



HILLINGDON

LONDON

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Response to Government Consultation

This response is provided on behalf of the London Borough of Hillingdon.

Consultation response

Hillingdon Council welcomes the opportunity to respond to government proposals to help shape the planning system for a more effective and efficient system.

Chapter 3 Planning for the homes we need

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

No. The Council does not agree with reversing the changes to paragraph 61 which allows alternative approaches to the Standard Method. The Standard Method is a simple way to calculate housing need, and as such will not be appropriate for every Local Planning Authority given the range of different circumstances around the amount of existing housing and demographic trends. Planning inspectors have repeatedly concluded that a tailored approach for London, put forward by GLA Demography, creates an appropriate need figure.

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 Council does not agree with reversing the changes to paragraph 61 which allows alternative approaches to the Standard Method. The Standard Method is a simple way to calculate housing need, and as such will not be appropriate for every Local Planning Authority given the range of different circumstances around the amount of existing housing and demographic trends. Planning inspectors have repeatedly concluded that a tailored approach for London, put forward by GLA Demography, creates an appropriate need figure.

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

Yes. The Council supports the removal of the 35% urban uplift. The Urban Uplift was an arbitrary number with no evidential basis and applied without discretion or assessment of need to the top 20 largest urban centres.

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

No comment.

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

No comment.

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

No comment.

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

No. The Council considers it should not have to prepare a 5YHLS within 5 years of adopting a Local Plan. The plan seeks to deliver the maximum appropriate provision of housing and the deliverability is thoroughly tested at examination. Producing subsequent 5YHLS documents is a resource intensive process that relies entirely on developers engaging with the process in an efficient manner. There is an incentive for a developer to not develop a site with permission if they are also trying to achieve permission on another site that is contrary to the Development Plan.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No. The Duty to Cooperate is being reinstated and that fulfils this role. A Spatial Development Strategy (SDS) can also cover strategic planning matters.

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

No, the tests of soundness are fit for purpose and are well understood.

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

No comment.

Chapter 4 – A new Standard Method for assessing housing needs

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

Chapter 5 – Brownfield, grey belt and the Green Belt

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

No comment.

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

No. The Council objects to the proposed changes related to previously developed land in the Green Belt.

Currently previously developed land in the Green Belt can only be developed where it would:

- Not have a greater impact on the openness of the Green Belt than the existing development, or
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Therefore, development causing less than substantial harm is permitted provided it meets an affordable housing need.

The proposed revision allows development of any kind to be permitted, provided it causes less than substantial harm to the openness of the green belt.

This change will lead to development of uses which may not be in line with Local Plan objectives to take place within Green Belt and to cause harm to the openness of the Green Belt, to which the Council objects. It may also encourage minor clandestine development and poor upkeep of Green Belt land, in the hope that it could be subsequently redeveloped for a range of uses in the future that cause a greater degree of harm to the Green Belt.

The change is also not in accordance with the plan-led approach established by the NPPF, by allowing development in the Green Belt in an ad-hoc manner, outside of Green Belt review or the strategic approach of a Local Plan and IIA.

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

No. The Council objects to the expansion of the definition of PDL, for example to include hardstanding or glasshouses. The Council considers that the existing definition provides an appropriate response and is generally well understood. Any further expansions will encourage minor clandestine development and poor upkeep of land in an attempt to have it redefined as previously developed land, which would also lead to greater development on the Green Belt outside of the plan-led approach. Green Belt release should be coordinated on a strategic level through Local Plan Green Belt review to ensure sustainable development.

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

No. The Council objects to the introduction of Grey Belt land. The definition is not necessary as the current NPPF includes provisions for the development of PDL which are fit for purpose. The introduction of Grey Belt creates uncertainty in the planning system by challenging the status of Green Belt leading to speculation, dispute and unplanned ad-hoc development. The definition including the wording related to making 'a limited contribution' to the five Green Belt purposes offers a broad scope for differing interpretations on the type and extent of properties to fall within the definition. Green Belt release should be undertaken as part of the plan-led approach through Local Plan Green Belt Review where it is overseen by LPAs, subject to consultation, and subject to sustainability appraisal. As an alternative, reference could also be had to the

approach that existed under Planning Policy Guidance 2: Green belts¹ towards Major Developed Sites in the Green Belt which allowed for limited infilling of major developed sites where this would help secure jobs and prosperity. Major developed sites were identified by Local Planning Authorities through their development plans.

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

No comment.

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

No. The Council objects to the introduction of Grey Belt land and considers that the current approach to PDL is fit for purpose. However, should the government continue with the approach, then guidance on 'limited contribution' would be essential to limit the scope for interpretation.

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

No comment.

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

No comment.

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

The release of previously developed and grey belt land should be a plan led process. The development plan should be the mechanism for identifying the land required to meet identified needs in the right locations. There is risk that the introduction of 'grey belt' weakens the emphasis on the recycling of urban land as complex urban sites would be less attractive to developers than new areas of 'grey belt' and could have unintended consequences on prioritising the redevelopment of existing urban centres in authority's with areas of potential 'grey belt'. This would inherently encourage less sustainable patterns .

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

Yes, noting that this could only effectively be assessed through the plan making process.

¹ Office of the Deputy Prime Minister, updated 2001

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

The approach that would allow the release of Green Belt through decision making is not supported. As stated in response to earlier questions, Green Belt release should be undertaken as part of the plan-led approach through Local Plan Green Belt Review where it is overseen by LPAs, subject to consultation, and subject to sustainability appraisal.

It should also be noted that in a London context, the specific designation Metropolitan Open Land (MOL) which is afforded the same protection as Green Belt under relevant paragraphs in the current NPPF. This protection would be negatively impacted by these proposals despite areas of MOL serving a different function to Green Belt. There should be a clear recognition that this approach only applies to land within the existing Green Belt and not any land benefitting from the protections as set out in the current NPPF.

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

As stated in response to earlier questions, Green Belt release should be undertaken as part of the plan-led approach through Local Plan Green Belt Review where it is overseen by LPAs, subject to consultation, and subject to sustainability appraisal. Allowing the release of Green Belt through decision-making encourages speculative development and without a strong brownfield first policy there is a risk that more complex regeneration sites in existing urban centres will be deprioritised in favour of grey belt land which could further undermine the function of town centres and high streets.

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

The council consider that the proposed approach should not apply to traveller sites.

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

No comment.

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

Yes. The Council supports the changes to affordable housing as they make the national requirements simpler allowing scope for Local Planning Authorities to set appropriate local requirements.

Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the

Government or local planning authorities be able to set lower targets in low land value areas?

Select either:

The 50% target should apply to all Green Belt areas (including previously developed land in the Green Belt

The Government or local planning authorities should be able to set lower targets in low land value areas

Explain your answer:

No comment.

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

No comment.

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

Yes. The Council supports the introduction of indicative benchmark land values for land released from Green Belt in order to ensure the greatest level of public benefit would be secured from grant of permission.

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

No comment.

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

No comment.

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

No comment.

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

Yes, as well as the use of early and mid-stage reviews. There may also be scenarios where open book appraisals are required. The Mayor of London already provides significant guidance on viability reviews in support of the 35% affordable housing threshold policy in the London Plan which has proved effective for London LPAs.

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

No comment.

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

No comment.

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

No comment.

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

Chapter 6 – Delivering affordable, well-designed homes and places

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

No comment.

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

Yes. There should be proper assessment of the need for social rented housing.

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

Yes. The Council agrees with the removal of the requirement for Affordable Home Ownership. Local Affordable Housing requirements should be set by Local Planning Authorities to they can match provision with local need, which may need to focus on low-cost affordable rent products.

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

Yes. The Council agrees with the removal of the requirement for First Homes. Local Affordable Housing requirements should be set by Local Planning Authorities so they can respond to local needs and use an evidence based approach.

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

No comment.

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

Yes. The Council supports a mix of tenures and types, however Local Planning Authorities should retain control set tenure and type requirements.

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

No comment.

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

No comment.

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

No comment.

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

Yes. The changes related to looked after children are supported.

Question 56: Do you agree with these changes?

Yes. The changes related to community led development are supported.

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

Affordable Rent at 20% below market rent is not affordable anywhere in London. Suggest that 'or is at least 20% below local market rents (including service charges where applicable)' is removed from the glossary definition.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

Chapter 7 – Building infrastructure to grow the economy

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

No comment.

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

No comment.

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

No. The Council does not consider that data centre, gigafactories and laboratories should need to be included in the NSIP regime.

These uses are different from infrastructure included on the NSIP, such as energy, water and waste infrastructure. They can be accommodated on range of sites akin to other commercial and industrial uses. Development of data centres in London and in Hillingdon in particular has been strong and there is no indication that the planning system is a barrier to meeting market demand.

Planning powers should not be removed from LPAs for these uses to ensure development aligns with local plans and priorities, impacts are mitigated and to promote high quality contextual design.

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

No comment.

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

No comment.

Chapter 8 – Delivering community needs

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

Chapter 9 – Supporting green energy and the environment

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

Yes. The Council supports increasing the threshold for solar farms to be subject to the NSIP regime from 50MW to 150MW. This provides appropriate powers for Local Planning Authorities to control development in their area and assess against local conditions.

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

No comment.

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

No comment.

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

No comment.

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

The Council recognises that functional floodplain (Flood Zone 3b) is where water has to flow and the Local Plan effectively should allocate space for water with that overarching principle in mind. However, the Environment Agency still approach Flood Zone 3b as being a rigid outturn based on a flood model which is not consistent with the definition. The Local Planning Authority should, in liaison with the Lead Local Flood Authority and the Environment Agency have full and final say on the determination of functional floodplain. The definition in the corresponding guidance should therefore be reflected to ensure this is the case. The guidance should be amended to ensure functional floodplain is where the Local Planning Authority wants/needs/requires water to flow or be stored in a time of flood and not where it 'has to flow or be stored' given this latter definition still causes conflict.

Clarification should also be made to Paragraph 168 to make it clear that the first part of a sequential test is demonstrating a genuine need for the development. This would prevent landowners putting forward developments that are not necessary and, if permitted, would simply compete with existing uses located in areas at lower risk of flooding.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

Chapter 10 – Changes to local plan intervention criteria

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

No comment.

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

No comment.

Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects

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

Yes. The Council supports the proposal to increase householder application fees. This change is needed to support the functioning of the planning service and to address increased costs.

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

N/A

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

A 50% uplift would be the minimum increase. Our own analysis suggested that a 141% increase would be required to achieve full cost recovery.

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

No – it should be higher than £528

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

Our own analysis suggested that uplift required to achieve full cost recovery would be 141%.

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

Yes.

The erection of dwellinghouse (fewer than 10 dwellinghouses) – fee should be uplifted from £578 to £1,156 for each dwellinghouse. The processing of these applications

often require additional planning considerations (BNG etc.) that requires additional consultee input and due to local interest in these types of new development these applications can often require referral to Planning Committee (which requires additional officer/management processing time).

The erection of dwellinghouse (between 10 and 50 dwellinghouses) – fee should be uplifted from £624 to £1,248 for each dwellinghouse. The processing of these applications often requires additional planning considerations (BNG, S106 legal agreements, viability consultants, daylight/sunlight assessments etc.) that require additional consultee input and multiple workshops/meetings with applicants/agents. All major applications that are recommended for approval are also reported to Planning Committee (which requires additional officer/management processing time).

The erection of dwellinghouse (More than 50 dwellinghouses) – fee should be uplifted to £62,400 + £279 for each additional dwellinghouse in excess of 50. The processing of these strategic applications often require considerable additional planning considerations (GLA Stage 1 and Stage 2 referrals, S106 legal agreements, BNG, viability consultants, daylight/sunlight assessments etc.) that require additional consultee input (internal and external consultees) and multiple workshops/meetings with applicants/agents. All major applications that are recommended for approval are also reported to Planning Committee (which requires additional officer/management processing time).

Change of Use of a building to use as one or more separate dwellinghouses, or other cases (Number of dwellinghouses - fewer than 10 dwellinghouses) – fee should be uplifted from £578 to £1,156. The processing of these applications often requires additional planning considerations that require additional consultee input and due to local interest in these types of new development these applications can often require referral to Planning Committee (which requires additional officer/management processing time).

(Other Changes of Use of a building or land) – fee should be uplifted from £578 to £1,156. The processing of these applications often require additional planning considerations that require additional consultee input and due to local interest in these types of new development these applications can often require referral to Planning Committee (which requires additional officer/management processing time).

Removal/Variation/Approval/Discharge of Condition (Removal or variation of a condition following a grant of planning permission) – fee should be uplifted from £293 to 25% of the original planning fee on the consented scheme. It is considered that the processing of variation of condition applications on major applications can involve detailed planning assessments and require a necessity for referral to Planning Committee and deeds of variation to legal agreements etc. Accordingly, it is considered that the existing fee would require a considerable uplift to secure an appropriate element of cost recovery for the processing of these types of applications.

(Discharge of condition(s)) – Householder fee should be uplifted from £43 to £145 to correlate with the proposed changes to the householder fees cited above. This would respond to the increased workload that can result on the more complex householder proposals (in a Conservation Area or works to a Listed Building). All other permissions fee should be uplifted from £145 to £290 per condition. It is considered this proposed fee would more accurately reflect the work involved in discharging conditions on more complex minor and major planning applications. These submissions often require complex assessments of multiple conditions and can require input from multiple internal and external consultees.

Non-material Amendment Following a Grant of Planning Permission (Any other development) – fee should be uplifted from £293 to £586. This would respond to the increased workload that can result from processing NMAs on major applications which can involve more complex assessments.

Retrospective Planning Applications – fee should be uplifted from standard planning fee for the development or use to 100% uplift in the standard fee for the development or use. It is considered that this would respond to the more complex nature of these schemes that can require assessment of previously approved schemes and planning enforcement files. It is considered that this uplifted fee would also act as a deterrent to individuals that may want to carry out unauthorised works without obtaining the appropriate planning consent.

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

Listed Building Consent – fee should be set at £528. This would respond to the workload that can be involved in assessing complex proposals for alterations to certain Listed Buildings.

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

Possibly. There is clear evidence that the current fee structure does not reflect the cost of processing planning applications and as a result the function of LPAs is currently subsidised by general taxation. The council therefore agrees with the principle that the full cost of processing planning applications should fall on those seeking to benefit from securing planning permission. It is also recognised that there are different cost pressures for different authorities e.g. the London weighting makes the relative cost of staffing higher in London boroughs.

However, it is also recognised that there are potential downsides to local variation in planning fees between different LPAs and this could lead to confusion for agent and applicants, which could result in delays to the planning process. This could be addressed through a full review of the national fees with annual increases linked to the true costs of LPAs such a pay rises rather than the current link to CPI.

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

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.

Local Variation However, if a localisation model is to be introduced, the Local Variation option would be preferred, as this would still allow LPAs the option to adopt nationally set fees if desired, to avoid additional workload of creating local fees.

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

Yes. Fees should be increased in order to achieve full cost recovery in order to fund wider planning services including planning enforcement, strategic planning functions, planning obligations, conservation and design, economic development and planning specialists (air quality, flood and water management etc.).

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?

Based on the calculations for this authority, an 141% increase in planning fee income would be required in order to achieve full cost recovery to fund wider planning services (inclusive of all of the planning services listed above). It is suggested that proportionate fee uplifts should be applied to all planning applications.

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

Planning enforcement, strategic planning functions, planning obligations, conservation and design, economic development, highways development management and planning specialists (air quality, flood and water management etc).

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

Yes. Development consent orders are by their nature the most resource intensive type of application. Inevitably they attract a great deal of public attention with an expectation on the Local Planning Authority, as well as the wider services within the Council, to represent its residents. The costs rise exponentially if there is a need to attend a public inquiry.

The current situation makes no requirement of an applicant to fund the involvement of a Local Planning Authority. This constrains the Local Planning Authority from properly representing its views or alternatively requires the diversion of resources away from other business which potentially jeopardises involvement with other major development proposals where planning performance agreements are in place.

Examples come from the M4 smart motorway proposal where the council's resource was not adequately met and the commencement of the Heathrow 3rd Runway proposal in 2019. The council was fundamentally opposed to this latter scheme which had huge local impacts and required detailed Local Authority input across a myriad of specialisms. Whilst Heathrow Airport Ltd. were willing to provide some funding, despite the Council's opposition, it was not considered sufficient to allow the council to fully engage with the application. Consequently, the council had two choices, either undertake limited engagement within the resource provide by the applicant and not adequately address all the likely concerns, or proceed with considering the application at a significant financial loss whilst diverting resources from other council activity, including statutory functions and pre-paid planning agreements.

An initial exercise at the time indicated that external technical and legal resource to respond properly to the application (i.e. independently scrutinise highly complex technical matters) would cost the council approximately £1m through external

consultant and legal assistance. This would have left the council with more than £500k to find above the offer of the applicant. This did not cover all the activity of the council, nor did it account for internal resources.

The current system does not lend itself to a collaborative approach between applicant and Local Authority. The process favours the applicant and provides little incentive for them to engage in a meaningful way with the Local Planning Authority. If by the time of submission and ultimately examination, the applicant has not purposefully engaged with the Local Authority then it ultimately becomes too late as there are statutory timeframes to adhere to. An applicant who does not willingly engage in a meaningful way does not appear to be overly penalised. This was the council's experience from the M4 Smart Motorway Proposal.

A more balanced approach that **requires** active and purposeful engagement by the applicant prior to and after submission, as well as through the examination stage should be a **regulated** part of the process. The current system hinders Local Planning Authority from properly representing residents and communities and allows for the most impactful development projects to be subject a lot less scrutiny than far more modest planning schemes.

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

The Local Authorities impacted by a scheme should be able to recover costs related to the specific impacts. It's not appropriate to simply identify Local Authorities where development is taking place given some DCOs may have impacts outside the 'redline boundary' (i.e. construction traffic routes or overflights related to aviation development). It is also not appropriate to refine the range of topics a Local Authority can get involved in given these would need to be assessed on a case by case basis; for example in the Heathrow third runway DCO the council would have needed to access specialist advice on health and aviation impacts as well as interrogating surface access arrangements for millions of extra passengers a year – this requires a degree of expertise and involvement that would not ordinarily be available to the council.

The SLA approach adopted by HS2 Ltd. provides a useful example of how best to approach the levels of impacts experienced by a Local Authority. There is a consistent formula which is then applied to the specific issues between the promoter and the Local Authority. It allows a degree of pragmatism and discussion between applicant and Local Authority as to the expected level of work. If overseen by an independent body (the Secretary of State in the case of HS2 Ltd.) then this would avoid complications between an applicant and an Authority that may be opposed to the scheme being promoted.

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

The approach should be governed by reasonableness and with an appropriate dispute resolution process.

Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated

with work undertaken by local authorities in relation to applications for development consent.

The Heathrow 3rd runway DCO (2019) didn't make it through the complete process, but the council had engaged at the pre-consultation stage. The 'draft Environment Impact Assessment' submitted by the Applicant was thousands of pages and was by far the most technical series of reports that the council had received, more so than those for HS2 which runs through the north of the borough.

The Local Planning Authority needs to engage in the DCO in a similar way to any other planning application, in other words it needs to assess the material planning considerations and reach a planning balance. In addition, the Council may have wider issues that it needs to engage in that will form part of consideration by the Planning Inspectorate. This engagement with the process may result in opposition and/or detailed involvement in the subsequent Examination in Public (with recourse to legal advice as necessary) so as to achieve suitable mitigation/protection for residents. It is unreasonable to expect an applicant promoting a commercial development to properly reflect the needs of local communities; the council, in a variety of roles, will therefore need to be significantly involved in the development and decision making.

In order to achieve these objectives for the 3rd Runway the council needed support beyond its normal resources in considering planning applications. It would be unreasonable to expect a Local Authority to have all resources available to be able to respond to the level of task set by the 3rd Runway DCO – for example, the 3rd Runway proposal would have resulted in the extended closure of the M25 requiring traffic to divert on to local roads; Hillingdon would have been severely impacted but it would be unreasonable to expect council officers to continue its daily business as usual whilst analysing the possible impacts of closing the M25 for several years.

Consequently, the council required significant resources to solely work on the 3rd Runway submission. This covered a range of technical disciplines with many outwith the scope of resources necessary to consider 'normal' planning applications.

In addition, the Local Authority, separate from the Local Planning Authority, needed to engage on a large land acquisition proposal necessary to deliver the project. The Council would lose green space, open space, schools and other areas within its portfolio. This again required an exceptional workload.

There were also other regulatory roles outside the planning function that would need to engage properly. For example, several thousand properties were to be demolished along with schools and green space. The council would need to know how to accommodate the displaced people (particular vulnerable residents) as well relocating or reallocating children to new schools. What to do with these people and how to accommodate those impacted. Again, this was not a straightforward task and exceptional to the DCO being promoted. There was a huge resource burden that was going to be unmet.

In summary, the extent the council would have required to be involved in the 3rd Runway scheme far outweighed any goodwill funding offering by the Applicant. There was no recourse for the council to recover these costs placing a huge burden on the public purse.

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

No.

Chapter 12 – The future of planning policy and plan making

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

No comment.

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

The Council questions what the “relevant published Local Housing Need figure” refers to. It has a footnote that reads: Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This regulation is for an unrelated matter, being the documents prescribed for the purposes of section 20(3).

In the case of London this should refer to housing targets set by the London Plan, unless these have subsequently been superseded by a more recent Local Plan, not housing needs calculated by the Standard Method.

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

Other: Previously the Government has announced changes to Supplementary Planning Documents where their role is reduced. The Council would like the current arrangements related to Supplementary Planning Documents retained as they have an important role in driving up planning outcomes by allowing a faster way to introduce best practice planning guidance.

Chapter 13 – Public Sector Equality Duty

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

No comment.

Thank you for considering these responses.

Yours sincerely

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Sent on behalf of the London Borough of Hillingdon