – Brownfield, grey belt and the Green Belt	Being clear that brownfield development is acceptable in principle	20	Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?	No. While the Councils recognise the need to develop brownfield land, the Councils are concerned that the proposed wording could undermine the provisions of a local plan, local priorities for specific sites and by establishing suitability in principle for a range of potential uses without due regard for local policy context or priorities.
Chapter 5 – Brownfield,	Making it easier to	21	Do you agree with the proposed change to	No. While the two Districts do not contain any Green Belt land, reduced protections for Green belt space and increased emphasis on "PDL" may lead to a

Chapter	Topic	Question Number	Question	Draft Response
grey belt and the Green Belt	develop Previously Developed Land		paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?	degradation of the protections traditionally afforded to areas within the "Green Belt". Cumulative effect of such development may prove detrimental to the areas they are supposed to protect.
Chapter 5 – Brownfield, grey belt and the Green Belt	Making it easier to develop Previously Developed Land	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?	The Councils are concerned about extending the definition of Previously Developed Land (PDL) to include glasshouses and areas of hardstanding, recognising that this could result in the delivery of inappropriate development in the Countryside in unsustainable locations; especially as the direction of travel is towards the development of PDL for housing being acceptable in principle. There are also real concerns that this could have a detrimental impact on the economy, with potentially limited resources in the form of glasshouses being attractive to be repurposed for housing, with little economic likelihood of replacement.
Chapter 5 – Brownfield, grey belt and the Green Belt	Defining the grey belt	23	Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?	Yes. While the two Districts do not contain any Green Belt land, the Council's recognise that for some time portions of land within the existing "Green Belt" may not be contributing to the designation in a suitable manner, and as such reasonable proposals for these sites would likely be preferable to no development at all. However the designation is risky in that well performing sites may find themselves degraded to appear more attractive in planning terms.
Chapter 5 – Brownfield, grey belt and the Green Belt	Defining the grey belt	24	Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?	Yes. It seems as though it will be very difficult to ensure that degradation to lead to Grey Belt classification will not occur. Similar to the way that some aspects of BNG has been implemented, the ability to assess a site as it was in the past may help to identify recent degradation for the purposes of obtaining planning permission. It should be noted however that any failing in this area will lead to potentially rampant and highly damaging degradation of sites if not handled carefully.
Chapter 5 – Brownfield, grey belt and the Green Belt	Defining the grey belt	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	Yes. This could potentially be a contentious debate without additional guidance to identify land with limited contribution. Addition to the PPG may help to reduce bloating of the NPPF as this is 'additional guidance'.

Chapter	Topic	Question Number	Question	Draft Response
			contained in the NPPF itself or in planning practice guidance?	
Chapter 5 – Brownfield, grey belt and the Green Belt	Defining the grey belt	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?	Yes. While North Devon Council and Torrridge District Councils are not local planning authorities with Green Belt land within their boundaries or those of neighbouring authorities. That being said, the Councils would highlight that considerations for determining contribution to green belt is open to interpretation, and that land may be manipulated so as to appear to provide less of a contribution to appear more favourable in planning terms.
Chapter 5 – Brownfield, grey belt and the Green Belt	Defining the grey belt	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?	Yes, North Devon Council and Torrridge District Councils are not local planning authorities with Green Belt land within their boundaries or those of neighbouring authorities. That being said, Local Nature Recovery Strategies already possess the ability to identify sites for potential enhancement and thus would likely be able to positively contribute to assessing land within the green belt.
Chapter 5 – Brownfield, grey belt and the Green Belt	Land release through plan-making	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?	North Devon Council and Torrridge District Councils are not local planning authorities with Green Belt land within their boundaries or those of neighbouring authorities. However, protection of the Green Belt has for many years been sacrosanct within the Planning system, and while these new proposals on paper do allow for a reasonable sequential approach to land release from the Green belt, there is still a danger of totally undermining the protections of the designation nationwide if these procedures are followed poorly.
Chapter 5 – Brownfield, grey belt and the Green Belt	Land release through plan-making	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	Yes. However, North Devon Council and Torrridge District Councils are not local planning authorities with Green Belt land within their boundaries or those of neighbouring authorities. However, based upon potential changes to the standard method it is quite likely that a great many councils will find themselves in a position where housing supply cannot be delivered, as such the integrity of the Green Belt will be especially vulnerable during this period. While wording

Chapter	Topic	Question Number	Question	Draft Response
			area of the plan as a whole?	suggesting that development detrimental to the function of the Green Belt would be not supported, this position seems precarious in the face of mounting housing requirements.
Chapter 5 – Brownfield, grey belt and the Green Belt	Allowing Development on the Green Belt through Decision Making	30	Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?	Yes. However the Council's maintain that great care should be taken to ensure that the protections afforded to the Green Belt are not eroded by these new proposals, dangers surrounding the degradation of Green Belt land into "Grey Belt" will need to be closely monitored, as well as the ease at which councils are likely to slip into a position of insufficient housing delivery under new proposed targets leading to proposals within the Green Belt.
Chapter 5 – Brownfield, grey belt and the Green Belt	Supporting release of Green Belt land for commercial and other development	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?	Yes. North Devon Council and Torridge District Councils are not local planning authorities with Green Belt land within their boundaries or those of neighbouring authorities. That being said, if the idea of PDL within the Green Belt is being considered for residential development, the same should be considered for potential Commercial or "other" development in order to meet local objectives.
Chapter 5 – Brownfield, grey belt and the Green Belt	Planning Policy for Traveller Sites	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?	North Devon Council and Torridge District Councils are not local planning authorities with Green Belt land within their boundaries or those of neighbouring authorities. That being said, the Councils would highlight that it is essential that local planning authorities are equitable and treat all sectors of their communities fairly. Accordingly, one would assume that it would be reasonable to assume that provisions for the release of land should apply to traveller sites in the same way as land for other housing uses.
Chapter 5 – Brownfield, grey belt and the Green Belt	Planning Policy for Traveller Sites	33	Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local	North Devon Council and Torridge District Councils are not local planning authorities with Green Belt land within their boundaries or within those of neighbouring authorities. That being said, the Councils would highlight that it is essential that local planning authorities plan to meet the needs of all parts of their communities, including travellers. It is essential that traveller communities are not

Chapter	Topic	Question Number	Question	Draft Response
			planning authority should undertake a Green Belt review?	discriminated against at the policy level by the imposition of approaches that would prejudice the consideration of their needs in comparison to those of the settled communities.
Chapter 5 – Brownfield, grey belt and the Green Belt	Golden rules to ensure public benefit	34	Do you agree with our proposed approach to the affordable housing tenure mix?	Yes. The Councils consider that individual local planning authorities are best placed to identify an appropriate affordable housing tenure mix at the local level, based upon a robust understanding of the local housing market and evidence of housing need.
Chapter 5 – Brownfield, grey belt and the Green Belt	Golden rules to ensure public benefit	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?	Whilst North Devon Council and Torrington District Council are not local planning authorities with Green Belt land within their boundaries or within those of neighbouring authorities, they welcome any proposals that seek to increase the delivery of affordable housing. The Councils would however question whether the proposals should apply solely to land within Green Belt areas. The Councils would draw attention to the often acute need for affordable housing within rural areas outside of the Green Belt and the challenges of securing the delivery of affordable housing. Whilst national planning policy contains policies that are intended to enable the delivery of affordable housing to meet identified needs through the delivery of 'exception sites' in rural areas, this national provision has been severely compromised by the presumption in favour of sustainable development, with land owners having higher land value expectations due to the hope of being able to secure market-led housing; effectively making such an approach impotent, particularly when combined with the thresholds for being able to secure affordable housing through market-led schemes. Accordingly, the Council would suggest that the provisions should be extended to apply to sites that are adjoining or well-related to all rural settlements of less than 3,000 population, irrespective of whether they reside in the Green Belt.
Chapter 5 – Brownfield, grey belt and the Green Belt	Delivering improved public access to green space	36	Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?	No. The Councils would question the need to make specific provisions on this matter for proposals within the Green Belt. It is important that all proposals provide for their needs, secure benefits for nature and provide public access to green space, irrespective of whether they reside in the Green Belt. Should this be considered to be of particular importance, the Councils would encourage that the wider general provisions of national planning policy are reinforced so that all

Chapter	Topic	Question Number	Question	Draft Response
				proposals and communities benefit from them, irrespective of their location within the Green Belt.
Chapter 5 – Brownfield, grey belt and the Green Belt	Green Belt land and Benchmark Land Values	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?	Yes. The Councils believe that the Government should also consider setting indicative benchmark land values for the release of greenfield sites outside of the Green Belt, in order to facilitate the increased delivery of affordable housing and to support the delivery of high quality places supported by adequate and appropriate infrastructure. This approach would provide the opportunity to capture land value when 'exceptional' land release occurs, for example as a result of sites released under the presumption in favour of sustainable development through the delivery of rural exception sites. To be more focused, this could be applied to greenfield sites adjoining or well-related to settlements under 3,000 population to ensure that it only applies to rural areas and/or alternatively, it could exclude those sites that are identified as allocations within a local plan.
Chapter 5 – Brownfield, grey belt and the Green Belt	Green Belt land and Benchmark Land Values	38	How and at what level should Government set benchmark land values?	The Councils do not have any specific numerical proposals on the level at which the Government should set the benchmark land values. The Councils would however make the point that if the policy to encourage the release of land from the Green Belt is to be successful then it is necessary to ensure that the benchmark land value is set at a level that will incentivise the land owner to release the land for development, whilst balancing the need to ensure that it can deliver the necessary affordable housing and supporting infrastructure. The Councils would also point out the need to ensure that established benchmark land values are subject to regular periodic review to ensure that they remain appropriate and do not compromise the intent of the policy, either by being too high or too low.
Chapter 5 – Brownfield, grey belt and the Green Belt	Green Belt land and Benchmark Land Values	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	Yes. The Councils consider that this approach to limit the scope for viability challenge would seem sensible and would hopefully encourage land transactions to take place at a level that has regard to the required portfolio of development costs including necessary planning obligations and contributions.

Chapter	Topic	Question Number	Question	Draft Response
			benchmark land value. Do you have any views on this approach?	
Chapter 5 – Brownfield, grey belt and the Green Belt	Green Belt land and Benchmark Land Values	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?	The Councils consider that this is sensible and appropriate. The Councils would note that local planning authorities should not be seeking additional contributions above those required to make a proposal policy compliant in any case as these would not meet the statutory tests for applying planning obligations. The Councils would therefore question the need for explicit reference to such matters.
Chapter 5 – Brownfield, grey belt and the Green Belt	Green Belt land and Benchmark Land Values	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. The Councils would strongly encourage this approach to be universally adopted and required for all planning permissions, irrespective of whether the proposal falls within a Green Belt area or elsewhere, and whereby there is a significant package of development contributions and obligations required and which have been compromised by a development viability argument.
Chapter 5 – Brownfield, grey belt and the Green Belt	Green Belt land and Benchmark Land Values	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

Chapter	Topic	Question Number	Question	Draft Response
Chapter 5 – Brownfield, grey belt and the Green Belt	Green Belt land and Benchmark Land Values	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?	No
Chapter 5 – Brownfield, grey belt and the Green Belt	Green Belt land and Benchmark Land Values	44	Do you have any comments on the proposed wording for the NPPF (Annex 4)?	No
Chapter 5 – Brownfield, grey belt and the Green Belt	Green Belt land and Benchmark Land Values	45	Do you have any comments on the proposed approach set out in paragraphs 31 and 32?	No
Chapter 5 – Brownfield, grey belt and the Green Belt	Green Belt land and Benchmark Land Values	46	Do you have any other suggestions relating to the proposals in this chapter?	No
Chapter 6 – Delivering affordable, well-designed homes and places	Delivering affordable housing	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. North Devon Council and Torridge District Council are of the view that for the communities of northern Devon, Social Rent housing is the only form of “genuinely” affordable housing for the majority of households in affordable housing need. Social Rent allows households to meet their housing needs without recourse to benefits and being trapped in the benefit cycle. Evidence for the current North Devon and Torridge Local Plan shows that 75% of those in housing need require Social Rent. Delivery of Social Rent housing is however challenging due to the cost of doing so and whilst the Councils are fully supportive of giving greater recognition and emphasis to Social Rent housing, this expectation is also dependent on more grant funding in the national Affordable Housing Programme

Chapter	Topic	Question Number	Question	Draft Response
				<p>and further consideration of the situation whereby Homes England grant funding can only be used for additionality or delivery of 100% affordable housing. The Councils are broadly supportive of the changes to paragraph 63 which seek to incorporate a reference to Social Rent; recognising the overriding need for this tenure of affordable housing in northern Devon. The Councils would however it is necessary or makes any real change in practice, given that the preceding wording highlights the need to by definition include consideration of all of those who require affordable housing - therefore including those who need social rented housing.</p>
Chapter 6 – Delivering affordable, well-designed homes and places	Delivering affordable housing	48	Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?	<p>Yes. The Councils strongly support the removal of the requirement to deliver 10% of housing on major sites as affordable home ownership. The Councils consider that decisions on the appropriate mix of affordable housing tenures and products are best made at the local level by local planning authorities based on evidence of identified housing need. North Devon Council and Torridge District Council do not apply the current 10% requirement, applying the exception within existing policy that allows local planning authorities to not do so if they consider that it would significantly prejudice the ability to meet the identified affordable housing needs of specific groups. The justification for applying this exception is set out in the adopted Affordable Housing SPD (see www.torridge.gov.uk/ndtlp/spds).</p> <p>Paragraph 5.25 of the SPD states: "Policy ST18 provides that affordable housing will be sought initially on the basis of a tenure mix of 75% social rented and 25% intermediate accommodation. Applying the national planning policy requirement 10% affordable home ownership to the local plan policy requirement for 30% affordable housing on market housing sites would result in a requirement for an alternative affordable housing tenure split of 33.3% for home ownership and 66.6% for social rented housing. This would result in a significant reduction in the level of social rented housing which could be sought; diminishing the ability to meet identified needs for affordable housing across northern Devon.". The overriding need for affordable housing in northern Devon is for Social Rented Housing and as demonstrated by the justification provided within the SPD, delivery of this priority would be compromised by applying the requirement for 10% affordable home ownership.</p>

Chapter	Topic	Question Number	Question	Draft Response
Chapter 6 – Delivering affordable, well-designed homes and places	Delivering affordable housing	49	Do you agree with removing the minimum 25% First Homes requirement?	Yes. The Councils strongly support the removal of the minimum 25% First Homes requirement. The Councils are of the view that the First Homes product in its current form does not effectively help to address affordable housing need in North Devon and Torridge ; being unaffordable to those who are most in housing need and also providing a one-off product to assist only one household, rather than being available to help future households in perpetuity. Securing a minimum of 25% First Homes reduces the amount of affordable housing of other tenures that are considered to be more appropriate at genuinely addressing identified housing need in northern Devon. The Councils consider that decisions on the appropriate tenure mix secured by development proposals are best made at the local level based upon robust evidence of identified housing need (see answer to question 50)
Chapter 6 – Delivering affordable, well-designed homes and places	Delivering affordable housing	50	Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?	Yes. The Councils would be in strongly in favour of removing the provisions to deliver First Homes. The First Homes product in its current form does not provide a useful form of housing in North Devon and Torridge to meet needs as it does not provide an adequate discount to make the properties truly affordable. The Councils have carried out affordability analysis with consultants and separated northern Devon into value zones based on affordability and established discounts from the open market value required in the range between 37% and 79%. We do this under the banner of Discounted Market Sale housing and unlike First Homes the affordable home is NOT lost to the open market over time – ensuring that it is for future generations and that the percentage of Open Market Value /housing need requirement is retained in perpetuity. Helping just one household as a one off intervention is considered inappropriate when there is such a limited supply of affordable housing.
Chapter 6 – Delivering affordable, well-designed homes and places	Promoting mixed tenure development	51	Do you agree with introducing a policy to promote developments that have a mix of tenures and types?	Yes. The Councils are fully supportive of the notion of delivering mixed tenure development, recognising that this can help to promote social cohesion and strong balanced local communities, helping to deliver the premise of sustainable development and sustainable communities. The Councils would however welcome more clarification as to what is meant by mixed tenure in this context. The consultation appears to focus on rented and build to rent tenures but not discounted market sales or shared ownership, although it dose cite a mixture of

Chapter	Topic	Question Number	Question	Draft Response
				<p>ownership and rental tenures more generally. It is important to recognise that all tenures can help to contribute to the delivery of strong, diverse and mixed communities. It is however important that mixed developments and the tenures of housing provided by individual development proposals are reflective of evidence of local housing need and provide housing that is best able to meet identified needs whilst having regard to local context.</p>
Chapter 6 – Delivering affordable, well-designed homes and places	Supporting majority affordable housing developments	52	What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?	<p>The Councils would encourage the Government to ensure that national planning policy provides local planning authorities with the ability to set requirements locally that seek a mix of affordable housing types, sizes and tenures that are best placed to meet identified housing needs. The Councils would highlight the need to have stronger mechanisms for controlling land prices from the outset with less opportunities for viability to be a reason for a reduction in affordable housing. Viability is still a 'golden thread' throughout National planning policy and the local planning authority has little influence on what price is paid for land between the landowner and developer. There are still developers/land agents who do not abide by RICS viability guidance and the NPPF viability guidance and expect high land values over and above EUV, even on rural exception sites, that ultimately affect viability and reduce the amount of % AH required on the land. This also leads to landowners expecting higher values for their land. The presumption in favour of sustainable development and the associated requirements for demonstrating a five-year housing land supply have undermined the ability to deliver 'exception sites' for affordable housing across rural areas, by virtue of land owners having an expectation of achieving market-led housing on their land and realising higher land values. Would advocate that the presumption in favour of sustainable development should not apply in rural areas, potentially in and around settlements of less than 3,000 population. The Councils would encourage the Government to ensure that there is appropriate and adequate grant funding available to Registered Providers, with a certainty of pipeline funding, to support and encourage their take up of new affordable housing stock. The Councils would highlight the challenges that can come about in trying to secure a Registered Provider to take on Social Rented housing in small rural communities, where this may place a disproportionate burden of management and maintenance in an area with a low density of housing stock; it is imperative that Registered Providers are</p>

Chapter	Topic	Question Number	Question	Draft Response
				<p>incentivised to take on housing in such locations. The Councils would also highlight that it is important that there is buy-in with local communities for schemes that are seeking to deliver high levels of affordable housing and that this can often be best achieved by ensuring that proposals are directly linked to evidence of identified housing need, such as is normal practice in the delivery of rural exception sites.</p>
Chapter 6 – Delivering affordable, well-designed homes and places	Supporting majority affordable housing developments	53	<p>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?</p>	<p>Nowadays, the backgrounds of those in need of social rent housing are so varied due to access to private rented housing being very limited and this has widened the nature and mix of the communities in affordable housing. This should lessen concerns around majority affordable housing developments. However, the Councils would highlight the following matters which can be potentially addressed including: the risk portfolio of each lender may need to be extended if for example the proportion of shared ownership is high on one site.; a Local Lettings Plan can be used to manage any concerns with more rented housing in one area (ensuring a particular allocations limit – for example the percentage in unemployment, percentage on benefits, percentage of smaller or older children). The Councils would not necessarily advocate a specific maximum site size but would rather seek to ensure that policy sets out that proposals should be proportionate to the scale of the host community and be reflective of identified local housing need. The Councils would highlight that proposals should of course be subject to good place making principles and the notion of delivering sustainable development by applying the provisions of national planning policy and/or the development plan when taken as a whole. The Councils would also highlight that there may be benefit in applying local connection criteria to occupation to ensure that the host community has first priority on occupation - hopefully engendering local communities to support the delivery of such proposals. They would also highlight that affordable housing for rent is easier to safeguard and manage than private rented or owner occupied housing - which can help with integration. This is because Registered Providers can encourage tenants to change their behaviour or risk eviction (after one year of starter tenancy). Finally, the Councils would highlight that the pepper potting of different types of affordable housing is always important.</p>

Chapter	Topic	Question Number	Question	Draft Response
Chapter 6 – Delivering affordable, well-designed homes and places	Supporting majority affordable housing developments	54	What measures should we consider to better support and increase rural affordable housing?	The Councils would highlight that the single biggest barrier to the delivery of affordable housing in rural areas has been the devastating impact of the imposition of the presumption in favour of sustainable development, associated to the impact of the provisions relating to five-year housing land supply. These aspects of national planning policy have had the very real consequence of undermining the delivery of 'exception sites' for affordable housing in rural areas; with land owners seeking to retain land due to the expectation of being able to realise higher values for market-led housing schemes, or only being willing to release land for much higher land values that would preclude the successful delivery of affordable housing led schemes. The Councils would strongly advocate that the presumption in favour of sustainable development should be disapplied from rural areas - potentially linking to sites in and around settlements that are less than 3,000 populations, or linking to areas that are considered as Designated Rural Areas. The Councils would welcome any proposals and provisions that further support for Community Land Trusts (CLT) in delivering affordable housing - recognising the real value that their local expertise and knowledge can bring to bear. The Councils would suggest that there would be value in further guidance on development viability, especially regarding challenges around land value expectations in high value areas (such as tourism hot-spots) and the barrier this can cause in reality to the ability to deliver affordable housing. The Councils would strongly suggest the removal of the threshold for the provision of affordable housing that is applicable in rural areas (Designated Rural Areas), allowing affordable housing to be sought on developments of five dwellings or fewer. development schemes in rural areas are often modest by the very nature of rural places and allowing for the delivery of affordable housing, either physically on site or through the provision of financial contributions, through these small development proposals could potentially make a significant difference to delivery and addressing local housing needs in small rural communities. This does not need to be an onerous requirement for developers and with the use of template planning agreements can limit the impact on the timely progression of planning applications.
Chapter 6 – Delivering	Meeting the needs of	55	Do you agree with the changes proposed to	Yes. The Councils recognise the importance of planning to meet the needs of all sectors of our communities, including those who may be more vulnerable such as

Chapter	Topic	Question Number	Question	Draft Response
affordable, well-designed homes and places	looked after children		paragraph 63 of the existing NPPF?	<p>looked after children. The Councils welcome the addition of the reference to looked after children and also the reference in the proposed footnote to where evidence of need can be found. The Councils would however welcome additional guidance on what the specific planning outcomes may look like for this particular sector of the community and whether there are specific housing requirements that are explicit to those particular occupiers and additions to planning practice guidance may be beneficial in this case. The Councils would highlight that 'care leavers' and those families who adopt/foster are already prioritised through Devon Home Choice (choice based letting) in the allocation of affordable housing for rent across Devon. The Councils recognise that the provision of appropriately supported move-on accommodation should be a consideration in the preparation of Local Plans and will need the collaboration of County Councils, Local Authorities and Registered Providers. As an example of good practice, North Devon Council has over the last two years been working with Social Services and North Devon Homes in providing accommodation for the more complex of this cohort with a joint support package; with this formula is now being duplicated in other Local Authorities due to the success of this project. It is recognised that young people who are due to leave care supported accommodation at 18 find it increasing difficult to source suitable, affordable accommodation in the Private Rented Sector and that due to their young age it is also difficult to secure affordable tenure accommodation for them via Devon Home Choice as most single accommodation has an age restriction on it (e.g. 55 years+). The Councils are of the view that affordable social housing is that which is most required to meet the needs of this group, recognising that they can be in complex dynamic situations, can be on low incomes and require ongoing support as most will lack family support. Most will require 1 bed accommodation, however location will be vital in rural areas due to access to services, employment and or education. In North Devon, there has been a significant increase in the need for 1-bed accommodation across all cohorts, however whilst the 'child in need accommodation' is not high, they are difficult to move on in temporary accommodation.</p>
Chapter 6 – Delivering	Strengthening support for	56	Do you agree with these changes?	Yes. The Councils' support the proposed changes. Northern Devon has a strong history of community-led housing delivery and it has proved to be an effective

Chapter	Topic	Question Number	Question	Draft Response
affordable, well-designed homes and places	community-led development			model of delivering housing to meet local needs across our rural communities. The Councils would welcome any provisions that will help Community Land Trusts delivery housing to help the needs of local communities.
Chapter 6 – Delivering affordable, well-designed homes and places	Strengthening support for community-led development	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?	No. The Councils do not consider that 'essential local workers' should be included in the overall definition for affordable housing. Essential workers in need of affordable housing can access it through the normal routes for being considered eligible. It is essential that eligibility remains based on the ability of households to afford housing. The Councils are broadly supportive of the notion of delivering housing to be occupied by eligible workers, however could be either market or affordable based and there would be no need to change the national definition of affordable housing in order for this to be realised.
Chapter 6 – Delivering affordable, well-designed homes and places	Making the small site allocation mandatory	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?	The Councils strongly support measures which assist small and medium builders; recognising the important contribution that they can make to the delivery of housing and to the local economy through direct employment and the wider supply chain. The adopted joint North Devon and Torridge Local Plan 2011-2031 includes a range of specific small site allocations, the smallest of which is for 3 dwellings. The Councils do not however support the very prescriptive requirements for small sites contained within national planning policy, recognising that the approach can place an unrealistic burden on local planning authorities and may not result in the best outcomes to support small and medium builders. The small sites policy can generate the need to identify, appraise and allocate a significant number of small sites for housing, bringing with it many challenges for local planning authorities - from the practicalities of identifying a sufficient quantify of sites through to the significant resource implications of comprehensively assessing such sites, considering their options for allocation, drafting policies to ensure that the sites are brought forward in an appropriate manner and ensuring that adequate evidence is prepared to ensure that they can be justified at any examination. As an example, for northern Devon, the proposed new standard methodology would suggest a need to deliver approximately 26,000 dwellings over 20 years, resulting in a small site requirement for in the region of 2,600 dwellings. Making a generous assumption that small sites of under 1 hectare could potentially deliver 20 dwellings, would result in a very conservative estimate

Chapter	Topic	Question Number	Question	Draft Response
				<p>of the need to identify, appraise and allocate in excess of 130 small sites for housing in order to meet the policy requirement. This is likely to be a wholly unrealistic demand that could not be met within already strained local planning authority resourcing capacities, nor the timeframes planned for the delivery of local plans. The Councils would also highlight that small sites can often be subject to viability challenges and may not realise the delivery of adequate supporting infrastructure to support the newly residing households. Given the scale of the requirement of the small sites policy requirements, the cumulative impact could be quite significant. Whilst the Councils are keen to be supportive of SME builders, this would not appear to be the most appropriate solution. The Councils would suggest that increasing the site size threshold for the policy may be more appropriate whilst still providing sites appropriate for small and medium builders. The Councils would also advocate the imposition of mechanisms that require the sub-division of larger sites in order to allow a more diverse range of builders to be competitive and help with delivery. The Councils would also welcome any support that can be afforded to small and medium enterprises, including access to specialist support and advisors and through access to affordable and secure finance.</p>
Chapter 6 – Delivering affordable, well-designed homes and places	Requiring “well designed” development	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?	<p>Partially agree. This is a two-part question, and the Councils therefore provide a two-part answer. Part 1: Yes. The councils recognise that the term 'beauty' is problematic due to its subjectivity. Without design guides and codes, 'beauty' remains a challenging means by which to measure the success of planning applications. However, 'beauty' need not necessarily be measured but can be experienced in the built and landscaped environment, and the term thereby provides opportunities for place-making and for creating places and spaces that people enjoy. There is need for clarity on how the national ambition for beauty should result in better, healthier places at a local level within a democratic framework. Part 2: No. In relation to the Councils' answer in part 1, design codes can become the main clear, consistent, objective and democratic means through which development proposals are assessed and improved. The proposed amendments to existing paragraph 138 changes the requirement for local design codes to be in line with the National Model Design Code and changes the local design codes from being the primary means through which designs within</p>

Chapter	Topic	Question Number	Question	Draft Response
				<p>planning applications would be assessed and improved. Instead, the proposed changes make the National Model Design Code (as a basis for local design codes) simply another option for Local Planning Authorities to utilise alongside Building for a Healthy Life and other tools. The direct instruction to Local Planning Authorities to use their local design codes is therefore lost by the proposed amendments which remove the phrase: 'means of doing so'. This is because the phrase 'means of doing so' has a direct connection to the previous sentence in existing paragraph 138. Clarity on how Local Planning Authorities should assess and improve the design of development would therefore be lost through the amendment, and as a result the Councils recommend retaining the existing paragraph 138. Without clarity on how Local Planning Authorities should be assessing and improving design of developments, developments are likely to be delayed by the resulting time consuming and subjective discussions regarding design.</p>
Chapter 6 – Delivering affordable, well-designed homes and places	Supporting upward extensions	60	Do you agree with proposed changes to policy for upwards extensions?	<p>No. The Councils have concerns that blanket support for all types of upward extensions may result in negative impacts on local character. It is recommended to make clear within national policy that only appropriate upward extensions should be supported, and a local area design code or guide can be the means to define 'appropriate' upward extensions.</p>
Chapter 6 – Delivering affordable, well-designed homes and places	Supporting upward extensions	61	Do you have any other suggestions relating to the proposals in this chapter?	<p>Yes. The Councils would offer the following suggestions: (1) It would be useful to remove apparent confusion in existing paragraph 133 of the NPPF regarding (what should be) the distinct roles of design guidance and design codes. Design guides should support design policies in setting out design visions and expectations within local authority areas, and this could be made clear in existing paragraph 132. Design codes should be the means by which Local Planning Authorities set out (and enforce) clear and consistent framework for design expectations at specific sites. This is because design codes are reduced to design guidance if design codes are not adhered to. (2) It would also be useful to have consistency between design principles mentioned in the NPPF (function, attractiveness, character, sense of place, optimising potential, and health and well-being, trees, habitats, density, height) and the design principles set out in the National Design Guide and the National Model Design Code (context, identity,</p>

Chapter	Topic	Question Number	Question	Draft Response
				<p>built form, movement, nature, public spaces, uses, homes and buildings, resources, and lifespan). (3) In achieving well-design places, it is essential for planning and highways ambitions to be aligned, and therefore highways and parking standards should ensure the optimisation of inclusive, well-designed and sustainable design outcomes (which must include the presence of street trees which make important contributions to the character and quality of built environments, and help mitigate impacts of climate change). Such changes could be made to existing paragraph 136. There should be ability for councils to require the inclusion of meaningful outdoor space and for Councils to require greater adaptations to climate change, such as through requiring solar panels on roofs of new buildings. (4) It would be good to have greater emphasis and requirement for early engagement between stakeholders on design issues, which can lead to the creation of site-specific design codes which could help speed up planning decisions. (5) In existing paragraph 139, it should be clear that development proposals that are not well designed can be refused by a Local Planning Authority if the proposals fail to reflect or meet local design guidance and codes respectively. (6) In existing paragraph 140, in addition to materials, there should also be the ability for requirement of visual clarity of planting and landscaping on plans approved through condition. Local Planning Authorities should be able to prevent diminishment in subsequent permissions of those trees and planting arrangements approved. (7) The previous 6 points will help to increase the Councils' ability to improve design outcomes consistently and with greater certainty for developers, thereby increasing planning application processing time. (8) There is concern that recent residential developments are 'bolted on' to existing settlements without enough connection to the existing settlement, leading to challenges in the creation of community cohesion. It will be important for Local Planning Authorities to retain the ability to influence and encourage good design outcomes which includes better integration of new development.</p>
Chapter 7 – Building infrastructure to grow the economy	Building a modern economy	62	Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?	<p>No. The Councils consider that it is unnecessary and inappropriate to identify particular types of economic development within the specified policy criteria. Whilst the Councils are fully supportive of ensuring that planning plays its part in delivering a modern economy, they consider that national planning policy is best constructed to ensure that it provides broad support for all forms of economic</p>

Chapter	Topic	Question Number	Question	Draft Response
				development, rather than specifying particular 'in vogue' types of development; recognising that doing so is unnecessary and lacks the ability at being responsive to changing economic trends and requirements. The approach of specifying particular uses can also infer that other forms of economic development are not as important as those stated. The Councils are also concerned that the current wording does not appear to tie the need for the identification of sites to specific local needs for such uses, simply stating that they should 'meet the needs of a modern economy'. There will be localities that will not be appropriate for some or all of the specified uses and it is essential that local planning authorities are not required to identify sites for uses whereby there is no need or demand.
Chapter 7 – Building infrastructure to grow the economy	Building a modern economy	63	Are there other sectors you think need particular support via these changes? What are they and why?	No. The Councils do not consider it appropriate or necessary to identify specific sectors that should be afforded particular mention or support within national planning policy. Rather, it is considered that national planning policy is best constructed to be more generalised in its support for economic development and for local planning authorities to be required to understand the need and demand overall and for particular sectors, and to plan for these needs as appropriate, including through the identification and allocation of land.
Chapter 7 – Building infrastructure to grow the economy	Directing data centres, gigafactories, and laboratories into the NSIP consenting regime process	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?	The Councils are broadly supportive of the principle of data centres, gigafactories and laboratories being identified as types of businesses and commercial development which could be capable (on request) of being directed into the NSIP consenting regime. The Councils would however seek to ensure that only those of wider-than-local significance are directed down this route and that clear criteria are defined to prescribe the uses and the scale to which the NSIP regime would be applicable. It is considered that local planning authorities are often best placed to determine proposals for development, however it is acknowledged that there is a place for larger scale development of more strategic significance to be determined through alternative routes. It is however essential that local communities and their representatives, including local Councils, are able to be effectively engaged through the NSIP consenting regime; so as to ensure that local perspectives, experience, knowledge and expertise is able to be brought to bear. In doing so, it is necessary to recognise the significant resource implications on local authorities that can arise from carrying out their duties in relation to NSIP

Chapter	Topic	Question Number	Question	Draft Response
				applications and the need to ensure that there is a sustainable model of resourcing and funding in place to ensure that they can effectively engage and contribute.
Chapter 7 – Building infrastructure to grow the economy	Directing data centres, gigafactories, and laboratories into the NSIP consenting regime process	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?	Yes. The Councils consider that if the direction power is extended to these forms of development then a development threshold related to the scale of development should be applied; ensuring that only those proposals that have a larger-than-local influence are subject to the NSIP consenting regime; ensuring that where appropriate, local decisions on development remain to be taken within the local area.
Chapter 7 – Building infrastructure to grow the economy	Directing data centres, gigafactories, and laboratories into the NSIP consenting regime process	66	Do you have any other suggestions relating to the proposals in this chapter?	Whilst the Councils recognise the intent of Government and support the premise of ensuring that development to grow a modern economy is supported and facilitated through the planning system, the Councils would suggest that many of the proposed changes are unnecessary in order to achieve this objective. Rather the Councils would encourage reverting to a more flexible wording in national planning policy that is responsive to the diverse and changing needs of the economy and local communities, ensuring longevity of national policy and allowing planners and the planning system to be flexible and adaptable to ensure that appropriate development is enabled to meet needs and demands in a sustainable way.
Chapter 8 – Delivering community needs	Public infrastructure	67	Do you agree with the changes proposed to paragraph 100 of the existing NPPF?	No. Whilst the Councils are fully supportive and recognise the importance of the planning system supporting the delivery of public sector infrastructure, they do not consider that the proposed changes are necessary or appropriate. The Councils are concerned that affording significant weight to such proposals will inappropriately alter the planning balance on such proposals, potentially undermining the principles of sustainable development, with the scope for undermining and/or overriding principles and provisions in local plans. Simply requiring planning authorities to plan for the provision of such public service infrastructure, through their local plans, by identifying sites to meet needs and also

Chapter	Topic	Question Number	Question	Draft Response
				ensuring that due weight is given in decision making to the provision of necessary proposals.
Chapter 8 – Delivering community needs	Public infrastructure	68	Do you agree with the changes proposed to paragraph 99 of the existing NPPF?	Yes. The Councils support and welcome the expansion of the policy provisions to encompass both early years and post-16 education provision; recognising the important role these play in supporting the delivery of positive outcomes for communities, social and economic prosperity and well-being.
Chapter 8 – Delivering community needs	A 'vision-led' approach to transport planning	69	Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?	The Councils do not have enough clarity on whether it would be County Council's Highway Authority vision or the District Council's Local Planning Authority vision that would help inform the allocation of sites. It would be useful to clarify whether it is the vision in the local plans, highways plans or corporate plans being referred to. For example, Torridge has the lowest participation in active travel modes in Devon, and therefore the district authority needs the ability to prioritise the improvement of healthy modes of travel separate to the priorities of the County Council, should those priorities differ. The Councils also questions how the timing of visions will be managed in relation to the timing of the allocation of sites for development. However, in line with their corporate strategies, the Councils are in principle in favour of improving the forward planning of transport at an early stage of development plan creation so that inclusive transport options are required, carbon emissions can be reduced, health and wellbeing can be improved, and so that economic growth is encouraged and supported.
Chapter 8 – Delivering community needs	Promoting healthy communities	70	How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?	The Councils' wider strategies support the improvement of the ability of communities to access their needed services without use of a car to reduce car dependency. Planning has a critical role in improving health and wellbeing and in reducing work and costs for the NHS. Despite this, the NPPF is relatively silent on the role of planning for improving health. The Councils recommend that there should be specific means for Local Planning Authorities to refuse applications that create unhealthy places. For example, if the NPPF instructs Local Planning Authorities to do so, Health Impact Assessments could provide the Councils with evidence, from which the Local Planning Authorities can produce specific policies that reflect local health needs and issues. Whilst allocating land for development, local planning authorities should have a strong ability to choose sites that are most suitable for the enabling of means of active travel. The NPPF therefore

Chapter	Topic	Question Number	Question	Draft Response
				<p>needs more direct and clear reference provisions that allow for health-improving decisions. Direct and clear reference would include direction Local Planning Authorities to choose locations for development that would be inclusive in order to improve social connections and active travel. It would be useful for Councils to be able to require design features that support healthy environments, such as requirement for blinds to prevent overheating in buildings, or the ability to require play areas, pitches and recreation spaces that support healthy lifestyle choices. The Councils would like to see an increased ability for Local Planning Authorities to require meaningful recreation and leisure spaces. In addition, the Councils would find it beneficial for Local Planning Authorities to be able to prevent fast food outlets from being developed near schools. If National Development Management Policies are used instead, then there is a risk that specific health issues for the councils are overlooked. Both council areas have been shown to have an ageing population, with high levels of deep deprivation in particular areas. In addition, the rural nature of the authorities result in higher number of car journeys, due to reduced opportunities for active travel. Whilst National Development Management Policies may set a clear and certain national direction for local planning authorities to follow, the councils are concerned that national policies may reduce the ability to respond to provide housing for all people in response to locally identified needs.</p>
Chapter 8 – Delivering community needs	Promoting healthy communities	71	Do you have any other suggestions relating to the proposals in this chapter?	The Councils are in support for the improvement of health, and find that to plan for the improvement of health is the most important planning aim. The Councils maintain that good design, better environments, economy and social connections will help to improve health.
Chapter 9 – Supporting green energy and the environment	Bringing onshore wind back into the NSIP regime	72	Do you agree that large onshore wind projects should be reintegrated into the s NSIP regime?	Yes. The Councils' welcome the return of onshore wind projects to the national planning system and would agree that NSIP regime is best placed to consider larger scale projects, subject to ensuring that there are appropriate and adequate provisions in place to allow for local community and stakeholder involvement and consideration of local evidence and priorities - such as landscape character assessments.

Chapter	Topic	Question Number	Question	Draft Response
Chapter 9 – Supporting green energy and the environment	Supporting renewable deployment	73	Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?	Yes. As both North Devon and Torridge Council are signatories to the Devon Climate Declaration and the Devon Carbon Plan the Councils welcome proposed changes to give greater support to renewable and low carbon energy. The Councils would welcome measures that give greater weight to solar PV development on existing / proposed rooftops and ground mounted solar PV over existing surface car parks rather than covering greenfield sites that could be used for food production or housing/economic development.
Chapter 9 – Supporting green energy and the environment	Supporting renewable deployment	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?	Yes. As both North Devon and Torridge Council are signatories to the Devon Climate Declaration and the Devon Carbon Plan we welcome recognition that certain habitats may be considered unsuitable for renewable energy development. As areas of the Districts have a number of SACs, SPAs and SSSIs we would support additional protections over compensatory mechanisms.
Chapter 9 – Supporting green energy and the environment	Setting the NSIP threshold for solar generating stations and onshore wind	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?	Yes. The Councils recognise that wind energy technology has advanced significantly since onshore wind was subject to a permissive regime prior to 2015 and the quantum of development required to deliver similar levels of energy output have reduced, albeit the turbines may be larger in size. The Councils consider that the NSIP regime is rightly placed to consider proposals that have a larger-than-local significance and that 100MW is a reasonable threshold. For lesser proposals, the Councils do feel that being able to bring to bear local knowledge and perspectives provides real value to the process. The Councils would highlight that local planning authorities, including North Devon Council and Torridge District Council have not been routinely considering proposals for onshore wind development and therefore any programme of training and guidance would be welcomed.

Chapter	Topic	Question Number	Question	Draft Response
Chapter 9 – Supporting green energy and the environment	Setting the NSIP threshold for solar generating stations and onshore wind	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?	No. The scale of land required to deliver a solar project of 150MW is significant and with increasing scale comes the challenge of balancing legitimate local community concerns and the acknowledged wider benefits of delivering renewable energy. The Councils have experience of determining solar projects of up to the current threshold and are comfortable in managing the process of doing so. The Councils do consider that the threshold could be increased but are unsure that it should be increased to 150MW given the potential scale of land take associated to such proposals; considering that they have larger-than-local considerations when balancing their potential contributions to renewable energy production.
Chapter 9 – Supporting green energy and the environment	Setting the NSIP threshold for solar generating stations and onshore wind	77	If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?	The Councils are generally content with the increase in threshold for onshore wind but would be concerned at the full proposed increase in the threshold for solar projects and, whilst consider that an increase could be accommodated, would welcome a lesser increase than to 150MW.
Chapter 9 – Supporting green energy and the environment	Tackling climate change	78	In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?	The Councils would support the strengthening of policies which prioritise development in areas well-served by public transport to reduce car emissions. Strengthening policies which prioritise Active Travel infrastructure over the vehicle infrastructure in all developments. Strengthening policies which increase energy efficiency and incorporate renewable energy on all new developments and re-developments (incl. extensions) to levels needed to meet our 2050 target. National Planning policy could ensure the use of up to date Shoreline Management Plans in both plan and decisions making to recognise that carbon-rich habitats will migrate inland with sea level rise.
Chapter 9 – Supporting green energy and the environment	Tackling climate change	79	What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making	The Councils do not consider that tools for accurate carbon accounting in plan-making and planning decisions are widely available. The Councils are also concerned that the levels of carbon literacy amongst those expected to use and apply such tools can vary widely, and this will need to be addressed through appropriate training and guidance if they are to effectively aid decision making. The Councils would highlight that they feel that it is essential that the same tool, or

Chapter	Topic	Question Number	Question	Draft Response
			and planning decisions, and what are the challenges to increasing its use?	tools measuring the same impacts in the same way, are mandated - so as to ensure that developers, decision makers, communities, etc. are able to compare and consistently understand the impacts of development across different sites/spatial planning boundaries, etc.
Chapter 9 – Supporting green energy and the environment	Tackling climate change	80	Are any changes needed to policy for managing flood risk to improve its effectiveness?	Yes. The Councils are keen to see provisions made to allow for upstream interventions, such as natural flood management, within a catchment being capable of being considered when assessing the flood risk for individual development proposals; recognising that off-site improvements upstream in a catchment could potentially provide wider benefits to the community than simple on-site flood risk management provisions alone. The Councils do however recognise the challenges in quantifying the impact of such measures and also ensuring that they are adequately secured. The Councils, being within a Biosphere Reserve, are however keen to see ecosystem services approaches explored and adopted where possible.
Chapter 9 – Supporting green energy and the environment	Tackling climate change	81	Do you have any other comments on actions that can be taken through planning to address climate change?	Yes. The Councils consider that national policies should be strengthened to add the greatest weight to development proposals that provide robust energy efficiency measures and incorporate renewable energy to the levels required to support the delivery of the national 2050 target.
Chapter 9 – Supporting green energy and the environment	Availability of agricultural land for food production	82	Do you agree with removal of this text from the footnote?	Yes. The Councils would support the removal of the reference to food production in the footnote as it is not considered necessary or appropriate to highlight or prioritise one single potential use over all others when selecting sites. The Councils would however encourage the Government to include references elsewhere within the NPPF to recognise the importance of food production and food security.
Chapter 9 – Supporting green energy and the environment	Availability of agricultural land for food production	83	Are there other ways in which we can ensure that development supports and does not compromise food production?	Yes. The Councils would highlight the value of achieving multifunctional land use in order to reduce conflict between differing uses and ensuring that land for development is used efficiently. The Councils would welcome the continued prioritisation of protecting the best and most versatile agricultural land, however would also highlight that in areas such as northern Devon, it is not only land designated as such that has an important role to play in food production and contributing to food security.

Chapter	Topic	Question Number	Question	Draft Response
Chapter 9 – Supporting green energy and the environment	Supporting water resilience	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?	Yes. The Councils agree the current water infrastructure provisions in the Planning Act 2008 should be improved, with the provisions better able to mitigate and adapt to climate change. The Councils would highlight that Devon County Council is the Lead Local Flood Authority.
Chapter 9 – Supporting green energy and the environment	Supporting water resilience	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?	No. The Councils do not have any further suggestions for other areas of the water infrastructure provisions in the Planning Act 2008 could be improved. The Councils would highlight that Devon County Council is the Lead Local Flood Authority.
Chapter 9 – Supporting green energy and the environment	Supporting water resilience	86	Do you have any other suggestions relating to the proposals in this chapter?	Yes. The Councils consider that new and improved water infrastructure provision must be delivered along with very high standards of water efficiency in development and be supported by programmes to retrofit improvements to existing housing stock and other buildings. This is particularly applicable to the east of England at present which is subject to significant water resource challenges. The Councils also consider that development proposals should take full account of their embodied and operational carbon emissions.
Chapter 10 – Changes to local plan intervention criteria	Revision of the local plan intervention policy criteria	87	Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?	No, it isn't considered necessary for there to be intervention policy criteria in addition to the existing legal tests which already exist. Although it would be preferable for the current criteria to be replaced, given criteria such as 'the least progress in plan-making had been made;' does not take account of the reasons for a lack of progress.
Chapter 10 – Changes to local plan intervention criteria	Removal of the local plan intervention policy criteria	88	Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?	Yes, the existing legal tests provide adequate powers to intervene in circumstances where a local plan is not being progressed by a local authority in the manner which is expected.

Chapter	Topic	Question Number	Question	Draft Response
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects	Proposed fee increase for householder applications	89	Do you agree with the proposal to increase householder application fees to meet cost recovery?	Yes, the Councils support the principle that planning services should not make a financial loss for processing householder applications. Householder applications make up a significant percentage of total applications submitted and the current fee of £258 does not meet the recovery costs of officers and support staff. Permitted development rights still allow property owners to make changes to their homes without requiring planning permission, however where planning permission is required considerations can often be complex requiring careful consideration in terms of design and residential amenity. That said, the Councils are mindful of the impact any fee increase would have on their local communities, particularly where the associated householder works are very minor.
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects	Proposed fee increase for householder applications	90	If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.	N/A
Chapter 11 – Changes to planning application fees and cost recovery for local	Proposed fee increase for householder applications	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	Any application fee should be set appropriately and with regard to the Councils' roles in providing a public planning service. It should be no greater than that required to meet cost recovery. Given the suggested £528 fee is based on estimated costs incurred, this sum would seem appropriate should fee increases be introduced.

Chapter	Topic	Question Number	Question	Draft Response
authorities related to Nationally Significant Infrastructure Projects			£528. Do you agree with this estimate? If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.	
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects	Proposed fee increase for other planning applications	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.	Prior notifications submitted under the General Permitted Development Order take a considerable amount of officer time for a small, disproportionate fee. The fees for prior notifications should be more consistent with full planning applications especially where multiple dwellings are being created, or large agricultural buildings are being developed. Also increasing the fee for retrospective applications may assist in recovering enforcement fees and act as a deterrent to carrying out unauthorised works. Section 73 applications can often require a similar level of officer and support staff time as the original planning application, so this is a fee that should be increased, most logically in line with the scale and type of application it relates to.
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects	Fees for applications where there is currently no charge	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.	Listed Building and Tree Preservation Order applications are not currently subject to application fees. Both of these application types require support staff, officer and specialist inputs, so it is considered reasonable for fees to be introduced. In relation to listed buildings, it is suggested that a fee would be best considered where there is no linked planning application and that this is proportionate to the scale of development. Deed of variation and discharge details relating to Section 106 agreements should be subject to application fees and while it is recognised it is open to local authorities to establish these, a set fee framework would be helpful. These applications take up officer and specialist time, notably where viability arguments are being made to vary planning obligations.

Chapter	Topic	Question Number	Question	Draft Response
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects	Localisation of planning application fees	94	Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?	No, the Councils consider that this would be onerous and create unnecessary administrative work at a time when planning services are trying to be efficient. Furthermore, the setting of fees locally would provide uncertainty for those submitting planning applications over multiple local planning authorities e.g. volume and regional housebuilders.
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects	Localisation of planning application fees	95	What would be your preferred model for localisation of planning fees? Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee. Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally. Please give your reasons in the text box below.	As above in respect of Question 94, it is not considered that fees should be localised.
Chapter 11 – Changes to planning application fees and cost	Increasing fees to fund wider planning services	96	Do you consider that planning fees should be increased, beyond cost recovery, for planning application services, to	No, the Councils raise concern over how such an arrangement would be implemented and on what basis fees would be set. It would seem unfair for applicants for development to cover the cost of other planning services beyond those relating to the determination of their associated planning application.

Chapter	Topic	Question Number	Question	Draft Response
recovery for local authorities related to Nationally Significant Infrastructure Projects			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?	
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects	Increasing fees to fund wider planning services	97	What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?	As above, the Councils raise concern over the principle of increasing application fees to fund other planning services.
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant	Cost recovery for local authorities related to NSIP	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. Councils can be exposed to significant demands on time, resources and expertise in order to fulfil their roles in relation to applications for development consent orders under the Planning Act 2008. The Councils would fully support the ability to realise full cost recovery for their role from applicants and for this to be placed on a statutory footing as it is unreasonable for the costs of involvement to be funded through general Council budgets.

Chapter	Topic	Question Number	Question	Draft Response
Infrastructure Projects				
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects	Cost recovery for local authorities related to NSIP	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.	<p>NSIPs are often time intensive and this is particularly so for local authorities, especially 'host authorities', who have to factor in these commitments alongside existing caseloads/services. As is set out within the consultation document, the Councils agree that PPAs remain the most optimal way of cost recovery. However there are often significant delays in securing a finalised PPA, and thus this creates a lack of certainty for local authorities when it comes to resource financing.</p> <p>Whereby a PPA is agreed, it would be sensible for local authorities to waive fees. The ability to charge fees might further incentivise the agreement of a PPA in a much more timely fashion. As District Authorities, the Councils often rely upon services provided by external consultants - for example, on technical matters such as Landscape and Ecology. Furthermore, as local authorities deal with limited NSIPs, external legal advice can be beneficial. Therefore, the Councils would expect full cost recovery to cover these external services.</p>
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects	Cost recovery for local authorities related to NSIP	100	What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?	It should be accepted that any fees can only be set at a level to recover costs. It would be helpful to have agreed caps/prescribed fees - as otherwise there could be disputes about fees if they are not clearly defined. This would also provide certainty for applicants and local authorities.
Chapter 11 – Changes to planning	Cost recovery for local authorities	101	Please provide any further information on the impacts of full or partial cost	Torrige District Council is currently involved in an NSIP as 'host authority', which is at pre-examination stage. The Council has been engaged in a number of meetings and responded to the S42 consultation. The time and costs incurred to

Chapter	Topic	Question Number	Question	Draft Response
application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects	related to NSIP		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.	date are estimated below, which cover the period May to September 2024: Planning Officers - 100 hours Internal Specialists - (Environmental Protection, Conservation, Policy, Economy, Sustainability Officer) - 35 hours Devon County Council (also as host authority) to provide LLFA, Highways, Planning (broadly similar to the hours accrued by Torridge) Consultee fees: Ecology (not currently known), Landscape - £1800, Legal - £2500
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects	Cost recovery for local authorities related to NSIP	102	Do you have any other suggestions relating to the proposals in this chapter?	No. The suggested approach to support local authorities and their resourcing when involved with NSIPs is welcomed.
Chapter 12 – The future of planning policy and plan making	Transitional arrangements for emerging plans in preparation	103	Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?	The Councils recognise the importance of having an up-to-date local plan in order to plan proactively for northern Devon and ensure that it is meeting the diverse needs of its communities in a sustainable and responsible manner. North Devon Council and Torridge District Council have a relatively recently adopted local plan (October 2018) which has been determined to remain up-to-date through a completed five year review. The Councils have also resolved to work together to prepare a new joint local plan for northern Devon. The Councils find themselves in a difficult position of being ambitious and keen to prepare a new local plan but caught by the unfortunate timing of the proposed transition to a new plan-making system. Being at the very early stages (pre-Regulation 18) of preparing a new

Chapter	Topic	Question Number	Question	Draft Response
				<p>local plan means that the Councils are unable to benefit from any of the proposed transitional arrangements. The Councils are concerned that, irrespective of the fact that they are within the top 30% of those authorities with the most recently adopted local plan, through no fault of their own, they are not afforded any protections through the transitional arrangements and could find it considered out-of-date by virtue of the changes to national planning policy and the standard methodology. Given that it was a local plan that sought to plan for growth above identified needs and to provide a specific identified housing need (through a large amount of allocations and planning consents) significantly above the housing requirement (supply of over 20k dwellings vs 17.2k requirement), it is extremely disappointing that it could potentially be deemed out of date when considering applications for housing.</p>
Chapter 12 – The future of planning policy and plan making	Further plan-making reforms	104	Do you agree with the proposed transitional arrangements?	<p>No. The Councils welcome the clarification provided on the intended move to the new plan-making system and the associated transitional arrangements. The Councils are however concerned about the stated delay to Summer or Autumn 2025 for the introduction of the new plan-making system, given that they are ambitious and keen to prepare a new local plan to ensure that they are proactively planning for the future of northern Devon and its communities. Whilst the Councils welcome the extension of the deadline to submit local plans for examination under the existing plan-making system until December 2026, this is unfortunately of little help to North Devon Council and Torridge District Council who find themselves at the very start of preparing a new local plan; recognising that preparing a new local plan for submission by that date is unrealistic. Accordingly, whilst the Councils pragmatically appreciate the new Government need additional time to introduce the new plan-making system, this does unintentionally penalise the Councils who are seeking to be proactive and who are unable to reasonably commence formal plan-making activity at this time. The Councils are keen to ensure that the Government is aware of the desire of North Devon Council and Torridge District Council to formally commence work on a new joint local plan for northern Devon through the new plan-making system at the earliest opportunity. The Councils are concerned that in the interim, the current transitional arrangements, in combination with the potential introduction of the revised standard method, could compromise the ability of the Councils to consider their existing adopted local plan</p>

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				to be considered up-to-date. Given that the plan is relatively recently adopted, and deemed to be up-to-date through a recent five-year review, this would appear to be non-sensical and irrational; undermining the principles of a plan-led system and potentially disenfranchising local communities. The Councils would encourage the Government to ensure that consideration is given to providing additional transitional protections to local planning authorities who find themselves in a situation such as North Devon Council and Torridge District Council, who, through no fault of their own, find themselves caught in a plan-making hiatus beyond their control.
Chapter 12 – The future of planning policy and plan making	Future changes to the NPPF	105	Do you have any other suggestions relating to the proposals in this chapter?	The Councils would implore the Government to rapidly move to provide certainty to local planning authorities as to the specific timing of the ability to commence plan-making using the new plan-making system. Equally, the Councils would ask for clarity in a timely manner, and as soon as possible, as to the intended scope of local plans going forward and the detailed processes that will be required under the new plan-making system. Doing so will enable the Councils to ensure that they are making best use of the time in advance of the introduction of the new system and put them in the best possible position to be proactively planning for the communities of northern Devon. The Councils would also ask the Government to clarify at their earliest convenience any proposals to take forward the notion of allowing local planning authorities to commence plan-making in waves or the introduction of any alternative transitional arrangements that would impact on the ability of North Devon Council and Torridge District Council to formally commence plan-making in a timely manner; recognising their ambition to commence as soon as possible.
Chapter 13 – Public Sector Equality Duty	Public Sector Equality Duty	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,	The Councils do not have any specific comments on whether the proposals may inappropriately impact on any person with a protected characteristic. The Councils would however wish to take the opportunity to remind the Government of the need to 'rural proof' any policies. Some of the proposals would appear to be somewhat urban centric and not necessarily well suited to predominantly rural local planning authorities.

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			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?	