

NPPF 2024 Consultation Response

Chapter 3: Planning for the homes we need

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

Yes – agree that December 2023 changes were unhelpful in diluting the importance of seeking to meet identified housing need figures, and gave excessive scope to avoid meeting need on a nationwide basis using the rationale of hard constraints such as green belt.

However, clarity should be provided that in London there remains scope through the London Plan for London's overall housing need figures to be distributed differently across the Greater London Area than as currently set out in the proposed revised method for calculating housing need. This will help ensure London's housing needs are not disproportionately focussed in the most expensive areas of central London such as Westminster, where other constraints such as limited availability of land and current demand for high quality office development represent a significant constraint on housing delivery.

Despite its nationally important role in supporting commercial growth, which should continue to be supported, Westminster is also home to a large residential population (unlike the City for London for example), and has unrivalled heritage value. Whilst the council is very keen to do all it can to support increased housing delivery, it must be recognised that the city faces unique competing pressures, which are not factored into the new housing need methodology, and that these must be fully considered when determining the extent to which the city can realistically contribute to London's overall housing needs. Furthermore, absent of further necessary reforms, new build private housing in the city is unaffordable for owner occupation except to those with very high incomes or levels of wealth, while much new supply has been currently lost to short-term holiday lettings or 'buy to leave' properties that are used either solely as investments or for occasional vacation use (the latter being primarily in prime and super prime areas). So, in addition to measures to unlock housebuilding on complex or constrained sites and to rebalance land use priorities towards residential development, changes are needed not only to increase the supply of social and other forms of truly affordable housing, but to also ensure that existing and future private properties are brought into permanent residential use.

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

See response to question 1 above.

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

Yes – the previous urban uplift disproportionately directed a higher proportion of housing need to urban areas. To properly address the housing crisis, there is a need to look at

strategic level growth in locations beyond existing cities, where this can be supported by the necessary infrastructure.

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

Yes – December 2023 changes on character and density were unhelpful in increasing the scope for schemes that optimise densities in areas of high housing need and existing low density to be refused, regardless of other factors such as infrastructure provision and design quality. The content of chapter 12 of the NPPF provide sufficient safeguards to secure developments that are of a design and scale that are appropriate to their surroundings.

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?

Yes – design codes can be highly resource intensive to produce, particularly within a highly urbanised and varied townscape context such as Westminster. Directing that they are most appropriate in major areas of change (either where significant intensification is envisaged, or where large new communities are proposed and there is no existing townscape character to respond to), will help ensure a proportionate approach to their use, where their clear benefits in shaping good growth can be maximised.

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

Yes. Proposed changes to paragraph 11d are helpful in ensuring that when the presumption in favour of sustainable development is applied, new development is secured in the right locations, is of a high quality design, and properly contributes to affordable housing need. This will help ensure that where local plan policies cannot be applied, it does not inadvertently result in poor quality developments in unsustainable locations.

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. Accurately updating records to demonstrate a 5-year housing land supply is a resource intensive activity that impacts on capacity to progress plan-making. Existing practice recognises that where such a supply has been successfully demonstrated through a local plan examination it has been subject to significant scrutiny, and can therefore be relied on for the 5 years since the plan was adopted. This practice should continue in order to free up resources for authorities to progress with plan making – thereby enabling greater local plan coverage nationwide.

Furthermore, existing requirements to report on housing delivery in Authority Monitoring Reports is sufficient in ensuring transparency when reporting on the level of existing permissions and the extent to which they have been implemented.

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

No – planning practice guidance can provide useful further detailed guidance to supplement the NPPF on detailed matters such as how housing supply data should be calculated, and offers scope to be easily updated as necessary.

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

Yes.

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

As set out in response to question 9 above, 5% is considered an appropriate buffer. However, a 20% buffer where there has been significant under-delivery over the previous 3 years (as set out in paragraph 76b) is considered excessive for the following reasons:

- Local authorities are largely reliant on the private sector to implement most of the planning permissions that they grant. They have little control over when a developer chooses to build-out existing consents in the absence of ‘use it or lose it’ reforms such as raising the threshold for considering pre-commencement conditions to have been discharged;
- Development cycles can fluctuate significantly over a short-term period as a result of wider global economic factors and investor confidence – e.g. much of the recent slowdown in build out of permissions can be attributed to the impact of Covid and Brexit.

If a buffer for under-delivery is maintained, it is suggested this should be set significantly lower than the proposed 20%, and relate to a 5 year time period rather than 3 years - to better align with requirements to demonstrate a 5 year housing land supply.

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

Yes – on the basis that this is an unnecessary burden, given that transparency on housing supply can be provided through the regular publication of Authority Monitoring Reports.

Questions 12 to 14 – Questions on maintaining effective co-operation and the move to strategic planning not relevant to Westminster (Answer N/A)

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. Using existing housing stock as a baseline for calculating future housing need assumes all areas have a similar capacity for the same levels of growth. In reality areas that are already densely populated may have limited further opportunities for continued intensification, whilst other areas may benefit from good supporting infrastructure (e.g. close to a public transport interchange), but have low levels of existing housing stock – due to existing density or land use mix, and therefore have greater capacity to support sustainable growth. It also takes no account of how existing stock is used – some housing stock may suffer from overcrowding, whilst others local areas are home to significant numbers of empty or underused properties, or properties that are largely used for short-term lets rather than permanent housing supply. At present Westminster contains both some of the wards and super output areas with the highest population density in the country and others that are hollowed out by short-term letting and underused or empty properties.

Westminster faces unique pressures in that alongside the City of London, its commercial function is of national economic importance, yet unlike the City of London, it is also home to a high level of existing housing stock. Its position at the centre of global city means the gap between average earnings and average residential properties are amongst the highest in the country. It also has unrivalled heritage value (home to the Palace of Westminster and Westminster Abbey World Heritage site, over 11,000 listed buildings, several Royal Parks and 78% of the city falls within a conservation area) that growth needs to respect and respond to. These factors combined mean the proposed method for calculating housing need results in an excessively high figure that will clearly not be achievable in a manner consistent with the objectives of the NPPF. It is therefore vital that as suggested in response to question 1, clarity is provided that scope exists for the London Plan to re-assess housing needs across London as a whole, as a strategic cross boundary matter.

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, for the reasons set out in question 15 above. Furthermore, absent of any reforms to ensure new builds are brought into use as dwelling houses (rather than used for short-term lets or passive investments), any increases in housing supply will not automatically feed through to greater affordability (in either the sale price or rents within the private rented sector).

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

No, for the reasons set out in question 15 above.

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?

Yes. The rental market is an important component of the housing market, increasingly so as the gap between earnings and average property sales values increases and a wider cross section of society rely on it as they cannot afford to buy a property that meets their needs. It is also more vulnerable to the impacts of properties being lost to short-term lets, which further inflates rental affordability, particularly in tourist hot-spots. It is therefore important that any calculations of housing need consider affordability in the rental market, not just the homebuyer market.

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

No.

Chapter 5 – Brownfield, grey belt and the Green Belt

Questions 20 to 46 – Questions on brownfield land and the greenbelt not relevant to Westminster (Answer N/A)

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

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. Social Rent is a vital component of future affordable housing supply, and the councils own recent housing needs assessment identified that the majority of affordable housing should be of this tenure.

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

Yes. In places such as Westminster, where property prices are exceptionally high, home ownership products such as First Homes or Shared Ownership are rarely affordable. Greater flexibility to provide for products that are genuinely affordable, including Social Rent and Affordable Rent, are welcome.

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

Yes – high land values mean products such as First Homes do not work in areas such as Westminster, since a 20% reduction from market values will be unobtainable to anyone that is eligible for affordable housing. There has also been no interest from the market in providing such products in the city, or in many other parts of London. It is therefore illogical to have a blanket high requirement for such products set out in national policy.

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

On the basis of the answer to question 49 above, it is suggested that all reference to First Homes could be removed from the NPPF.

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

Yes. Doing so can help contribute to the objective of securing mixed and balanced communities. We would also support greater emphasis in national policy on the important role of mixed use developments in commercial cores to secure a vibrant mix of uses that also contributes to housing need in such areas.

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

A higher proportion of affordable housing in new developments could be supported through changes to national policy that:

- Amend paragraph 65 of the NPPF so it is more supportive of seeking affordable housing contributions from non-major residential developments where it can be demonstrated by local evidence that doing so will not undermine development viability. This is necessary as in many parts of London small developments (particularly at Prime and Super Prime values) delivering less than 10 homes (either as 100% residential schemes or as part of mixed-use developments) form a significant source of new housing supply that generate enough value that they could viably make some contribution to much needed future affordable housing supply. As such, the NPPF should not continue to provide a blanket barrier to these schemes making such a contribution, given the clear need to take every opportunity to secure additional affordable housing;
- Provide scope for affordable housing contributions to be sought from commercial developments where justification can be provided. This is necessary as the lack of affordable housing options in central London to house the workers necessary to sustain the wide variety of economic activity (of national importance) that happens here, threatens the city's economic competitiveness. A mix of uses, that includes a diverse resident population, is also an important component of central London's character and plays an important role in supporting a wide range of service industries. Despite these benefits to residential development, the financial incentives

for 100% commercial development means it is the dominant development typology across large parts of the city – something that threatens Westminster’s ability to meet its future housing needs (both market and affordable).

- Reverse permitted development rights or amend the prior approval process so that where conversion of Class E floorspace to residential does come forward, it is required to contribute towards affordable housing supply. Nationwide the implementation of these permitted development rights result in large numbers of housing developments not needing to make contributions towards affordable housing (alongside multiple other negative consequences such as resulting in poor quality homes, homes in unsustainable and/or unsuitable locations, loss of space suitable for use by small businesses etc).
- Reduce the scope for viability assessments to be used at planning application stage to justify levels of affordable housing that are substantially less than those sought in local policies. The current emphasis of the NPPF on development viability over other considerations means viability arguments are frequently made at the planning application stage and result in levels of affordable housing provision well below target levels being treated as acceptable.
- Support the greater use of land assembly and other CPO powers by local authorities to enable large scale regeneration that helps support further delivery of significant quantum of affordable housing and other benefits that could not otherwise be realised.

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?

Paragraph 64b and paragraph 69 in the consultation document offer sufficient scope for decisions to be made about the appropriate mix of tenures on individual planning applications in the interests of securing mixed and balanced communities, whilst addressing high levels of need. An arbitrary maximum threshold of how much affordable housing a development should provide is not considered suitable for inclusion within national policy.

Question 54 – Question on rural housing not relevant to Westminster (Answer N/A)

Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF (to meet the housing needs of looked after children)?

Yes. Proposed changes to paragraph 63 are helpful in ensuring the needs are of the most vulnerable are an important component of housing need.

Question 56: Do you agree with these changes (to support community led development)?

Whilst to date there has been little appetite for community led housing development in Westminster, in principle this is broadly supported as a form of housing development that widens housing offer, so greater support for them in national policy is 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?

It is suggested that references to products that are available at least 20% below market rents is removed. In high value areas such as Westminster, the huge disparity between property prices and household incomes (the average home in the city is x22 the average household income) means that significantly higher discounts from market rates are necessary for homes to be affordable either to those in housing need or key workers. Allowing for products at only a 20% discount from market rates can also increase pressure for the delivery of a larger proportion of studio and 1 bed homes as the only housing type that is remotely affordable to anyone not on high salaries.

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?

In a dense urban environment such as Westminster, small sites already make a significant contribution towards housing supply, and come forward on a windfall basis. Nothing in national policy has prevented this source of housing supply coming forward. As such, it is not clear in what way the NPPF could be strengthened on this issue.

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?

Yes. 'Beauty' and 'beautiful' are highly subjective terms that are not useful in enabling consistency of decision making in supporting high quality design. Their deletion is therefore supported.

Several other references to these terms do however remain within the document, and their replacement should also be considered – including at paragraphs 8b, 75d, 127, 128, and 130.

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

We welcome the clarification regarding support for different forms of upward extensions, not just mansard roof extensions. However, we remain concerned that the wording in 122(e) remains somewhat divorced from the overarching principles of good design set out in Chapter 12 and would therefore recommend that there is cross reference to Chapter 12 inserted into 122(e).

Roof extensions can be particularly harmful though in design and heritage terms when permitted on an ad-hoc basis or where a run of extensions to different properties are not built out concurrently. Therefore, it is suggested that the 'exceptional justifications' test in 122(e) should be amended to enable conditions requiring simultaneous development to be used where appropriate.

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

To secure the delivery of more homes that meet identified needs, national policy should:

- Clearly set out requirements that where new homes are built, they are brought into primary residential use – rather than as 2nd homes that are either left unoccupied the majority of the time, or used as short-term lets that function as tourist accommodation similar to hotels. This would help ensure that where housing supply is increased, it meets its intended purposes of addressing the shortage of homes to buy or long term rent that the country desperately needs;
- Introduce ‘use it or lose it powers’ to ensure that homes that get planning permission are built out in full within a reasonable timeframe. This includes a need to raise the threshold of building works that triggers the discharge of pre-commencement conditions so very minor works cannot continue to be used as a means of ensuring a planning permission does not expire in cases where there is no genuine intention of building out the permitted scheme in full.

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?

Yes – given the importance of economic growth in Westminster to the national economy, the increased emphasis these changes put on the importance of economic growth nationwide, and what this means in terms of growth sectors and land uses, is welcomed.

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

Paragraph 85c is considered sufficiently open to capture the wide variety of nationally important economic activity that happens in Westminster. Nationwide, there may be some benefit in explicitly referring to the need to grow the green economy – given this can support the twin aims of supporting both economic growth and responding to climate change. There may also be some benefit in specifically referring to creative industries as a growth sector too.

Questions 64 to 66 – Questions on directing data centres, gigafactories, and laboratories into the NSIP consenting regime process not relevant to Westminster (Answer N/A)

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

No comment

Chapter 8 – Delivering community needs

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

Yes. The added emphasis on early years and post 16 education infrastructure is welcomed given its impact on future generations opportunities.

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

Yes, the proposed changes to the NPPF to promote a vision-led approach to transport planning are supported – subject to ensuring planning, highways and transport departments of local authorities are adequately resourced to facilitate this.

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

National policy could be strengthened to better recognise the role of the planning system in preventing ill health alongside promoting good health – especially where this would help reduce health inequalities. Whilst existing policy recognises the role of supporting active travel, access to open space and healthier food – it currently does not explicitly address the issues associated with any proliferation of uses that can contribute to poor health – including hot food takeaways, dark kitchens, and shisha bars.

In Westminster recently adopted policy on restricting hot food takeaways within a 200m catchment area of existing schools has so far proven effective in preventing new such premises opening in these locations. More explicit support for such measures through national policy may therefore be beneficial in tackling this contributor to childhood obesity at a national level.

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 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?

Westminster is a leader in exploring and promoting best practice for historic building retrofit to improve energy efficiency. We therefore welcome the strengthened wording in Chapter 14, which would afford additional weight for developments that generate renewable energy (including local heat networks), and/or improve the energy efficiency of buildings.

Questions 74 to 77 – Questions on peat soils and largescale wind and solar projects not relevant to Westminster (Answer N/A)

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

National policy is currently silent on embodied carbon associated with buildings. Chapter 14 should be updated to recognise that decisions on whether to repurpose, adapt and/or extend existing buildings, rather than demolish and replace them, has a major impact on the country's carbon emissions. Not reflecting this in national policy will have a significant impact on the UK's ability to meet its net-zero targets. It should therefore be made clear that decisions on the sustainability and environmental performance of a building should consider embodied carbon, alongside the delivery of other policy objectives. There is currently a heavy emphasis on operational emissions, but as further progress is made on grid-decarbonisation, embodied carbon will remain a significant source of emissions.

Westminster is proposing a new policy as part of our City Plan Partial Review which requires retrofitting to be considered before other development options, in the interests of reducing the amount of embodied carbon emitted as a result of the built environment, whilst still facilitating and promoting growth and the delivery of affordable housing.

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?

The tools for accurate carbon accounting are commercially available, mature in their development, and are used widely across the industry, partially due to local policies that seek to impose carbon benchmarks (such as the London Plan).

As well as licensed tools (e.g. One-click LCA, eTool) there are several free to use tools (e.g. IStructE Structural Carbon Tool, H/.BERT, FCBS carbon). The Royal Institute for Chartered Surveyors (RICS) professional standard for undertaking carbon calculations provides a robust and well understood standard that is easily implemented through the templates provided by the RICS.

It is therefore our view that readily available tools exist for accurate embodied, upfront and whole life carbon accounting, alongside existing practices for assessing matters such as energy efficiency, performance, and renewable energy.

Accuracy and standardisation of reporting must be ensured through legislative mechanisms that bridge any performance gap for whole life carbon in a similar way to operational carbon (e.g. post-construction whole life carbon assessments). We believe there is technological

readiness to accurately capture 'as-built' emissions, in turn allowing for data collection, monitoring and informing net zero policies.

There is a great opportunity for the NPPF to impose embodied and whole life carbon reporting to all developments involving substantial demolition - to ensure greater standardisation and shared ambition in responding to climate change on a nationwide basis. Doing so is supported by a variety of initiatives, such as LETI, UKGBC, UK Net Zero Building Standard, Future Homes Standard and the proposed Part Z.

Whilst tools and expertise exist within industry, the biggest challenge is to recruit expertise into Local Planning Authorities and/ or upskilling officers to review assessments submitted. However again there are several initiatives that are already addressing this issue, such as the Planning application carbon evaluation and reduction platform (PACER) which is currently being developed and will be adopted by Westminster City Council in early 2025.

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

Yes, effectiveness could be improved by amendments to provide greater clarity on requirements around Flood Risk Assessments (FRAs). Current wording in the footnote to Paragraph 174 requires a site-specific FRA to be provided for **all** development in Flood Zones 2 and 3. A significant area of Westminster is within these flood zones and current wording suggests even small changes at upper levels which would not impact on flood risk require an FRA, placing an unnecessary burden on applicants and planning officers. We recommend greater clarity is provided and an FRA is only a requirement for forms of development which may have an impact flood risk e.g. development which changes the size of a building, changes the lowest floor level of a building or changes the use of the building to an increased flood vulnerability. This would ensure resources are targeted more effectively to managing development within flood zones which has the potential to impact on flood risk.

Permitted development rights for the paving over of front gardens should also be re-visited given the negative impacts this can cumulatively cause to flood risk by reducing the amount permeable surfaces.

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

Planning policy has a major role in addressing climate change through supporting:

- the retrofit of existing building stock to ensure it is more energy efficient, and reduce the embodied carbon associated with unnecessary demolition and re-build;
- a move away from energy from fossil fuels in new developments,
- a fabric-first approach to construction that prioritises low-carbon biobased materials or materials with high recycled content;
- imposing embodied (upfront) carbon limits (aligned with LETI, Future Homes or UK Net Zero Building Standard).

Although not within the remit of planning policy, the removal of VAT on retrofit and imposing VAT on demolition would also be beneficial in overcoming a major financial obstacle to retrofitting existing building stock being a more commonly explored development option.

Chapter 10 – Changes to local plan intervention criteria

Questions 82 to 88 – Questions on availability of agricultural land for food production, supporting water resilience via NSIP and local plan intervention criteria not relevant to Westminster (Answer N/A)

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?

The council supports a cost recovery approach to setting all planning application fees, which is essential to ensure that local planning authorities are appropriately resourced to meet current and future demand, whilst also ensuring that provision of appropriately resourced planning services to deliver good growth does not occur at the expense of other essential council services that do not have their own revenue streams.

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

The council supports an increase in the householder application fee to the level identified in the consultation (£528). Whilst we recognise that the increase would represent a notable increase from existing, it is important that all development types achieve cost recovery so that the cost of the application assessment falls on the applicant and is not met (whole in part) by the council's wider budget.

As identified in the consultation at Chapter 11, paragraph 9, we agree that a high proportion of minor alterations to dwellings (such as to replace windows, install photovoltaic panels and construct smaller extensions) now often fall within permitted development tolerances and therefore typically householder developments requiring planning permission are more likely to generate a financial benefit to the applicant that means the increased application fee would not prove a deterrent for carrying out the development.

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?

Yes, the council supports an increase in the householder application fee to the level identified in the consultation. A time-tracking exercise undertaken by the Council in autumn 2023 identified that householder applications cost on average circa £500 to assess and determine and this supports the £528 fee proposed in the consultation.

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.

The time-tracking exercise undertaken by the council in 2023 identified that certificates of lawfulness took on average £535 to handle. Often certificate applications relate to works that would not increase floorspace and therefore a fee of only £293 is applicable. Where certificates relate to existing works certificates can be complex to assess, even where the scope of works involved is limited. For example, it may be necessary to establish when works were undertaken through a process of investigation, both on site and by examining available records. It is also often necessary to liaise with colleagues in the planning enforcement team to ensure alignment with any enforcement investigations.

Accordingly, the council would welcome the introduction of higher fees, particularly for applications for certificates relating to existing use or development. Higher fees could be x1.5 or x2 the normal application fee, which would result in a fee that is more representative of the average cost to the council of handling these applications.

In addition to considering increases to application fees/ allowing LPAs greater flexibility to set fees, unnecessary costs should also be removed from the planning application process wherever possible so that resourcing can be increased without impacting application fee levels where possible. In this respect the current requirements for press notices are overly onerous, particularly as residents and other stakeholders are now alerted to planning applications via other sources (e.g. automatic email notifications, notification letters, site notices etc.).

For Westminster the current requirements for site notices are particularly burdensome and costly as a requirement remains for press notices for all listed building consent applications proposing external works and non-major applications that affect the setting of a listed building or the character or appearance of a conservation area. Westminster has more than 11,000 listed buildings or structures and more than 70% of the city is within a conservation area. We receive circa 1,300-1,400 listed building consent applications and 3,000-3,500 non-major planning applications per annum, the majority of which require a press notice. This has an annual cost of circa £60-70k per annum, which is equivalent to 1.5 FTE planning officers.

The rationale for continuing to require press notices for these application types is unclear given that the purpose of notification in the case of all application types is to draw the attention of residents and other stakeholders who may be impacted by the proposed works. As above this is now more effectively achieved by other digital and other more targeted non-digital means.

We would therefore strongly welcome amendment of the current requirements set out in Reg 5(a)(a) and Reg 5A(1)(a) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) so that they align with the requirements for planning applications as set out in 15(1)(5) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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.

The council handles the highest number of listed building applications of any local planning authority in the country (1,493). The statutory duty imposed on the council as a result of this volume of applications is significant without providing any associated income and therefore the cost of this essential duty, which serves to maintain and enhance the country's historic buildings, structures and monuments, is borne by the residents of Westminster rather than those who stand to benefit from the enhancements made to heritage assets within Westminster. Accordingly, this aspect of the council's planning work significantly impacts resource available to assess planning applications, which typically contribute more significantly to growth.

In this context, the council would welcome the introduction of a fee that covers the cost of listed building consent applications. The time-tracking exercise referred to in questions 91 and 92 identified that the average cost of handling a listed building consent application in 2023 was £495.

It should be noted that even where listed building consent applications accompany planning applications for similar works, determination of the listed building consent application still entails additional work, (for example to assess internal alterations, review the heritage impact assessment, draft conditions specific to the listed building consent decision letter etc.), and therefore a fee should be charged for listed building consent applications irrespective of whether they accompany a 'linked' planning application.

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?

We would strongly welcome the opportunity to set fees locally to ensure that additional costs associated with Westminster's Central London location and unique resource requirements (which are associated with the volume of applications, the range of application types – see Q93, and their complexity), are accounted for in application fees for the reasons set out in answer to Q89.

Salaries necessary to attract a good standard of planning officer in Central London are typically much higher than in other locations due to the cost of living in London and increased competition from a wider range of private sector employers. There are also other increased costs associated with council accommodation and services.

Analysis of the council's planning income from statutory planning application fees and budget for its planning teams and integrated support unit in 2023/24 indicates that at present application fee income accounts for only 39% of the cost of the service.

Locally set fees offer the opportunity for local authorities to fully resource themselves appropriately to meet their individual demand profiles (as outlined above) in a way that they cannot currently do via nationally set fees. It would also ensure that resourcing is appropriate to the needs of a particular local planning authority so that each can maximise their delivery of good growth that responds to the needs and requirements of their areas.

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

For the reasons set out in response to questions 94 and 96, the council would welcome the opportunity to charge fees that represent cost recovery for the full extent of its planning service, so that the cost of the service is not partially borne by the council at the expense of

other essential services that do not have revenue streams of their own. We agree with the consultation that the cost of planning services should be met by applicants, who stand to gain from the grant of planning permission (or other application types) and should not fall to local communities to fund through other council budgets.

As referenced in response to earlier questions, we have recently undertaken a time-tracking exercise to establish the costs associated with different application types and would therefore welcome the opportunity to work with Government to develop proposals for localised fee setting.

Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services? If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

Yes, planning fees should fund wider planning services, such as planning policy, enforcement, and design and conservation services. This should not be viewed as 'beyond cost recovery', as these functions are essential to support robust, effective and timely plan making and planning decision making, which in combination deliver the right type of development to meet the needs of our local communities.

Analysis of the council's planning income from statutory planning application fees and budget for its planning teams, design and conservation team, enforcement team, policy team and integrated support unit in 2023/24 indicates that at present application fee income accounts for only 24% of the cost of these combined planning services.

All applications are reliant on planning enforcement as a necessary tool to maintain planning control across all application types. Therefore, it would be appropriate for all application types to fund enforcement functions (including informal stages of enforcement investigation). Costs associated with other services such as design and conservation services could be recovered across a narrower range of application types, such as listed building consents, applications within conservation areas and major applications.

Whilst planning application fees have historically been based on the principle that fees seek to achieve cost recovery, our time tracking exercise identified that this is not the case, with fees for major applications either at or above the rate of cost recovery, whilst non-major and other application fees are currently substantially below cost recovery. We are concerned that this may remove the current partial cross funding between major and non-major/other applications being removed, resulting in more substantial increases in fees for non-majors and other applications and reduced fees for some major applications. Given the greater reliance on the policy framework within local plans, the cost of planning policy development should therefore be borne more proportionately by major development. Major development fees should also include appropriate funding for specialist sustainability, biodiversity, viability, affordable housing and building control officers, which would help to improve the quality of decision making and speed up decision making by making local planning authorities less reliant on external consultants and third-party consultees for expert advice in these fields.

Local planning authorities should also be able to factor in the costs of other internal consultee departments such as environmental health, highways and arboricultural services.

We would welcome the opportunity to work with Government to establish the additional costs that should be factored in to application fees to fund the wider planning services that are essential for an effective planning system.

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?

See recommendations for the services and specialist officers that should be funded by application fees in the response to question 96. It should be noted that appropriate resourcing of specialist officers within the department and of our consultee departments within the council will speed up and improve the quality of decision making for major and non-major applications.

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, we agree that local authorities should be able to achieve cost recovery for all application types.

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.

We agree that it may be appropriate for local authorities to have the right to waive fees where costs are covered by a Planning Performance Agreement.

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

No comments.

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.

No comments.

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

No comments.

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?

Within London, there is a long-established precedent that as a strategic and cross boundary issue, the London Plan sets housing targets for individual boroughs, informed by assessments of both need and capacity. Work on a new London Plan is commencing, which could look to meet London's identified needs but redistribute borough level targets based on a greater understanding of growth opportunities, capacity, and infrastructure investment than any generic nation-wide formula can reasonably provide. Within this context, it should be made clear that London boroughs should seek to exceed London Plan targets as opposed to meeting newly identified targets that currently disproportionately direct need to some of London's more densely populated and expensive central areas.

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

No – see response to question 103 above

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

No comments

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?

In respect of aspect of the consultation focused on application fees, there should be safeguards within any future revised fees regime that ensures that certain application types, such as those for access improvements, remain free of charge.