

<b>Report Title</b>	Proposed changes to the National Planning Policy Framework
<b>Meeting</b>	Executive
<b>Meeting Date</b>	19 <sup>th</sup> February 2026
<b>Report Author</b>	Neil Watson
<b>Directorate</b>	Place
<b>Lead Executive Member(s)</b>	Cllr Lola Whipp
<b>Wards Affected</b>	All
<b>Public. Part Exempt, or Fully Exempt</b>	Public
<b>Appendices (if any)</b>	1. National Planning Policy Framework Consultation Responses

## 1. Executive Summary

- 1.1 On 16 December the Ministry of Housing, Communities and Local Government (MHCLG) launched a public consultation to consider proposed changes to the National Planning Policy Framework (NPPF). The revisions seek to create a clearer, more rules-based framework for plan-making and decision-making, with the intention of ensuring more timely and consistent outcomes.
- 1.2 There are 225 questions set out in the document which cover a wide range of topics. The main impacts for Pendle are set out in section 2. The proposal sets out how Local Plans will be reviewed once adopted. However, this is different to the stated transitional arrangements (Ministerial statement on 27<sup>th</sup> November 2025) the Government have set out for Councils such as Pendle who have adopted Plans under “transitional arrangements”. These issues, alongside the role of Spatial Development Strategies, which are to be produced over Strategic Authority footprints, are of concern in terms of how they impact on Plan making for Pendle.
- 1.3 There are changes to the planning balance in reaching decisions on planning applications with a permanent “tilted balance” applied to developments in settlements where schemes will need to be approved unless there are substantially outweighed by adverse effects.
- 1.4 The consultation runs until 10<sup>th</sup> March 2026. It introduces a significant amount of change and the impacts are being considered nationally through bodies such as the Local Government Association. It would be prudent for the Council to delegate the final form of the response to the Portfolio Holder and Chief

Executive in order to be able to add pertinent points which may emerge through the wider consideration of the impacts of the proposals.

## **1. Recommendations**

**For the reasons set out in this report the Executive is recommended to:**

- i Agree to the initial response as set out at Appendix 1
- ii Delegate the final response to the Chief Executive and Portfolio Holder to agree.

## **2. Information: the Rationale & Evidence for the Recommendations**

### ***Background***

- 2.1 The revised NPPF is a substantially different document in its format and approach than its predecessors. It sets out distinct policies under new headings and refers to policies as opposed to general paragraphs in the current version. The structure has altered where there are plan-making policies in each section followed by decision-making policies. These changes are welcomed and will help to simplify the understanding of the document.
- 2.2 There are a considerable number of policy changes proposed. Some are welcomed whilst others are not. For example, when producing Local Plans the emphasis is to produce them quickly in a 30 month timescale. However, what the NPPF fails to understand is that it is not the processes or lack of willingness to produce Plans quickly that has caused the lack of progress of many Councils in producing Plans but the amount of evidence needed. Unfortunately, the NPPF significantly adds to that evidential requirement. Instead of shortening the timescales and complexity of Plan preparation as it stands it will lengthen it. This will also increase costs.
- 2.3 The following outlines some of the issues the draft NPPF brings forward.
- 2.4 Spatial Development Strategies (“SDS”) will become part of the development plan for the area. These will be produced by Strategic Authorities. Local Plans will be expected to deliver development in the quantum set out in those. Deviation from them will only be acceptable in instances where there have been significant changes in circumstances. The written Ministerial Statement of 27/11/2025 states that regulations will be made to require Local Plans for Councils who have adopted Local Plans under the NPPF transitional arrangements to agree to start them by June 2026. Plans will have to reach what is termed Gateway 1 by 31<sup>st</sup> October 2026.
- 2.5 However proposed NPPF policy PM2 says new Plans are to be started within 5 years of adoption of the last Plan. That would be December 2030 for Pendle. Councils with out of date Plans do not have to start new Plan preparation until

April 2027. SDSs will not in place for some time. In addition, the policy base for preparing new Plans and the supporting legislation is not yet in place making preparation fraught with difficulties.

- 2.6 The suggested response objects to this disjointed approach to new Plan preparation. The sequence should be legislation and guidance in place, SDSs produced with Local Plans emerging within a coordinated and logical developing policy framework. The proposed method is confusing and will be costly as Plans and the evidence base will need to be revisited.
- 2.7 It is helpful in indicating that the five year supply of housing land will be assessed against the Local Plan objectively assessed need figure and not against the Standard Methodology figure. These are 148 and 334 units per annum respectively for Pendle.
- 2.8 Proposed policy HE1 will require the Local Plan to identify and assess risk to heritage assets in the Borough including restoration measures. This requirement should not be part of a Local Plan. A Local Plan's role is not to look at individual heritage assets and produce a blueprint for their restoration. This requirement would be a major piece of work and would take some time to produce.
- 2.9 Policy S5 (a national DM policy) establishes the principle of development outside of defined settlement boundaries. It includes scope for housing where there is evidence of unmet need for local housing under part j. Importantly for our Local Plan, Paragraph 3 of Annex A (Implementation) makes clear that 'unmet housing need' does not include circumstances where the adopted housing requirement is lower than the standard method figure for a period a 5 years' post adoption.
- 2.10 Policy S4 mirrors the Local Plan in limiting development to be within settlements except in certain circumstances. One of these is when there is unmet need and there is not a five-year supply of housing or housing delivery is below 75% of the housing requirement.
- 2.11 The planning balance that planning applications are currently assessed under changes in many parts of the proposed Framework. Instead of a normal planning balance, development proposals that are in line with policy are generally to be approved on the basis of any benefits having to be "substantially" outweighed by the adverse impacts.
- 2.12 For example, Policy S4 which relates to all development in a settlement. It in effect introduces a tilted balance that permission should be granted unless the benefits are substantially outweighed by the adverse effects. That does not tally with the requirement in the Act that development should be granted in accordance with the development plan unless material considerations indicate otherwise. Unless the NPPF is followed by legislative change there is a high

probability of this leading to judicial challenges as happened when the first NPPF was introduced.

- 2.13 Policy S5 relates to Gypsy Sites. It does not require sites to be sustainably located and allows any rural location to be sought. That will give carte blanche to gypsy sites anywhere in the countryside. As with all developments gypsy sites should be located in sustainable locations so that residents can access services easily and the countryside is not affected by randomly selected sites. Gypsy sites are also not subject to minimum density requirements which they should be to prevent unnecessary land take.
- 2.14 Reference is made in numerous places to weight being given to assessed needs of an area. The standard methodology is however not set out based on housing need but based on a formulae of a proportion of new housing set against existing housing stock. It is 0.8% of existing stock. That is not evidence of need but a formulaic way of informing a Council of the level of housing required. It is better referred to as a housing requirement and not housing need. Formerly needs have been assessed against demographic data adding additional homes where factors such as growth aspirations, affordability etc have been accounted for.
- 2.15 The way the new NPPF is worded confuses need with requirement. They are clearly not the same. In Pendle's case there is highly likely to be a requirement significantly above any objectively assessed need. This then makes other NPPF policies difficult to assess. For example, an artificial requirement that must provide for x% of homes for a group i.e. elderly, will inevitably over supply the market as the requirement will exceed need.
- 2.16 Neighbourhood Planning ("NP") policy has altered to allow a 5-year window in which the NP should have precedent over Local Plan policies, within certain parameters. LPs are expected to set a housing requirement for the NP area. This figure is to be set using evidence of local need and population as opposed to the SM figure which is based on housing numbers. It also allows for smaller housing numbers where there are substantial constraints that would preclude additional housing. Neighbourhood Plans should have their housing figure based on the requirement and not need with the same overall policies applied that are applicable to the Local Plan. Not to do so will invite arguments in every NP that the area is not in need of the level of housing set by the housing requirement. As overall housing need in the Borough will be below the housing requirement Neighbourhood Plans will be a vehicle to deliver lower housing numbers in those areas and thereby increasing pressure in areas not covered by Neighbourhood Plans.
- 2.17 The revised NPPF sets out a series of Development Management Policies. These are not proposed to be made mandatory but new LPs will not be expected to duplicate those. The NPPF says that where these policies "in any way" conflict with policies in any Local Plan, no matter how new, then little weight must be given to the Local Plan policies.

- 2.18 The law requires that where the development plan is relevant, decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The proposed NPPF will undermine the policies in Local Plans which have all been adopted after a rigorous public examination process. The legality of this is questionable, as the NPPF would conflict with statute. It will undermine public confidence and result in expensively produced Plans across the country being set aside for policies that are not locally specific. The roll out of the DM policies in the NPPF should be through new Local Plans and not setting aside Local Plans that have been adopted in a public and thorough way.
- 2.19 Enforcement is proposed to be altered by giving weight to a development not being authorised in deciding whether to grant planning permission. Councils will need however to judge whether something has been deliberately carried out without planning permission. The proposals do not however apply the same test to determining whether to take enforcement action which needs to be added in or the proposals will not be effective. The changes are welcomed as they will deter those who proactively “chance their arm” by purposefully carrying out development relying on an argument that they should receive planning permission retrospectively from carrying out development. The test of determining whether something has been done deliberately will however be difficult to prove in some circumstances.

### **3. Link to Council Plan Priorities: (Providing High Quality Services and Facilities, Proud and Connected Communities and Places, Good Growth and Housing and Healthy Communities)**

- 3.1 The NPPF and the production of a Local Plan will affect all aspects of society.
1. Providing High Quality Services and Facilities: The Local Plan directs development to sustainable locations with access to the wide range of facilities and the services they provide. It sets standards for the level of provision, supporting the delivery of planned facilities, where known, and providing a framework to help identify the facilities required to support unplanned development. Revisions to the NPPF will affect how some of these decisions are made.
  2. Proud and Connected Communities and Places: The NPPF supports active travel by requiring new developments to include opportunities for walking, cycling and wheeling within their boundaries, where appropriate, and to increase local connectivity by providing safe links and supporting improvements to the existing cycleway and footpath networks.
  3. Good Growth: The Local Plan sets out the quantum and location of new development for housing, employment and other societal needs over the Plan period. The NPPF will place the overall level of growth to be set in Spatial Development Strategies.
  4. Housing and Healthy Communities: The NPPF promotes the provision and retention of housing and local facilities.

#### **4. Implications**

##### **5.1 Financial Implications**

The NPPF as set out will result in significant increases in financial costs through the premature production of the Plan and an increase in the requirement for an evidence base.

##### **5.2 Legal and Governance Implications**

None at this juncture.

##### **5.3 Climate and Biodiversity Implications**

The NPPF will help improve issues relating to climate change and biodiversity.

##### **5.5 Human Resources Implications**

There are no staffing implications arising directly from the recommendations in this report but increased resources will be needed to produce a Local Plan with the evidence base set out in the draft.

##### **5.6 Equality and Diversity Implications**

None arising from the consultation response.

#### **6. Consultation**

6.1 This is a response to a consultation and does not require a consultation. Y

#### **7. Alternative Options Considered**

7.1 The alternatives to the consultation are as set out in the draft.

#### **8. Statutory Officer Sign off** (please put an x in the relevant box below)

Section 151 Officer	<b>X</b>
Monitoring Officer	<b>X</b>

#### **9. Background Documents**

**National Planning Policy Framework: proposed reforms and other changes to the planning system:** [National Planning Policy Framework: proposed reforms and other changes to the planning system - GOV.UK](#)

## Contact Officers

Neil Watson, Assistant Director: Planning, Building Control & Regulatory Services,  
Tel: 01282 661706

John Halton, Principal Planning Officer, Tel: 01282 661330

Craig Barnes, Senior Planning Officer, Tel: 01282 661377

Email:

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

The greater the change to how the planning system works the greater the use of resources, the greater there is uncertainty around decision making by both the public and private sector, the greater the costs are and this results in greater impacts on the speed of decision making.

Councils now face impossibly unrealistic timescales for plan making, Strategic Policy Development that will affect Plans as well as trying, in many cases, to progress well advanced Local Plans through what is a process that seemingly penalises Councils trying to get their plans in place. Many Councils also will be facing Local Government Reorganisation. On top of this financial settlement will continue to place enormous strains on budgets. It appears that Central Government may not realise the enormous costs of producing Local Plans which will be affected, and may be immediately out of date, were mandatory DM polices to be introduced.

Government needs to be more realistic in setting their approach out. Plans take time to alter, regardless of the aspiration to streamline the process, and DM polices should be introduced at the time of updating Local Plans. It would be harmful to introduce them in a time where plan making is undergoing mandated but unrealistic timescales for delivery and an ill thought out timeline for Plans approved under the interim arrangements.

National Development Management Policies ("DMP") should either be statutory from day one or removed from the NPPF. As written the NPPF is confusing. It indicates that the DMPs will not be mandatory but that any Local Plan ("LP") that conflicts with them in any way would have their polices given little weight in favour of the DMPs. This makes little sense unless the policies become mandatory. It also

renders making Dm polices within LPs a pointless exercise should they in any way deviate from the DM policies.

Having the mandatory DM polices also takes away any local discretion in a one size fits all approach to policies. In such a diverse county that planning operates in having no discretion will make effective policy making harder in some circumstances.

- 2) Do you agree with the new format and structure of the draft Framework which comprises separate plan-making policies and national decision-making policies? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

- a. Please provide your reasons, particularly if you disagree.**

The proposed layout is clearer to follow and removes some earlier ambiguity. The lack of supporting text to its policies means that it is sometimes difficult to interpret what the policy is saying thereby reducing certainty.

- 3) Do you agree with the proposed set of annexes to be incorporated into the draft Framework? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

- a. Please provide your reasons, particularly if you disagree.**

The approach helps to confirm how the government expects these aspects of policy to be implemented. Their inclusion within the NPPF will help day-to-day decision making.

The government should more broadly confirm the role of Planning Practice Guidance (“PPG”) now that the NPPF has been revised and its scope expanded. Picking up comments made in response to Question 2, it would be useful if PPG provided the supporting text necessary to implement the NPPF effectively. Extensive revisions to PPG will need to be made and published on the same day as the intended date of publication of the NPPF to help interpret new policies in order to support implementation.

- 5. Do you agree with incorporating Planning Policy for Traveller Sites within the draft Framework? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**b. Please provide your reasons, particularly if you disagree.**

The inclusion of these policies within the NPPF brings this matter more clearly within the realm of mainstream planning.

**5) Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree***

Partly agree

**c. Please provide your reasons, particularly if you disagree.**

There would be some benefit in having a distinction between substantial weight and a lesser degree of weight, particularly noting the amended and expanded role of the presumption in favour of sustainable development in relation to proposals taking place within and outside of settlements.

**6 Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

Together with statutory DM policies, Spatial Development Strategies (SDS) offer Local Plans the ability to focus on addressing matters that are locally distinctive to their respective areas and to planning effectively over a wider geography. This has unfortunately been missing for many years and has resulted in isolated and disjointed approaches to spatial development.

We however have major concerns about how SDSs will be rolled out in terms of their timing and their impact on Local Plans that are unrealistically expected to be rolled out in a raft of disparate timeframes. The need to bring development forward quickly is understood but the framework of different timescales for different Councils at different stages of LP preparation, lack of guidance, lack of clarity on process, lack of legislation, Local Government re-organisation and Local Plan preparation being determined by a mixture of ministerial statements, unknown and unwritten legislation and mixed messages from that in the draft NPPF is leading to a chaotic and costly Plan preparation horizon emerging. SDSs should be prepared quickly with LP preparation to follow quickly on from that.

It is unclear why a 20-year plan period is specified for an SDS. Plan makers should be given some latitude to consider an appropriate plan period depending on the issues pertinent to the proposed strategy. This may be 15-years or 20-years depending on the approach taken as informed by the general approach taken towards development and supporting infrastructure. The plan period for SDS and

Local Plans should be aligned to secure the full delivery of development requirements and infrastructure of the SDS through Local Plans.

**7 Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a. If not, do you think there should be a different approach, for example, that alterations should only be made to spatial development strategies every five years where there are significant changes to housing need in the strategy area?**

It is important that SDS continue to reflect local needs and aspirations, as well as any changes in legislation or national planning policy, and evidence supporting the provision of specific types of development and infrastructure. There should however be some scope to allow combined authorities, in collaboration with local planning authorities, statutory consultees, key partners and communities, to consider the necessity and scope of any review necessary within the adoption period.

It may be necessary to review sooner than five-years of adoption. Or a more substantial revision of a SDS / Local Plan following five-years years of adoption may prove to be unnecessary following an initial review. Whether a review is necessary or not will depend on the circumstances of the specific plan areas as well as other external factors and will take into account ongoing monitoring of policies.

A mandatory five-year review period for SDS may also be unsuitable taking into account the supporting role of Local Plans to their implementation, which are prepared separately by local planning authorities and likely to follow the adoption of SDSs. This offset may affect the effectiveness of the policies of SDSs at least in the short term, and as such a requirement for their review within this period may be premature.

Changes to the SDS will also necessitate changes to Local Plans. Although the Government wishes to have LPs prepared in 30 months the reality is that the NPPF has significantly increased the burden of evidence needed and the 30 month timeframe is unrealistic. Altering SDSs in short timeframes, that have implications for LP preparation, will create difficulties in continuing to update LPs which, unless there is a change to plan preparation processes, will take longer than 30 months to prepare. In that scenario LPs in preparation could be out of date immediately a SDS is revised.

The review and publication of a new SDS is likely to necessitate a review of Local Plans, potentially curtailing their shelf-life long before they have the opportunity to be implemented. A more flexible approach is needed whereby the requirement for a review is informed by a prescribed set of circumstances.

- 8 If spatial development strategies are not altered every five years, should related policy on the requirements used in five year housing land supply and housing delivery test policies, set out in Annex D of the draft Framework, be updated to allow housing requirement figures from spatial development strategies to continue to be applied after 5 years, so long as there has not been a significant change in that area's local housing need? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

- a. Please provide your reasons, particularly if you disagree.**

This will provide certainty for decision making and support the implementation of Local Plans at the local level including the delivery of housing that they provide.

- 9 Do you agree with the role, purpose and content of local plans set out in policy PM2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

- a. Please provide your reasons, particularly if you disagree.**

The NPPF should avoid the application of unnecessary arbitrary requirements on Local Plans (and SDSs). It is unclear why more than 10 measurable outcomes cannot be identified particularly if these are pertinent in assessing the effectiveness of policy and the strategy which has been identified.

Similarly, it is unclear why a 15-year plan period is identified for Local Plans, especially when this differs from the 20-year period identified for SDSs and more pertinently the requirement to update SDSs every 5 years. If they change then a LP will become out of date every 5 years. The plan period for Local Plans should align with that adopted for SDSs so it can support the implementation of its strategy effectively. SDS periods are too long at 20 years and should be reduced to 15 to align with LPs.

- 10 Do you think that local plans should cover a period of at least 15 years from the point of adoption of the plan? Yes/No**

Yes

- i. If not, do you think they should cover a period of at least 10 years, or a different period of time. Please explain why.**

No. The Local Plan should align with the plan period adopted for the SDS. Both should be 15 years. That allows for longer term strategic planning but with a timeframe for delivery that is reasonable.

**11) Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree

**b. Please provide your reasons, particularly if you disagree.**

SDSs and Local Plans should avoid or minimise duplication of existing policies to aid clarity and provide for simple decision making. However, both documents should have scope, should it be necessary, to further clarify national development management policies or provide for additional planning policies provided that they are required to respond to a specific local issue not addressed by national development management policies and their implementation would not conflict with national development management policies.

One size fits all policies have not worked over many years. They assume that all parts of England are the same, have the same issues but more fundamentally have the same economic performance. They do not and policies should be allowed to flex to meet specific locally evidenced circumstances.

**12) Do you agree with the approach to initiating plan-making in PM7? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Undertaking the steps outlined in PM7 prior to the commencement of plan making will be necessary if there is any hope of a 30-month plan making period being achieved.

Whilst Regulations and the digital way LPs are indicated will be produced have not been published the NPPF and the national approach to Plan making has missed the fundamental two issues of way Plan making has historically taken time.

The first issue is changes in policy. When policy changes come into force they require time to consider, plan for, collect evidence, consult on and assimilate into policy for further consultation. If evidence is not there on any matter set out in the NPPF Plans are challenged and slowed down. As an example there is now a requirement to consider, in detail, a list of Local heritage assets. Dealing with that alone will take a significant time and resource to deal with in Councils that do not have the resources to do that.

The second, and related issue, is simply that of the overall need for an evidence base. The NPPF, as set out, makes no changes to the evidence base needed to support a LP. Quite simply Plans drown in the weight of evidence needed. Unless that alters LPs will not be delivered in 30 month, regardless of legislation mandating that.

Part 2 of Policy PM7 introduces a 'four year plan evaluation report' as a means of considering the scope and degree of a plan review which will be subject to consultation and examination. Further guidance is necessary in PPG, on the format and detail of this report, and to guide plan making authorities how they assess policies through this process as it would appear to be potentially fundamental in establishing the scope of any Local Plan review and subsequently assessing soundness at the examination stage.

The NPPF should make clear that SDSs should precede Local Plans. This approach is necessary to ensure:

- The conformity of Local Plans with SDSs to meet the proposed revised tests of soundness.
- Reflect the desired tiered approach to the plan making system.
- Ensures the effective use of resources by local government, and
- Supports the efficiency of plan making including the delivery of plans within a 30-month period.

This approach would necessitate aligning the preparation of Local Plans with the new strategic plan making framework envisaged by Government. However, it would mean that strategic decisions are made at the appropriate level better supporting the delivery of development and economic growth in the longer term across the wider spatial area. To support earlier delivery, Local Plans should commence preparation during the plan making process of the SDS with the draft strategy informing early decisions on sites and the spatial strategy of Local Plans. This would help minimise any lag between the adoption on an SDS and Local Plan.

It is simply unrealistic to expect local planning authorities to prepare new style local plans within a 30-month period, without the strategic direction provided by SDSs and a simplification of the evidence base needed. Many authorities face a significant uplift in housing need as a result of the revised standard methodology. In this context, securing full delivery of this need through Local Plans is not a simple task. SDSs have an important role in this process, providing opportunity for the resulting pattern of development to be understood and potentially reconfigured in reflection of local needs, aspirations, constraints and opportunities. This will assist plan making at the local level, by ensuring that plan making can be focussed on securing delivery.

Many parts of England are subject to local government reorganisation. For the majority, the outcome of this process is not known. Delivering a Local Plan in this context and within the timescales expected will be a significant challenge on officer resources, financially and politically, which may ultimately mean that Local Plans are not advanced as anticipated by the government. The timescales of this reorganisation directly conflict with those identified for Local Plans with the latter stages of this plan preparation process likely to be the responsibility of successor authorities. Transitional arrangements, structural changes and different personnel through natural change, redeployment, or redundancies will form real obstacles to the anticipated delivery of Local Plans in this context.

**13) Do you agree with the approach to the preparation of plan evidence set out in policy PM8? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

There should be no reason to require new evidence to be prepared for each plan making process where it is evident that existing evidence remains up-to-date, relevant and consistent with national planning process. Applying this approach will benefit the plan making process, ensuring it is simpler, efficient, and more accessible to those who take part and the communities Local Plans serve. The Council applied this approach during the preparation of the Local Plan which recycled the use of parts of the evidence base prepared to support a previous plan which was abandoned by the authority. This helped the Council achieve a 36-month plan making period from commencement to adoption under the current plan making system.

The NPPF should not be prescriptive in its approach to evidential requirements for Local Plans. Evidential requirements should be clear following dialogue with key stakeholders and public consultation and taking into account the content and evidence supporting SDSs, and be tailored so that they meet national and local priorities and policy. A key role of plan preparation gateways should be to explore whether the approach taken to evidence and its role in supporting the Local Plan is suitable against this context, and to give the local planning authority the opportunity to address gaps in evidence prior to examination thereby reducing the potential uncertainties with regard to soundness and use of resources which currently affect this process.

The Government should preview the NPPF on the evidence it requires Plans to have in order to make the currently unrealistic 30 Plan adoption period realistic and achievable.

**14) Do you agree with the approach to identifying land for development in PM9?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

For the most part, the approach set out in parts 1 and 2 of Policy PM9 are logical and reflect the site selection process currently applied by the Council. 2(d) is a concern where it requires the identification of the 'most appropriate sites'. This is a high bar to pass and does not reflect the tests of soundness identified for the examination of SDSs and Local Plans through Policies PM14 and PM15. It may not always be the case that the 'most appropriate sites' are allocated through a Local Plan. This may be for reasons of availability, deliverability, suitability, or other reasons such as compliance with the spatial strategy or broader local politics. This does not render a plan 'unsound' provided that the preferred strategy is appropriate as demonstrated in evidence and by supporting assessments. To reflect this Part 2(d) should be revised to 'The identification of ~~the most~~ appropriate sites for development taking into account...'

Policy PM9 is an example of further evidence needed as part of the new NPPF.

**15) Do you agree with the policies on maintaining and demonstrating cross-boundary cooperation set out in policy PM10 and policy PM11?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

The Council supports the removal of the duty to cooperate as a legislative requirement. The approach was disproportionate and not easily understood or applied through the plan making process, ignoring the unique circumstances and sensitives faced by individual authorities which often makes demonstrating compliance with the duty to cooperate, as previously implemented, challenging. The approach could not be rectified retrospectively proving a costly waste of public resources for those authorities where their plans were found not to have met the duty. This understandably eroded public trust in the process.

The revised approach provides for a simpler process which is more focussed and proportionate, taking into account the presence and role of the SDSs. To secure this through plan making, it is recommended that cross boundary cooperation and collaboration is reinserted into the tests of soundness identified for Local Plans (Policy PM15). There is also the question of what the implications are for cross boundary cooperation where a SDS is not already in place thereby further

underlining the Council's position that SDSs must come forward first. The need to co-operate would largely be filled with the preparation of SDSs.

**16) Do you agree that policy PM12 increases certainty at plan-making stage regarding the contributions expected from development proposals?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

The approach of Policy PM12 is simple and logical and clearly sets out what is expected of Local Plans towards developer contributions.

**17) Do you agree that plans should set out the circumstances in which review mechanisms will be used, or should national policy set clearer expectations?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

The steer required of Local Plans will provide clear and necessary expectations to support decision making and provide necessary infrastructure and much needed affordable housing, making clear those instances where a variation on those contributions may be acceptable and what approach is to be taken. This will aid delivery and trust in the planning system by communities.

**18) Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

The Council acknowledges the difficulties faced by developers in meeting prescribed standards and pressure caused on development viability. It is important that development remains viable and Local Plans adopt policies which are deliverable over a plan period. However, progress is only achieved with innovation and without a regulatory push either at a national or local level the same standards, which are acknowledged to be insufficient in many regards, will continue to be implemented severely hampering the planning system in addressing climate change and meeting housing needs appropriately.

The Council therefore believe that Local Plans should have scope to set local standards, where this is justified and supported by an assessment of viability, and where development continues to be achievable. These may, in due course, be

applied as defacto standards, as developers apply them as standard to their products delivered in other local authorities. PM13 should refer to viability constraints.

**19) Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**i. If not, please explain how this could be improved to ensure a proportionate assessment, making it clear which type of plan you are commenting on?**

As set out in answer to Question 15 above, the measure of engagement with neighbouring authorities should continue to form part of the tests of soundness for Local Plan making to ensure that appropriate engagement has been undertaken and to help secure the consideration of cross boundary issues.

As written test PM 14, 2, c sets out that the SDS would need to be tested against delivery of sites in a LP. This effectively requires a LP to be adopted before a SDS. If that happens there is little point of having a SDS as the quantum of development will already have been set.

Agreeing Supplementary Plans is not necessary or proportionate in all circumstances. Supplementary planning guidance is not policy and merely adds clarity to existing policy. Requiring examination to matters formerly covered in SPDs is bureaucratic, costly and not necessary.

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

To reiterate, Local Plans prepared in accordance with the revised NPPF should only be required where there is a SDS adopted. Both could emerge in a similar timeframe but the whole purpose of a SDS is to guide on regional spatial development and this should not be led by LP preparation.

PPG must be revised to reflect the reformed NPPF, providing further guidance on its implementation. PPG should also identify a monitoring framework, including indicators, targets and action points related to national development management policies so that delivery can be measured and responded to, and the effectiveness of policy can be understood by the government and local authorities helping to inform future policy making.

**21 Do you agree with the principles set out in policy DM1?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The information requirements of Part 1(a) and (b) should be applied to major development as currently defined (i.e. developments of 10 dwellings or has a site area of 0.5 hectares more, or for non-residential development proposes an increase in floorspace of 1,000m<sup>2</sup> or more or has a site of 1 hectare or more). It should also be required of any planning application which is in conflict with development plan policy. For example, the development forms an unsuitable form of development within the open countryside. Or it is clear that the site is affected by a particular constraint i.e. trees.

**22 Do you agree with the policy DM2 on information requirements for planning applications?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a. Please provide your reasons, particularly if you disagree.**

The requirement for information should not be set out in policy as the NPPF does not dela with information requirements in its polices which LPs will rely on. Validation should be based on the current form of validation requirements which are required to be regularly updated..

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

The current regulatory framework and supplementary advice is adequate.

**24 Do you agree with the principles set out in DM3?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The Council in particular supports the inclusion of Part D. The Council's experience with statutory consultees is variable, however the role of this dialogue is a regular cause of lengthy decision making, particularly for major development proposals. The approach of the policy provides the Council with greater discretion in consulting statutory consultees through this process, and the necessary safeguards are in place to ensure that the policy does not result in the approval of unsuitable and/or unsustainable development.

**25 Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The policy is clear of the plan led approach towards viability but provides scope and certainty for variation should this be required and demonstrated as necessary to deliver the development. To ensure that plan primacy and necessary infrastructure is provided the circumstances in which contributions may be varied should be defined through a closed list. This will make clear to those involved in the decision-making process of the expectations of development and will prevent unrealistic proposals from being submitted and approved.

The policy should also set out that where a proposal to remove a condition or obligation which is important to the permission which has been granted, the principle of development can be reconsidered where this variation, would in the local planning authorities view, render a proposal unsustainable and unsuitable.

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

The policy should also set out that where a proposal to remove a condition or obligation which is important to the permission which has been granted, the principle of development can be reconsidered where this variation, would in the local planning authorities view, render a proposal unsustainable and unsuitable.

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

No comment.

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

No comment.

**29 Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree. The obligation tests are well established and provide effective and proportionate means of securing the necessary infrastructure which is required to secure sustainable development. The clarification provided by the policy will assist decision making, strengthening the approach which is taken to conditions and obligations, ensuring a fair and consistent process which is relevant to the development and is responsive to its assessed effects on the environment, residents and infrastructure.

**30 Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The paragraph reiterates what has been the longstanding approach that other regimes should be considered to work unless there is compelling evidence to contradict that.

**31 g**

**a. Do you agree with the new intentional unauthorised development policy in policy DM8? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly Disagree

**b. Please provide your reasons, particularly if you disagree.**

The approach has a different test for unauthorised development and dealing with retrospective planning applications. There is no weight to be given to whether action should be taken against unauthorised development but there is for development that is unauthorised but the developer then applies for planning permission. This will lead to application not being submitted as there is a more rigorous test to be applied for considering retrospective planning applications.

The test relies on development being intentional or not. How is a LPA to decide that? All development that happens is intentional as someone purposefully carries it out.

It is often the case that development happens as the developer takes the chance that permission would be granted or that the LPA will choose not to take action. The paragraph should be simplified and say that enforcement action will normally be taken against unauthorised development and that planning permission will normally be refused for retrospective planning applications unless very exceptional circumstances are proven by the developer. This will be a deterrent against unauthorised development. It should also be added that planning permission for that development would not subsequently be granted.

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

**a. If so, are there any particular additions or mitigations which we should consider?**

No comment.

**a) If so, are there any particular additions or mitigations which we should consider?**

No comment.

**33 Do you agree with the new Article 4 direction policy in policy DM10? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partially agree

**a. Please provide your reasons, particularly if you disagree.**

The Council welcomes the emphasis of the policy but the section should also include protection of heritage assets which is distinct from the protection of local amenity.

**34 Do you agree with the proposed approach to setting a spatial strategy in development plans? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The proposals in part 1 and 2 fully reflects the approach of the Council's recently adopted Local Plan. To satisfy the tests of soundness, Policy S2 should set out the role of robust evidence to support the identification of the spatial strategy and its approach to development in creating a cohesive and coordinated approach to the delivery of a sustainable pattern of development.

S1 refers to objectively assessed needs. It needs to be recognised that objectively assessed needs is not the same as the SM figure which is a formulae for housing provision not based on need. The SM figure will be used to set the spatial strategy but S1 refers to objectively assessed needs which is different to the policy provision of the SM figure.

**35 Do you agree with the proposed definition of settlements in the glossary? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The definition provides sufficient scope to local planning authorities to define what constitutes a settlement (i.e. the land within a settlement boundary) taking into account the varied built characteristics and form of settlements found across Local Plan areas, whilst providing sufficient certainty to ensure policy compliance and to assist decision making.

**36 Do you agree with the revised approach to the presumption in favour of sustainable development?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The revised approach is logical noting the subsequent differentiation applied towards development proposals located within and out with settlement boundaries, though Policies S4 and S5.

**37 Do you agree to the proposed approach to development within settlements?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The Council broadly supports the adoption of a presumption in favour of sustainable development for those proposals which are located within settlement boundaries. However such proposals must be examined for their compliance with planning policy requirements and deemed acceptable.

The Council does not object to any of the criteria included within the policy which sets out reasons why proposals may be refused. The Council would however add the need to ensure the compatibility of land uses, and to safeguard residential amenity, health and wellbeing, as well as the environment from the occupation / operations of development, and those effects of development during the construction phase, particularly where there is potential for ground contamination and/or ground stability issues.

Regard should also be had as to whether the scale, form and significance of a development is consistent with the spatial strategy and hierarchical role of settlements. Development which is out-of-scale or would significantly undermine this established pattern of development should also be refused where there would be substantial adverse effects.

**38 Do you agree to the proposed approach to development outside settlements?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The forms of development permitted under Policy S5 under normal policy conditions is largely acceptable It will help secure a sustainable pattern of

development, avoid isolated homes in the open countryside and supports a sustainable rural economy.

The Council however has concerns about the approach of the policy towards proposals for Gypsy and Traveller Sites (also Policy HO12). The development of these sites should only be supported where they are sustainably located as with other forms of housing development. Those issues identified in Policy HO12 are not sufficient, in the Council's view, to provide a sustainable location for this form of development and will lead to the erosion of the quality of the countryside AND an unsustainable pattern of life for the residents.

**39 Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a. Please provide your reasons.**

Communications infrastructure is omitted from inclusion within part 1 (a) of the policy. Communications infrastructure often requires a countryside location, to support rural activities and communities, or to support urban areas. It should be explicitly included within the policy.

Similarly, equestrian uses are omitted from the policy, and require, by their nature, a countryside location.

To ensure that proposals are suitable for their location, specific policy guidance is necessary reflecting the unique types of development which is involved. It is noted that there are several forms of development where this is provided, most notably housing, but other forms of development are notably absent (i.e. equestrian development). Presumably, this would be an area where extant or new Local Plans would provide guidance provided that they do not conflict with related aspects of national planning policy.

**40 Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree.

Taking advantage of existing infrastructure to help meet development needs in a sustainable way is to be supported. However, the problem with locations which are currently undeveloped, in comparison to existing towns and built-up areas, is the absence of existing infrastructure, jobs and services to support sustainable

communities. Providing development in areas which lack these will create car dependent communities, undermining sustainability objectives and environmental targets.

The Council's principal concern with the policy as proposed is its reliance on service frequency. Service frequency can alter depending on investment priorities and service alterations can often be made without prior warning or consultation. As such, there is the possibility of a major strategic development being developed on a railway line where the schedule may be altered to such a degree that the development can no longer be considered sustainable.

Regard should also be given to service capacity. Line capacity may already be full, or there may be no scope for additional services due to schedule conflicts, particularly where the railway serves multiple services including intercity services. To help overcome this, the policy should be amended to include consultation with service providers and the operator of infrastructure (Network Rail / Great British Railways).

- a. Please provide your reasons, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers and other groups with protected characteristics.**

No comment.

**41 Do you agree that neighbourhood plans should contain allocations to meet their identified housing requirement in order to qualify for this policy?** *Strongly agree, partly agree, neither agree or disagree, partly disagree, strongly disagree.*

Partly agree

- a. If not, please provide your reasons.**

Where communities wish to identify specific, deliverable and suitable sites to meet housing needs, then Local Plans (and local planning authorities) should support the facilitation of this. This process must take place in accordance with the basic conditions, supporting the implementation of the Local Plan and the delivery of sustainable development. Where requested to do so, this should include the identification of a housing requirement for the designated neighbourhood plan area.

The Council however disagrees with proposals (as set out in Policy HO2) for this housing figure to reflect local demographics as this does not reflect the way in which the standard method is calculated as clarified in Annex D of the NPPF. The SM does not operate on the basis of assessing housing need. It functions on the basis of a percentage of new housing based around existing stock. What HO2 5 does is confuse the housing requirement with need and allows NPs to argue there is no need in their area. Were that to be extrapolated down to large areas of a Council that could in effect allow neighbourhood areas to argue that there is no

housing need thus creating pressure on other areas to take the requirement of the LPA.

The NP requirement should be set, as a minimum and subject to the spatial approach in the plan to wider development, as 0.08% of the housing stock with any less than that having to be agreed as part of the Local Plan allocation process, not as part of the Neighbourhood Planning process.

**42 Do you agree with the approach to planning for climate change in policy CC1?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The policy recognises that there are a wide range of measures which can be applied through plan making which influences how a development responds to and addresses climate change. It is not just about energy usage and the source of this energy, but also design, location, materials and layout, as well as a development's effect on and relationship to nature. These are critical factors in securing low carbon development to help transition towards zero carbon development. The approach applied by the policy is consistent with the approach adopted towards climate resilience of the Council's recently adopted Local Plan.

**43 Do you agree with the approach to mitigating climate change through planning decisions in policy CC2?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. If not, what additional measures could be taken to ensure climate change mitigation is given appropriate consideration?**

The policy echo's and aligns with, in development management terms, Policy CC1. The Council is supportive of this policy for the reasons outlined in our response to Question 42. The provisions of Policy CC2 are appropriately outlined to promote and secure development which addresses the climate emergency, but not at the cost of the deliverability of development. This is critical if growth aspirations are to be delivered in areas which have challenging viability and a weak housing market.

**44 Do you agree with the approach to climate change adaptation through planning decisions in policy CC3?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. What additional measures could be taken to ensure climate change adaptation is given appropriate consideration?**

The approaches outlined are consistent with those measures currently implemented by the Council through its decision making process with regard to flood risk, surface water flooding, drainage systems, green infrastructure and general design. The Council supports the emphasis on wildfires noting increasing risk experienced due to climate change.

**45 Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree

**a. Please provide your reasons.**

The policy is not particularly prescriptive in terms of the risks identified or the mitigation of those risks, however the risk of wildfire and its effects are likely to vary almost on a case by case basis. The policy provides a hook in order for the matter to be addressed through the decision making process which is justified on the basis of recent events connected with climate change. The policy would probably benefit from additional wording which secures emergency water supply to help fight fires which threaten development and emergency access points in the event that these are required by residents and emergency services. This would provide for a more rounded response to this issue.

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

See answer to question 45.

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

No.

**48 Do you agree the requirements for spatial development strategies and local plans in policy HO1 and policy HO2 are appropriate?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

As set out in our response to question 12, it is clear, given the structure of plan making and the role of SDSs that a Local Plan cannot and should not be prepared prior to an SDS. That simply creates uncertainty, will confuse the public in how they perceive Plan making and will add significant costs to alter Plans at a late stage. The Council therefore object to Part 1 of Policy HO1 and Part 2 of Policy HO2 which sets out the need for Local Plans to identify housing needs for the plan period in the absence of an SDS. This requirement, in the context of the revised approach to the plan making system, is a wasteful use of resources. These matters are more

appropriately undertaken at the sub-regional level where broader socio-economic, environmental and infrastructure priorities can be understood and planned for, to be reflected in supporting Local Plans. If LPs are prepared in advance of a SDS it is questionable what the purpose of an SDS actually is.

The Council agree with the range of housing needs which must be accommodated by Local Plan policies as identified in Part 2 of Policy HO1. Securing the increased delivery of quality housing which meets the needs of these groups is a necessity in supporting balanced and stable communities and is critical in addressing causes of deprivation which strain services and reduce economic growth prospects.

As set out in our response to question 41, the Council has concerns with the approach taken through Part 5 of Policy HO2 towards the identification of housing need for designated neighbourhood plan areas which adopts a wholly different approach to the standard method. The reference to population of an area departs from the standard method which uses a stock based approach adjusted for affordability. The danger is that areas may under provide where demographic change is weak. The approach to meeting the housing requirement through neighbourhood plans should be a proportion of the identified housing requirement as well as other factors set out in the spatial approach of a LP.

The Council agree that there should be scenarios identified in which case a housing requirement is not set for a designated neighbourhood plan area as set out in Part 5 a-c of Policy HO2. Scenario a applied during the recent examination of the Local Plan as a reason for no settlement specific requirements within the plan area despite neighbourhood plans being designated. The approach and justification was endorsed by the appointed inspector.

**49 Is further guidance required on assessing the needs of different groups, including older people, disabled people, and those who require social and affordable housing? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree

**a. If so what elements should this guidance cover?**

The Council has recently been through the examination of its Local Plan which contains policies supporting the provision of specialist forms of housing following its assessment through supporting evidence. There has been no reason to believe through this process that the evidence which has been prepared for the Council identifying the needs of these groups is not sufficiently robust, indeed the Local Plan has been concluded as sound by appointed Inspector.

The focus of guidance and broader funding should be on delivery. The Council has struggled to identify ways in which these needs can be delivered on the ground, relying instead on positive policies supporting the delivery of this provision, and securing the provision of adaptable housing which can meet a broader housing need. It is clear that with an ageing population, more needs to be done to secure the delivery of appropriate housing stock which caters to the health and accessibility needs of this group as they age. The benefit of this is broader for the wider housing market, as existing under occupied stock would become available for occupation by younger families.

Locally viability and the availability of land for specialist housing, away from traditional market housing, have formed the main barriers to meeting this identified need. Should these barriers be overcome, with government intervention such as grant funding or targeted tax relief, this should help secure an increased supply of older persons housing on the ground to the benefit of the wider housing market and community.

**50 Do you agree with the approach to incorporating relevant policies of Planning Policy for Traveller Sites within this chapter?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

As set out in our response to question 4, the Council supports the integration of Gypsy and Traveller policy into the NPPF.

**51 Is further guidance needed on how authorities should assess the need for traveller sites and set requirement figures?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. If so, what are the key principles this guidance should establish?**

The Council has recent experience of assessing the need for gypsy and travellers sites through the preparation of a Local Plan. Identifying a specific need represents a significant challenge where interest groups do not engage in plan making. Locally there has been limited Gypsy and Traveller activity and the authority does not receive requests for pitches from Gypsy and Traveller groups.

As a result, no pitches have been identified for Gypsy and Travellers through the Local Plan with a planning policy established to guide any proposals which may be received during the plan period. This was subject to some scrutiny through the examination process and ultimately the Inspector endorsed the Council's approach.

Further guidance would be beneficial which:

- Identifies data sources which may be used to identify existing and future patterns of demand.
- What weight can be applied to Gypsy and Traveller activity recorded within a local authority in determining an appropriate strategy to meet the specific housing needs of these groups.
- Details of interest groups.

**52 Do you agree the new Annex D to the draft Framework is sufficiently clear on how local planning authorities should set the appropriate buffer for their local plan 5-year housing land supply?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

Annex D is clear in its approach and requirements for the application of a buffer to the assessment of 5-year land supply.

**53 Do you agree the new Annex D to the draft Framework is sufficiently clear on the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision-making?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

Certainty and stability are critical in maintaining the delivery of housing. The Council therefore welcome Paragraph 8 of Annex D which makes clear that the assessment of five-year supply will be made against any Local Plan which is not more than 5-years old. The preparation of Local Plans is a resource intensive process requiring significant public investment both financially and politically.

It would be nonsensical in this context, to override any recently adopted sound and legally compliant Local Plan, for the purpose of assessing five-year land supply. To do so would risk eroding public trust in the planning process, as recent democratically prepared Local Plans which have been subject to vigorous scrutiny through the plan preparation process, including extensive public involvement, would become ineffective and out-of-date. Applying this approach would threaten

future plan make communities feel ignored and overridden by government-imposed requirements. This would be counterproductive in securing community support for new development in the longer term.

The Housing Delivery Test and its supporting guidance have formed part of national planning policy towards the supply of housing for a number of years now and is a familiar concept. It is to be welcomed that the government is not proposing to amend its application of the Housing Delivery Test.

The government has been inconsistent in the publication of the Housing Delivery Test with the release being subject to delay or cancelled altogether. To assist local planning authorities with this process (and the wider development industry), it is important that the government publicise the Housing Delivery Test consistently and predictably.

**54 Do you agree the requirements to establish a 5 year supply of deliverable traveller sites and monitor delivery are sufficiently clear?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**55 Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a. Please provide your reasons, particularly if you disagree.**

The approach to housing delivery should be led by local needs, aspirations, opportunities and constraints. Local planning authorities should not be bound by national planning policy to identify strategic scale development through Local Plans. It is for the Local Plan preparation process to determine, taking into account the scale and extent of residual need, the supply of land and opportunity for renewal and intensification, market conditions and viability, infrastructure capacity, and environmental effects.

The Council does not object to parts Part 1 points a-c, or Part 2 of Policy HO4.

**56 Do you agree our proposed changes to the definition of designated rural areas will better support rural social and affordable housing?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree. Whilst the Council supports the continued reference to those areas designated rural under Section 157 of the Housing Act 1985 including areas within a National Landscape, it is unclear how and on what geography 'other areas with a population of 3,000 or less and a population density of two persons or less per

hectare' would be measured. Would this be on a parish basis, ward basis, or within a specific area? This should be clarified before the final version of the NPPF is published in order for the policy to be effectively implemented.

**57 Do you agree with our proposals to ask authorities to set out the proportion of new housing that should be delivered to M4(2) and M4(3) standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree.

The Council believe that M4(2) and M4(3) standards have an important role in ensuring that housing is delivered to meet the needs of its occupiers and can be adapted as their needs change. This is reflected by the Council's Local Plan where M4(2) standards are applied as a universal requirement and M4(3) provision encouraged in response to strong evidence of need arising locally.

It is right that a flexible position is taken towards the provision of housing to M4(3) standards. These standards require more radical alterations to the accessibility standards of new homes with more significant costs which is unviable locally owing to poor land values and a weak housing market. Applying M4(3) standard as a blanked requirement would be disproportionate to evidenced need and would render development unviable in certain parts of the country.

**58 Do you agree 40% of new housing delivered to M4(2) standards over the plan period is the right minimum proportion? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree

**a. Please provide your reasons, and would you support an alternative minimum percentage requirement?**

The 40% figure needs to be justified and not arbitrary. Provided 40% is able to be justified based on empirical evidence the policy is supported.

**59 Do you agree the proposals to support the needs of different groups, through requiring authorities to identify sites or set requirements for parts of allocated sites are proportionate? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree

**a. Please provide your reasons, particularly if you disagree.**

Whilst this approach could aid delivery, the principal barrier the Council faced during recent plan making in meeting this type of need was willing landowners. The adopted Local Plan does not allocate any site for older person housing, and only sites in the Council's ownership are specifically allocated for self-build. The problem is magnified locally as a result of low values and a weak housing market.

This means that only the development on market housing is attractive to developers without wider subsidy.

The policy does not allow for local conditions and is therefore too prescriptive. The priority of government should focus on ways it could intervene in the market to engage delivery i.e. through grant funding or tax relief. Other potential means of securing this type of provision is as a requirement of the proportion of overall delivery secured as strategic scale sites in-leu of affordable housing or other types of provision.

**60 Do you agree with our proposals to ask authorities to set out requirements for a broader mix of tenures to be provided on sites of 150 homes or more?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a. Please provide your reasons, and would you support an alternative size threshold requirement?**

Whilst the delivery of housing must be encouraged, it should not come at the cost of ensuring that the type and tenure of homes delivered does not meet locally identified housing need. The threshold identified would mean that the majority of sites which typically come forward for development locally would not be bound to local tenure requirements. This would mean that for those households which are most in need of housing would not be catered for by new development relying instead on existing stock which is already occupied and constrained by the private rented sector.

The authority area is one of the most deprived locations within England. Despite being one of the most affordable locations in the country, low wages means that owning property is inaccessible for a large proportion of the population. The Council has a high affordable housing need, with this significantly outstripping the adopted housing requirement. The supporting evidence shows much of this need is for affordable or social rented housing rather than shared ownership products thereby demonstrating the acute position of households falling into housing need. The implementation of this policy would actively prevent the Council from meeting this housing need and would be counterproductive to achieving the government's aims towards to provision of housing.

**61 Do you agree with proposals for authorities to allocate land to accommodate 10% of the housing requirement on sites of between 1 and 2.5 hectares?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a. Please provide your reasons,.**

The challenge most Council will face with the major uplift in the SM figure is merely meeting the need. Constraining the size of site will hamper delivery. Site provision should be left to local circumstances,.

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

No further amendments are required.

**63 Do you agree that proposals to add military affordable housing to the definition of affordable housing, and allow military housing to be delivered as part of affordable housing requirements, will successfully enable the provision of military homes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment.

**a. Please provide your reasons, particularly if you disagree.**

The local authority area does not have a Ministry of Defence presence.

**64 Do you agree flexibility relating to the size of market homes provided will better enable developments providing affordable housing? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree

**a. Please provide your reasons, particularly if you disagree.**

This depends on development viability and is a classic example of where one size fits all policies across the country do not always work effectively. In low demand areas developers often ignore policy requirements relating to the size and type of housing arguing that market demand is for larger detached housing. Even in these cases they argue that affordable housing is not viable locally and do not provide any. This means that affordable housing must be secure through other means principally delivered by registered providers. Enshrining this in policy will reduce the ability of local planning authorities to secure housing which means the needs of the community as assessed through evidence prepared to support the Local Plan.

**65 Would requiring a minimum proportion of social rent, unless otherwise specified in development plans, support the delivery of greater number of social rent homes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Neither agree nor disagree

**a. If so, what would be an appropriate minimum proportion and development size threshold taking into account development viability?**

It is important that the tenure of affordable housing reflects locally assessed needs so that the homes provided is responsive to the needs of the local population.

Locally, socio-economic conditions means that all affordable housing is required as affordable or social rented housing. Other authorities, facing different economic circumstances and housing pressures, may however require a different tenure of affordable housing.

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

No.

**a. If so, what changes would be beneficial?**

The government should focus on securing ways for affordable housing to be delivered especially within deprived communities.

**67 Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a. If so, would it be desirable to limit the circumstances in which cash contributions in lieu of on-site delivery can be provided – for example, should it not be permitted on land released from the Green Belt where the Golden Rules apply? Please explain your answer.**

The Council would object to a policy permitting cash payment in lieu of on-site delivery on sites within the Green Belt. The policy would be akin to buying a consent within a policy designation where typically development is resisted for limited benefit. Developments permitted within the Green Belt should provide balanced communities and deliver enhancements to infrastructure and opportunities for recreation for the benefit of the existing population.

Unless there are exceptional circumstances affordable home should be required to be delivered on site.

**b. If you do not believe applicants should have blanket discretion to discharge social and affordable housing requirements through commuted sums, do you think cash contributions in lieu of on-site delivery should be permitted in certain circumstances – for example where it could be evidenced that onsite delivery would prevent a scheme from being delivered? Please explain your answer**

The Council would support this where it is evident that it would support the development of a previously developed site and/or secure the reuse of a redundant

building, thereby helping to support local regeneration objectives. Elsewhere, especially on greenfield sites, cash payments in lieu of on-site provision should be exceptional, and where it is evident that market conditions have significantly altered since plan preparation.

**68 What risks and benefits would you expect this policy to have? Please explain your answer. The government is particularly interested in views on the potential impact on SME housing delivery, overall housing delivery, land values, build out rates, overall social and affordable housing delivery, and Registered Providers (including SME providers).**

The risk of its implementation is to erode the amount of affordable housing which is delivered over the lifetime of the plan. It is unclear what the expectations are for the monies collected and how this would align with the aspirations and needs of local communities, if alternative sites aren't available locally.

The benefit of the policy would be to enable housing delivery at sites which may be marginal helping to fulfil broader planning policy objectives.

**69 What guidance or wider changes would be needed to enable Local Planning Authorities to spend commuted sums more effectively and more quickly? Please explain your answer.**

Further guidance should be provided within PPG to support the implementation of this policy.

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

Yes.'

- a. If so, what elements and principles should this guidance set out? Please explain your answer. For example, guidance could make clear that contributions in lieu should be an amount which is the equivalent value of providing affordable housing on site, based on a comparison of the Gross Development Value of the proposed scheme with the Gross Development Value of the scheme assuming affordable housing was provided onsite.

No comment.

**71 Do you support proposals to enable off site delivery where affordable housing delivery can be optimised to produce better outcomes in terms of quality or quantity? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree

- a. Please provide your reasons, particularly if you disagree.

The policy risks the creation of class divided communities which can result in concentrations of deprivation. New communities should be designed to deliver a broad range of house types, sizes and tenures to provide balanced communities and ensure that the full housing needs of the population are catered for.

**72 Do you agree the with the criteria set out regarding the locations of specialist housing for older people?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The criteria set is relevant and logical, however there are broader issues to consider such as broader accessibility and parking standards, and scale, design, character and compatibility with existing land uses.

**73 Do you agree with the criteria set out regarding the locations of community-based specialist accommodation, including changes to the glossary?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

See response to Question 72.

**74 Do you agree with the criteria set out regarding the locations of purpose-built student accommodation and large-scale shared living accommodation, including changes to the glossary?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

There is a need to consider whether student accommodation is appropriate within the communities which they are located, for issues of impact on amenity, infrastructure, the balance of accommodation, and scale. The need for such accommodation should be demonstrated, and they should be accessible to education institutions.

**75 Do you agree the proposals provide adequate additional support for rural exception sites?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, including what other changes may be needed to increase their uptake?**

The policy sets clear and concise requirements for developments to be considered as rural exception sites. It also allows for local variation to be applied through Local Plans providing some scope for local conditions and circumstances to be applied by decision makers.

**76 Do you agree with proposals to remove First Homes exception sites as a discrete form of exception site?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

There is no evidence to support the requirement for First Homes locally with this eroding much needed alternative tenures. There is no justification therefore to permit this type of housing as an exception beyond settlement boundaries.

**77 Do you agree proposals for a benchmark land value for rural exception sites will help to bring forward more rural affordable homes?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree

**a. If so, which approach and value as set out in the narrative for policy HO10 of the consultation document is the most beneficial for government to set out?**

No comment.

**78 Do you agree the proposals to set out requirements for traveller sites at policy HO12 adequately capture relevant aspects from Planning Policy for Traveller Sites, whilst ensuring fair treatment for traveller sites in the planning system?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**79 Please provide your reasons, particularly if you disagree**

The development of these sites should only be supported where they are sustainably located and accessible to daily essential goods and services. Those issues identified in Policy HO12 are not sufficient, in the Council's view, to ensure a sustainable location for this form of development.

**80 Do you agree the proposals in policy HO13 will help to ensure development proposals are built out in a reasonable period?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree or disagree

**a. Please provide your reasons, particularly if you disagree.**

It is not always the case that development can be brought forward immediately on sites that are marginal in terms of their viability. In low demand areas gaining planning permission is usually, but not always, followed by starting on site but there are sites where putting a delivery package together to see development come forward is difficult and takes time. Forcing starts is not always the answer in such circumstances.

It should also be noted that forcing a start does not necessarily lead to delivery. It is relatively simple to achieve a technical start. The legislation to force a developer to then proceed is lacking as completion notices do not require completion only give a definitive timescale to do so.

**81 Do you agree the requirements to take a flexible approach to the consenting framework for large scale residential and mixed-use development is sufficient to ensure the opportunities of large scale development are supported?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The Council accepts that a lot can change during the build out of a major site. This may be site specific which affects viability or the feasibility of development. It may be broader issues such as legislative or planning policy change, or economic conditions. It is however important the site maintains its role in supporting the delivery of assessed housing need therefore decisions should not stray too far from policy requirements.

**82 Are any more specific approaches or definitions needed to support the delivery of very large (super strategic) sites, including new towns?** *Yes, no*

Yes

**a. Please provide your reasons.**

The Council has no experience in bringing forward a 'super strategic site' or new town. However given the scale and complexity associated with this form of development further guidance may be necessary. It is likely that a development corporation is set up to manage and coordinate the delivery of development at this scale.

**83 Do you agree with the proposed changes to the Housing Delivery Test rule book?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

It makes sense for the Housing Delivery Test to reflect the approach set out in Paragraph 8 of Annex D of the NPPF. This alignment provides clarity on how the Housing Delivery Test is calculated providing certainty to decision makers, the wider development industry and communities.

**84 Do you agree that more emphasis should be placed on relevant national strategies and the need for flexibility in planning for economic growth, as drafted in policy E1? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The requirement to have regard to existing national and local economic strategies will help deliver a joined up approach to the delivery of employment land, helping to facilitate the delivery of local and national strategy. These should be articulated through SDSs to save repetition in Local Plans.

**85 Do you agree with the approach to meeting the need for business land and premises in policy E2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree

**a. Please provide your reasons, particularly if you disagree.**

The Council supports economic growth and welcomes the confirmation of weight to be applied toward proposals which support the economy (including rural economy).

Demonstrating unmet need should not be limited to market signals. There may be a range of reasons for the outputs of market signals which may reflect broader economic conditions. The evidence required to support a proposal which relates to greenfield, unallocated land, should be expanded to also relate to:

- The supply of land and premises available at sites allocated for employment through the local plan, and at sites located within protected employment areas (PEAs).
- Opportunities for employment within designated Town Centres, where they may be suitable to accommodate the scale and type of development proposed.
- Justification for the development proposed, including whether the proposal can be accommodated by the expansion of an existing premises.
- Evidence that the proposal would not prejudice the delivery of an allocated site.

**86 Do you agree with the proposed new decision-making policy supporting freight and logistics development in policy E3?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The language of Policy E3 should be more precise with regard to considering the effects of the development on adjacent land uses, the environment, and where relevant residents. The policy should explicitly reference matters of contamination / ground conditions, construction and operational arrangements, industrial processes, and the impact of proposals on existing infrastructure, the health, safety and wellbeing of existing residents, and the natural environment.

**87 Do you agree with the approach to rural business development in policy E4?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a. Please provide your reasons, particularly if you disagree.**

It is important that planning policy supports the vitality and vibrancy of the rural economy. As such the Council supports most of Part 1 of the policy. Part 1 d needs clarity as an endless list of developments could come forward to support viability. Reference needs to be made to the development being part or related to the farming activities.

There are concerns with Part 2. Whilst it is accepted that development in rural areas cannot always be locationally sustainable, its effect on the open countryside needs to be carefully managed and a carte blanche policy permitting such development must be avoided. Here, there needs to be clear and convincing justification for the location of the proposal within the open countryside (to ensure consistency with Policy S5). The policy must also seek to minimise the need for new development within the open countryside, including the scale of proposals. Proposals will also need to ensure that they do not result in unacceptable adverse effects from the natural and historic environment, and can be accommodated in accordance with policy with regard to flood risk and surface water flow. Part 2 of Policy E4 should be revised to account for these broader matters. Reference to previously developed land being preferable is helpful but impractical as farmland is excluded from being PDL so opportunities for that will be limited.

**88 Do you agree with the proposed changes to policy for planning for town centres?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The assessment of development requirements provided by Local Plans should align with the plan period, providing a cohesive and complementary strategy. The Council welcome the emphasis on design guides/codes and reference to article 4 directions as means to shape and direct development occurring within town centres to promote quality urban environments and to maintain their vitality and vibrancy.

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

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The Council welcome clarification of the benefit of proposals within town centre and the weight that should be applied by decision makers. Whilst the vitality and vibrancy of town centres should be promoted, this should not undermine their role for retail in accordance with Town Centres first policy. Town centres should remain the most important location for retail. They are the most accessible to location by sustainable modes of transport for the majority of residents and contain a range of wider services and facilities enabling multi-purpose travel. They maintain have socio-economic and cultural importance for residents which is often strongly valued and associated with a location's identity and sense of place.

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

The local authority area has a range of town centres however none function at a sub-regional level. None of the town centres feature a strong national chain presence with these limited to edge of centre/out of town retail parks. The stronger centres within more desirable and affluent parts of the borough experience low vacancy. Whilst the number of shops has declined to some degree, the extent or rate of this decline has been below what was anticipated. The centres within more deprived communities have declined quite steeply in recent years, with vacancy rates amounting the highest rates recorded despite the relaxation of planning controls on the use of premises. This is however due to wider socio-economic conditions influenced to a degree by the Governments broad economic and taxation policies.

Class E has resulted in some disjointed provision of retail development and has had other consequences over and above affecting town centres. It has resulted in traffic and convenience problems for residents where commercial buildings have gone to retailing.

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

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

Town centres should remain the most important location for retail. They are the most accessible to location by sustainable modes of transport for the majority of residents and contain a range of wider services and facilities enabling multi-purpose travel. They maintain have socio-economic and cultural importance for residents which is often strongly valued and associated with a location's sense of identify and place.

It also needs to be noted that there is a need to be as sustainable as possible. It is difficult to see how that can be achieved if there is a free for all in terms of the location of development.

**92 Do you agree with the approach to town centre impact assessments in policy TC4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

Town Centre Impact Assessments have an important role in town centre first policy demonstrating that proposals will not undermine existing centres and planned/committed development.

**93 Do you agree that the updated policies provide clearer and stronger support for the rollout of 5G and gigabit broadband? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The policy provides the necessary clarity to help decision makers determine proposals submitted for communications infrastructure, and guidance to developers on what type and form communications infrastructure should take. The policy does not set out whether communications infrastructure should be attributed generally positive weight within the decision making process as otherwise set out in the housing and economic chapters by example.

**94 Do you agree the requirements for minimising visual impact and reusing existing structures are practical for applicants and local planning authorities? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The approach is justified and necessary to ensure that communications infrastructure is appropriately sited so that it does not have an unacceptable adverse effect on the character and appearance of the existing built and natural environment. The industry is however usually reluctant to share infrastructure.

**95 Do you agree the supporting information requirements are proportionate and sufficient without creating unnecessary burdens?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The requirements of Policy CO2 provides the necessary information required by decision makers to consider whether proposals for communications infrastructure are suitable.

**96 Do you agree with the approach to planning for energy and water infrastructure in policy W1?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a. Please provide your reasons, particularly if you disagree, what alternative approach would you suggest?**

The Council agree that early engagement with statutory providers of utility infrastructure is necessary to inform plan making decisions, including determining the scale and pattern of development, the timing of its delivery, and establishing any related site specific requirements.

The Council is however unclear how part 2 of Policy W1 aligns with Policy DM7. LPs can facilitate the provision of infrastructure identified by Utility providers. It can not however assess what is required for new or enhanced renewable and low carbon development. That will require a new evidence base which will be almost impossible to fully qualify. The wording should be altered to say facilitate new or enhanced low carbon energy. The Local Plan should set out policy to support and enable the provision of such infrastructure, particularly where this supports the delivery of sustainable development.

**97 Do you agree with the amendments to current Framework policy on planning for renewable and low-carbon energy development and electricity network infrastructure in policy W2?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The need to increase energy supplies from renewable energy sources is critical in securing an effective transition to a low carbon economy and increasing energy security. The Council acknowledge the important role that Local Plans have identifying opportunities for renewable energy development and heat-networks in response to broader policy objectives. Assessing the need and setting out the details of its delivery is not appropriate for a Local Plan. In addition, it may not be possible, either due to viability, or broader environmental effects for specific allocations to be identified through this process, as such the approach of Policy W2 may be over cumbersome and too inflexible. The policy should be revised to state that ‘the development plan, should, at the most appropriate level, seek to maximise the potential for suitable development by exploring opportunities for...’

The production of this evidence will slow Plan making down.

**98 Do you agree with the proposed approach to supporting development for renewable and low carbon development and electricity network infrastructure in policy W3?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

- a. Please provide your reasons, particularly if you disagree, **and any changes you would make to improve the policy.**

The positive making decision making framework which Policy W3 provides is largely welcomed. There are however has concerns with Part 2 of the policy and in particular its approach towards proposals which may be contrary to the development plan. Whilst the need for renewable and electricity network infrastructure is not in dispute, any evidence prepared by the local planning authority which demonstrates that a particular location is not suitable for the type of development sought should not be ignored especially as this evidence would have been subject to scrutiny through the Local Plans preparation process. The Council therefore does not agree that such proposals should be ‘acceptable when assessed against the national decision-making policies in this Framework, taken as a whole’ and greater regard needs to be had to the policies of the wider development plan and its supporting up-to-date evidence base.

**99 Do you agree with the proposed approach to supporting development for water infrastructure in policy W4?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

- a. **Please provide your reasons, particularly if you disagree.**

The Council acknowledge the weight which should be applied in favour of such applications. However the policy is silent in setting out the key considerations for

such development such as the impact on the character and appearance of the area, environmental effects and residential amenity. The policy is therefore incomplete.

**100 Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**a. Please provide your reasons, particularly if you disagree.**

No comment

No comment

**101 Do you agree with how policy M1 sets out how the development plan should consider oil and gas?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment

**a. Please provide your reasons, particularly if you disagree.**

No comment

**102 Do you agree with the proposed addition of critical and growth minerals to the glossary definition of ‘minerals of national and local importance’?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment

**a. Please provide your reasons, particularly if you disagree.**

No comment

**103 Do you agree criteria b of policy M2 strikes the right balance between preventing minerals sterilisation and facilitating non minerals development?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment

**a. Please provide your reasons, particularly if you disagree.**

No comment

**104 Do you agree policy M3 appropriately reflects the importance of critical and growth minerals?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment

**a. Please provide your reasons, particularly if you disagree.**

No comment.

**105 Do you agree with the exclusion of development involving onshore oil and gas extraction from policy M3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment.

**106 Please provide your reasons, particularly if you disagree.**

No comment.

**107 Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment.

**108 Please provide your reasons, particularly if you disagree.**

No comment.

**109 Do you agree with approach to coal, oil and gas in policy M5? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment.

**a. Please provide your reasons, particularly if you disagree.**

No comment.

**110 Are there any other exceptional circumstances in which coal extraction should be permitted? Yes/No**

No comment.

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

No comment.

**112 Do you agree policy M6 strikes the right balance between preventing the sterilisation of minerals reserves and minerals-related activities, and facilitating non-minerals development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment.

**a. Please provide your reasons, particularly if you disagree.**

No comment.

**113 Does policy M6 provide sufficient clarity on the role of Minerals Consultation Areas?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**a. Please provide your reasons, particularly if you disagree.**

No comment.

**114 Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**115 If not, what further guidance is needed?**

The policy provides a comprehensive set of measures for local planning authorities to implement through their local plans to encourage and deliver the effective use of land to help meet development needs, ensuring that development needs are delivered sustainably and minimise the permanent loss of greenfield land.

**116 Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The policy provides a clear steer on the type, location and form of development which should be supported by decision makers to help meet development needs sustainably. To assist with its effectiveness and ensure alignment with wider policy, clarification is necessary to set out that proposals must be in compliance with the wider development plan, in particular those policies which may preclude or restrict development.

The policy only relates to the creation of new homes. Often new homes can be adapted to cater for the ongoing needs of a family. The policy should also refer to creating additional space in existing homes.

**117 Do you agree policy L2 identifies appropriate typologies of development to support intensification?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. If not what typologies should be added or removed and why?.**

The Council agree with the listed typologies of Policy L2 provided the clarification sought through the response to Question 116 is secured.

**118 Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The principles set through part d of Policy L2 are in most cases reasonable and relevant to the type of development which is proposed. The Council however is concerned by the omission of the historic environment as a consideration within this list, particularly should a proposal result in a direct or indirect affect on a designated or non-designated heritage asset. To ensure that development conserves the historic environment, the examination of development against relevant heritage policy should be included within part d. The Council add further comments on part d of Policy L2 in its responses to Question 119 and 120.

**119 Do you agree policy L2 (d)(i) achieves its intent to enable appropriate development that may differ from the existing street scene, particularly in cases such as corner plot redevelopment and upwards extensions. *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree

**a. Please provide your reasons, particularly if you disagree.**

Whether or not a particular form of development should be permitted or not as an exception to normal policy conditions should be considered on a case-by-case basis and not engrained in national planning policy. There is little justification for this relaxation in policy. Larger buildings should not be supported on street corners as a standard policy position but instead be considered as part of the decision-making process taking into account planning policy related to design and site specific considerations.

**120 Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree

**a. Please provide your reasons, particularly if you disagree.**

The Council agree with those safeguards which are listed in part d (other than outlined in our response to Question 119). The list does not however cover every issue which is pertinent to determining the suitability of such proposals. In terms of amenity, overbearing effect is omitted. This is particularly important if a building is to be increased in scale in comparison to its surroundings. The other key factor is parking. Unless highly accessible to existing services, sources of employment and shops, the Council could not support such proposals where there is insufficient space available within the curtilage of the dwelling to meet the additional parking needs generated by the development.

The references to not occupying more than twice the footprint of 50% of the non-developed area are speculative. Provided space standards and design are acceptable the principle of curtilage development should be accepted without the need for randomly defined parameters.

**121 Do you agree policy L3 provides clear guidance on achieving appropriate densities for residential and mixed-use schemes?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. If not please explain how the guidance could be clearer.**

Policy L3 provides clear guidance with regard to the achievement of appropriate densities.

**122 Do you agree with the minimum density requirements set out within policy L3?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

It is appropriate for the NPPF to identify broad minimum density requirements where this would help to secure the effective use of land. The densities identified relate only to public transport provision. The Council has previously highlighted its concern of the approach and notes that the requirement for 40 dph does not even refer to the frequency, capacity or quality of services. Greater regard should be given to these aspects of public transport services. The policy misses an opportunity to direct high density developments towards town and district centres which benefit from access to a range of services, shops and often employment opportunities. The policy should be refocused to relate to town centres and high-quality public transport corridors where service frequency is every 15 minutes or better.

**b. Could these minimum density requirements lead to adverse impacts on Gypsies and Travellers and other groups with protected characteristics? Please provide your reasons, including any evidence.**

The locational criteria for such sites, as written, will allow for random development locations in open countryside. Without good design criteria that would lead to potential large sites with inefficient use of space impacting on the quality of the countryside. All developments should use land effectively and efficiently so there needs to be space standards for Gypsy and Traveller sites as well as other residential sites.

**123 Do you agree that using dwellings per hectare is an appropriate metric for setting minimum density requirements? Additionally, is our definition of ‘net developable area’ within the NPPF suitable for this policy? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree.

**a. Please provide your reasons, particularly if you disagree.**

The expression of density in dwellings per hectare is commonly understood and used within the planning system. The question is whether density requirements should instead be applied to gross development area, as this grants greater flexibility as site constraints become understood during the planning process.

**124 Do you agree with the proposed definition of a ‘well-connected’ station used to help set higher minimum density standards in targeted growth locations? In particular, are the parameters we’re using for the number of Travel to Work Areas and service frequency appropriate for defining a ‘well-connected’ station? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a. Please provide your reasons and preferred alternatives.**

The presence and proximity of services are important factors in determining the sustainability of a site for development, and whether the public transport service provided provides a realistic and attractive alternative to travel by car. As previously set out, service quality and capacity are also relevant. It will be important to understand whether service enhancements are proposed in consultation with key stakeholders.

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

Yes/No

Yes

**a. If so, how should these locations be defined in a clear and unambiguous way and what should these density standards be?**

Town Centres and edge of centre town centre locations provide further locations where higher density development should be provided on the basis these areas are well service by public transport opportunities.

**126 Should we define a specific range of residential densities for land around stations classified as ‘well-connected’?**

No. This should be determined through the design process in consultation with key stakeholders including the Council.

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

No comment.

**128 Do you agree policy L4 provides clear high-level guidance on good design for residential extensions? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**129 Please provide your reasons, particularly if you disagree.**

The criteria identified does not address all the issues which are pertinent to the determination of this type of development. In terms of amenity, the issue of overbearing effect is omitted and not strictly covered by other listed criteria. Parking requirements are also a key consideration. In particular any increased need for parking generated as a result of the development must be provided within the curtilage of the dwelling unless sited in a highly accessible location.

What is an “acceptable standard? If there is a standard this needs to be defined, particularly as SPDs are now being abolished which provided design guidance to support policy.

The design considerations should also be expanded to ensure that extensions adopt the same or similar materials as the host dwelling and as reflected within the wider built environment. Similarly the extension should be read as such and be subservient to the overall scale and appearance of the original dwelling.

The policy should set out that proposals will be expected to comply with the requirements of existing Design Codes and/or guidance prepared locally.

**130 Do you agree that policy GB1 provides appropriate criteria for establishing new Green Belts? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**131 Please provide your reasons, particularly if you disagree.**

The criteria listed are relevant and consistent with the purpose of Green Belt and the role this has in managing development.

**132 Do you agree policy GB2 gives sufficient detail on the expected roles spatial development strategies and local plans play in assessing Green belt land?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The Council does not dispute the position that Green Belts should be assessed on a sub-regional basis for their strategic role in meeting Green Belt purposes. It makes sense that this is undertaken in support of the preparation of SDSs with Local Plans using this information to define boundaries locally (account for defined growth needs). The SDS will however need to look in detail at the availability of other sites as not to do would potentially mean that GB release will be proposed in LPs. This approach lends further weight to the Council's position that SDSs must be prepared ahead of Local Plans in order for the policy system provided under reforms to work effectively.

The Council note and welcome guidance provided with Annex E which standardises how Green Belts should be assessed against the Green Belt purposes. This approach should help to support the implementation of an efficient plan making system.

The role and extent of GB cannot however be divorced from assessing Grey Belt land as this will provide a source of development land for LPs. It would be rash to designate GBs then seek to alter them via planning applications and LPs where grey belt is proposed. That in turn leads to the status of grey belt. Unless allocated as part of a LP grey belt land will be the subject of challenge in almost every case. Grey Belt should form part of the assessment of the extent of GB and then be so defined by an allocation.

**133 Do you agree with proposals to better enable development opportunities around suitable stations to be brought forward?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

Relying on service frequency as a basis for this type of development is too simplistic and risks overburdening existing infrastructure which may already be under pressure. Growth and infrastructure investment must go hand in hand in order to support sustainable communities.

In terms of whether such an approach would be sensible in Green Belt terms, this would depend on the role that the relevant land has in meeting the Green Belt purposes. If the railway station is located in a gap in development which is

fundamental to the Green Belt function in that area, then the development should not be permitted through this policy.

**134 Do you agree the expectations set out in policy GB5 are appropriate and deliverable in Local Plans?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**135 Please provide your reasons, particularly if you disagree.**

Clearly the Green Belt holds important value to the communities where they are established, and they may fulfil a broader recreational or environmental role. However, national planning policies should not lose sight of the fact that they are principally a planning policy tool to control and direct development. They are not nor have they ever been areas identified for their ecological or recreational value. These may exist but they were not ever assessed or designated for that purpose. It is not the case therefore that they are able to accommodate greater access nor that they automatically play a role in nature recovery. Indeed greater recreational use is a disbenefit to nature recovery. Align recovery should be in accordance with adopted Nature Recovery Strategies. As such, unless there is a broader planning policy reason, there should be no requirement for betterment or for offsetting. Planning policies can help promote improvements to environments within the Green Belt, or the broader role that Green Belts have for their communities, such as the identification of the land as part of the green infrastructure or ecology network, but this would be for other policies of the development plan to grapple with, on the basis of evidence gathered to support the Local Plan.

**136 Do you agree policies GB6 and GB7 set out appropriate tests for considering development on Green Belt land?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree and partly disagree

**a. Please provide your reasons, particularly if you disagree.**

GB6 does not say why development is inappropriate. It simply says it is inappropriate. That gives no indication as to how “very special circumstances” cases can be assessed. As written it fails to give a hook on which to base development management decisions and conflicts with GB4 which does refer to keeping land open. This may be a deliberate policy position to take but it will not aid in reaching consistent decisions across green belts in what is a precedent based planning system. The long established exemptions listed in parts a – f of the policy are appropriate to be retained.

In addition, there are concerns about the concept of Grey Belt and the effect the policy has on the integrity of Green Belts and the strength of Green Belt policy. Whilst it is agreed that land within the Green Belt may have a role in meeting

development needs, this should be considered through the plan making process where the relevant issues can be weighed before determining whether land should be released from the Green Belt. This should be a local decision in line with SDSs made in the context of delivering national objectives.

The fundamental flaw of Grey Belt policy is the failure to consider the wider context. Applied at the smallest of geographies, any land may be considered to meet the government's definition. Allowing development on Grey Belt through the decision-making process erodes the permanence and the role that Green Belt has in managing development in response to the Green Belt purposes.

**137 Do you agree policy GB7(1h) successfully targets appropriate development types and locations in the Green Belt, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Strongly disagree.

This policy is ill conceived and implies a lack of policy clarity on the role of green belt. Whilst it promotes mixed use development it does not tie in with spatial development principles, sustainability principles, protecting the green belt to achieve its purposes and is attached solely to the principle of a railway station being the only method of transport that is sustainable.

Decisions on the local of development should be made looking holistically at the development needs of an area through Local Plan making, not through arbitrary exceptions to policy.

This also brings to the for ethe mor pertinent question of whether Greenbelts are still fit for purpose and whether they should still exist with development of the right nature being brough about through the Local Planning process.

There is no policy connection provided to density requirements of chapter 12 in part h. If this is the intention it needs to be signposted. In terms of what is there, footnote 52, states that proposals should be 'well-connected' to rail stations, underground, tram and light rail stops. It is unclear what is meant by 'well-connected'. The government should bear in mind that distance is not the only factor which affects whether a location promotes access by foot and bicycle. The ease, quality and safety of this route are key considerations. Locally topography has a major impact on accessibility and has been factored into the Council's site assessment process.

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

No comment.

**139 Do you agree that site-specific viability assessment should be permitted on development proposals subject to the Golden Rules in these three circumstances? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree

**a. Please provide your reasons, particularly if you disagree.**

Development which comes forward as an exception should only be permitted where there is broader full policy compliance. There should be no scope for negotiation of Golden Rule requirements for any application which has been submitted speculatively and outside of the plan making process. Developers should have a firm grasp of whether a site is developable before considering whether to submit a planning application on such sites.

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

Development on previously developed land within the Green Belt would be considered under GB7 1e. As such this type of development would not be required to meet the golden rules.

**141 Do you agree with setting an affordable housing ‘floor’ for schemes subject to the Golden Rules accompanied by a viability assessment subject to the terms set out? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment

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

No comment

**143 Do you agree with local planning authorities testing viability at the plan-making stage using a standardised Benchmark Land Values scenario of 10 times Existing Use Value for greenfield, Green Belt land? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment

**a. Please explain your answer.**

No comment

**144 Do you have any other comments on the use of nationally standardised Benchmark Land Values for local planning authorities to test viability at the plan-making stage?**

There are concerns with this approach given that the land values vary substantially across the country and so a one size fits all approach should be avoided. Government guidance on the approach and requirement for viability assessment would be welcomed, including some of the outputs which are consistent across the majority of the country. However, values can vary substantially even on a local basis.

**145 Do you agree that proposed changes to the grey belt definition will improve the operability of the grey belt definition, without undermining the general protections given to other footnote 7 areas?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a. Please provide your reasons, particularly if you disagree.**

Unless designated in a LP after review all grey belt decision will be open to challenge. It is a discretionary no-statutory designation that depends on assessment on each occasion an application is submitted. Whist the change to the definition will reduce the complex assessment process slightly it will have no overall practical impact.

**146 Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

Clear guidance is set by the policy on the approach taken towards design standards through the plan making process. The Council welcome the flexibility provided for local planning authorities to determine what approach is most appropriate taking into account the unique needs, ambitions and sensitivities of their areas.

**147 Do you agree with the approach to design tools set out in policy DP2?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The policy identifies a broad range of planning tools available to policy makers to set out design standards which fulfil a different role depending on the need of application.

**148 Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons and preferred alternatives.**

The policy is comprehensive in establishing key principles for well-designed places with clear links to other national development management policies. It gives appropriate weight to locally prepared design tools through the decision-making process where these exist.

However 1 d seems to be an absolute. It requires a scheme to incorporate a network or connect to a network of green infrastructure. There will always be instances where that is not possible so the criteria should be worded accordingly.

**149 Do you agree with the proposed approach to using design review and other design processes in policy DP4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree

**a. If not, what else would help secure better design and placemaking outcomes.**

The design process is overall acceptable. Requiring access to a design review should be linked to the individual scheme and need to do so. Design reviews are lengthy and costly processes and require resourcing which many Councils do not have with the long running budget cuts they have seen.

**150 Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through plan-making? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The policy will ensure that strategic transport needs including public transport take a key role during plan preparation to encourage sustainable travel, investment in transport and secure a sustainable pattern of development. The Council in particular, welcome the publication and role of the Connectivity Tool, in the site selection process. The application of the tool will aid plan makers in plan making, and ensure that the pattern of development provided in Local Plan seeks to minimise car dependency. Its deployment will provide a consistent approach to plan making and improve the efficiency of this process. The government should consider whether making further reference to the tool within the plan making chapter would further strengthen the role the tool has for this process.

**151 Do you agree that policy TR2 strikes an appropriate balance between supporting maximum parking standards where they can deliver planning benefits, and requiring a degree of flexibility and consideration of business requirements in setting those standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The policy achieves the necessary balance on potentially conflicting priorities of securing sufficient parking provision but also encouraging sustainable travel. The policy ensures alignment with the vision led approach to transport outlined in TR1, and is flexible by enabling the adoption of maximum parking standards where this would support broader policy initiatives.

**152 Do you agree with the changes proposed in policy TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Neither agree nor Disagree

**a. Please provide your reasons, particularly if you disagree.**

The policy secures a joined up approach to transport and encouraging sustainable travel options as set out in wider policies of the NPPF. However it assumes that all development can be made sustainable as defined in TR3. Many areas do not have the luxury of extensive transport networks and have seen bus services significantly reduced by lack of funding. If SM figures are to be achieved there has to be a pragmatic approach to locations of development, particularly in areas with major viability challenges.

**153 Do you agree that proposed policy TR4 provides a sufficient basis for the effective integration of transport considerations in creating well-designed places? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The Council supports the priority identified and believes that the policy includes effective and proportionate measures to secure this, whilst catering for operational needs of a development.

**154 Do you agree with policy TR5 as a basis for supporting the provision and retention of roadside facilities where there is an identified need? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree

**a. Please provide your reasons, particularly if you disagree.**

The policy is unclear how it works in the context of Policy S5 of the NPPF, or why the issues identified are sufficiently important to outweigh the application of normal policy conditions.

**155 Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and travel plans will be required, and for considering impacts on the transport network? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The policy provides clear guidance on the information needed to accord with its requirements, and adopts an approach towards assessing the impact of development on the highway network which is consistent with existing policy.

**156 Do you agree the proposed text in policy TR7 provide an effective basis for assessing proposals for marine ports, airports and general aviation facilities? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment

**a. Please provide your reasons, particularly if you disagree.**

No comment

**157 Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The Council does not object to the requirements of the policy in broad terms and note the alignment of the policy with earlier policies of this section of the NPPF. Part a should set out that any diversions should form safe and desirable routes to be agreed with the local planning authority. A footnote should be inserted to make clear that the stopping up or diversion of an existing public right of way is subject to a different legislative requirement which is outside of the planning system.

**158 Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The policy provides a comprehensive approach to ensuring that there are sufficient spaces, facilities and opportunities to promote and improve the health and

wellbeing of existing and new residents, ensuring that plans (and development) cater for any arising unmet need.

The Council note that part 2 of the policy attaches 'considerable' importance to providing sufficient education, health and community facilities. It is questionable, in the context of the broader standardisation of terms used in the NPPF, why these matters are not given 'substantial weight'.

**159 Do you agree that Local Green Space should be 'close' to the community it serves?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

A Local Green Space should be of sufficient proximity so it can be enjoyed by the communities it serves. The term 'close' is not defined within the NPPF or supporting guidance leaving room for interpretation as to what the term means. This is the correct approach because each space valued by communities is different for its character, features, scale, accessibility, and broader importance. These factors alter the distances people are willing to travel to access these spaces.

**160 Do you agree that the proposed policies at HC3 and HC4 will support the provision of community facilities and public service infrastructure serving new development?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The policies provide a proportionate response to the potential social infrastructure requirements of new developments and help ensure that development can integrate successfully and without harming infrastructure capacity.

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

Yes, the term 'fast food outlets' should be clarified to assist with the full implementation of this policy. Fast food outlets would infer those restaurants or establishments which feature a drive-thru.

**162 Do you agree with the proposed approach to retaining key community facilities and public service infrastructure in policy HC6?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The policy closely reflects the approach applied towards existing community facilities and public service infrastructure as set out in the recently adopted Local Plan. It will help protect these assets from unnecessary loss unless policy criteria can be fulfilled ensuring that these facilities remain at the heart of the communities they serve.

**163 Do you agree with the approach taken to recreational facilities in policy HC7, including the addition of ‘and/or’ with reference to quantity and quality of replacement provision?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

The policy approach closely reflects that of the recently adopted Local Plan and will be effective in guarding against the permanent loss of existing open spaces, sports and recreational land/buildings to other forms of development. The approach is consistent with earlier policy regarding the provision of and maintenance of open space assets, and are critical in supporting the health and wellbeing of residents.

**164 Do you agree with the clarification that Local Green Space should not fall into areas regarded as grey belt or where Green Belt policy on previously developed land apply?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

To do so otherwise would severely undermine the purpose and role of Local Green Spaces and provide a backdoor to their development, erosion and loss.

**165 Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

Policy P1 provides a comprehensive basis on which to plan to meet development needs whilst taking into account and trying to improve public safety, protection and pollution.

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

Policy P2 should add that applicants should seek pre-application advice from key stakeholders such as the Mining Remediation Authority where their proposal has a high-risk area for coal and salt amongst other materials. A footnote could be added

to the policy which refers applicants to the Mining Remediation Authority's online search tool.

**167 Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

Policy P3 adopts a logical, comprehensive and proportionate approach that will be effective in securing acceptable living conditions and managing pollution through the decision making process.

P3 does however place an evidential burden on applicants to have to demonstrate both that the exposure levels are acceptable and secondly that there are no health burdens. That will require assessments to accompany all planning applications which will be a burden to developers.

**168 Do you agree policy P4 makes sufficiently clear how decision-makers should apply the agent of change principle?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

Policy P4 provides a suitable framework on which the agent of change principle is to be applied through decision making. The wording of Part 2 of the policy is a bit clumsy and may lead to misinterpretation. Part 2 should be reworded as follows:

1. 'Identify the extent and degree potential impacts, informed where necessary by in consultation with existing businesses and residents.
2. Demonstrate that sufficient and effective mitigation measures can be implemented prior to occupation to make the development acceptable. Planning conditions and obligations will be used to secure the timing and delivery of agreed mitigation measures.'

**169 Do you agree policy P5 provides sufficient basis for addressing possible malicious threats and other hazards when considering development proposals?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree. Policy P5 is sufficient in addressing possible malicious threats and other hazards.

**170 Do you agree that substantial weight should be given to the benefits of development for defence and public protection purposes?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

**a. Please provide your reasons, particularly if you disagree.**

One of the issues with this version of the NPPF is that every issue is given the same amount of weight. This gives plan makers and decision makers a problem in determining what issues should be prioritised when considering the suitability and effect of development. Perhaps in this context, and if the government considers everything has equal importances, then scale and degree should be the key determinant.

**171 Do you agree with the proposed changes set out in policy F3 to improve how Coastal Change Management Areas are identified and taken into account in development plans?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment

**a. Please provide your reasons, particularly if you disagree.**

No comment

**172 Do you agree with the proposed clarifications to the sequential test set out in policy F5?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

Policy F5 is clear in setting out where a sequential test is required and what a sequential test must show in order for a development proposal to be suitable in flood risk terms. The approach taken is consistent with broader policy on flood risk ensuring that non-water compatible forms of development are steered away from those areas at greatest risk of flooding. Sufficient regard is given to future changes in flood risk ensuring that development which is permitted in accordance with the policy is resilient to the effects of climate change.

**173 Do you agree with the proposed approach to the exception test set out in policy F6?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**Please provide your reasons, particularly if you disagree.**

Policy F6 provides a clear decision-making framework in the context of the exceptions test which is wholly consistent with wider flood risk policy. It sets expectations of when an exceptions test is or isn't required, and clear criteria of where the exceptions test is met. The Council is in agreement with the conditions

under which a further exceptions test would be required for a site which has been allocated in a Local Plan.

**174 Do you agree with the proposed requirement in policy F8 for sustainable drainage systems to be designed in accordance with the National Standards?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The Council largely agrees with the requirements of the policy, and in particular the overall approach which provides drainage solutions which are likely to benefit the environment. The Council would anticipate pre-development runoff rates to be achieved at greenfield rates and a betterment of runoff rates at brownfield sites. It must be a proportionate approach taking into account the scale and nature of the proposal and its effects on surface water flow. On brownfield sites it would be preferable to see the site come forward at current rates rather than reusing if it is not feasible or viable to achieve improved standards i.e. re-using existing drainage instead of new drainage which may make a scheme unviable.

Site drainage infrastructure and its capacity should account for the predicted effects of climate change and this should be included in the policy.

Ground conditions at a site may render natural approaches to managing surface water drainage unfeasible and as such other options may need to be required to drain a site sufficiently and safely to achieve the specified rate of outfall. To reflect this, the policy should incorporate the drainage hierarchy.

**175 Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

This is common practice and there are strong environmental and flood risk benefits of doing so. The policy is sufficiently flexible to permit culverting or the retention of culverts where there is a compelling justification. This for example may include feasibility in the context of the scope of development proposed and/or location of the culvert in relation to the development, or potential effects on the wider viability of the development.

**176 Do you agree with the proposed changes to policy for managing development in areas affected by coastal change?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

a. **Please provide your reasons, particularly if you disagree.**

No comment.

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

No comment.

**178 Do you agree with the proposed new additions to Table 2: Flood Risk Vulnerability Classifications?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

a. **Should any other forms of development should be added? Please give your reasoning and clearly identify which proposed or additional uses you are referring to.**

The forms of development included appear reasonable base on the nature of their use, wider importance, and their vulnerability to flooding.

**179 Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

a. **Please provide your reasons, particularly if you disagree.**

Part 1b unnecessarily repeats the role and content of LNRS. It should be revised to set out clear policies which support opportunities for the delivery of the opportunities identified through the LNRS such as the identification of an ecological network for protection and enhancement where development may contribute net benefits to nature supporting the delivery of the LNRS and other strategies as relevant and appropriate.

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

This is a matter for a local planning authority to determine, taking into account local needs and opportunities. The key problem with this approach is that in the Council's understanding any provision over the minimum 10% provided can be 'sold on' to other developments providing opportunities to meet biodiversity needs generated by other development in off-site locations. Whilst this would help secure additional

biodiversity net gain provision locally (in itself a benefit), it means that any provision above 10% is not necessarily a further net benefit. This fact will need to be taken into account by local planning authorities in determine whether to apply an increased requirements on specific allocated sites or not.

**181 Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

Policy N2 sets out a wide range of environmental issues for development proposals to be considered in the context of and respond to. These measures are important in the context of securing the role of new development in achieving broader environmental objectives and the delivery of biodiversity enhancements. In this context, it is surprising that biodiversity net gain and the role it has in meeting these objectives is omitted from the policy. The policy should set out the role that net gain measures have in meeting these objectives providing developers and decision makers a clear steer.

There are concerns whether part 2 of the policy is sufficiently clear as what could be regarded as significant. Part 2 should relate to the hierarchy of designated sites, protected habitats and safeguarding of protected species and their associated habitats. The weighting applied should reflect the status of affected habitat or species, the degree of the effect and extent mitigation measures could address this effect. This is necessary to ensure consistency with the NERC Act and to assist Council's discharge their Biodiversity Duty. The Council notes that this is addressed in Policy N6. This policy should be reference in part 2 to ensure a coherent approach.

**182 Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a. Please provide your reasons, including how policy can be improved to ensure compliance.**

Policy N4 appears largely effective in managing development within and affecting protected landscapes to sustain their qualities. The Council agree with the weight attached by the policy to the conservation of these designations and the approach taken towards proposals for major development.

Valued landscapes have however been omitted. The Council object to the omission, as quality and important landscapes which make a significant contribution to the unique character and appearance of an area, its desirability, plus connected historical, social, cultural and economic links extend to areas far beyond those of protected landscapes. This leaves a significant vacuum in national planning policy undermining existing Local Plans and Neighbourhood Plans which contain locally specific policies with the support of existing communities which seek to protect and enhance these landscapes as appropriate. A further policy is required in this section of the NPPF to address Valued Landscapes.

**183 Do you agree policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the planning system?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*  
Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

Policy N6 sets clear expectations on the treatment of internationally, nationally, and locally recognised sites, as well as protected habitats.

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

It is unclear what an Environmental Delivery Plan is as this is omitted from the Glossary. In addition, a footnote is required which links to the responsible authority for the Environmental Delivery Plan which explains their role, status and content, and a webpage where these can be found and downloaded.

**185 Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*  
Neither agree nor disagree

**a. Please provide your reasons.**

No comment.

**186 Do you have any evidence as to the impact of implementing the additional regard duties for development?**  
No.

**187 Do you agree with the approach to plan-making for the historic environment, including the specific requirements for World Heritage Sites and Conservation Areas, set out in policies H1 – H3?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*  
Strongly Disagree

**a. Please provide your reasons, particularly if you disagree.**

The Council broadly agrees with the issues identified through Policies H1 to H3 and their role in conserving the historic environment. However, some of the detail which is set out in the policies is not appropriate for a Local Plan and is better set out in a specific supporting evidence or conservation area appraisal the requirement for which should depend on local context. This is particularly the case for Part 1a of Policy HE1 which requires an asset-by-asset appraisal of their condition and a strategy for their conservation. Whilst the Council support the principle of this, the Local Plan is not the appropriate means for its achievement. It will also mean years worth of work and non-delivery of LPs in a timely manner. 1a should be deleted in terms of a Plan making requirement as should 1 b which is equally as onerous in requiring a Borough wide heritage assessment to support a LP.

As discussed in previous answers the Government is requiring Plans to be delivered more quickly whilst significantly increasing the evidence burden. It is the burden of evidence which is key to timely LP delivery. These two issues in themselves would delay Plan making considerably and they are no necessary to be included as part of LPs which are not appropriate to be used as delivery vehicles for heritage buildings and assets.

The Historic Environment Record should be readily available to support plan making and decision-making processes. Locally this is not the case and this is unnecessary and counterproductive.

**188 Do you agree with the approach to assessing the effects of development on heritage assets set out in policy H5? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

Policy HE5 sets out clearly how applicants should consider the effect of development on the historic environment, setting out clear criteria on how this effect is measured and reported.

**189 Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

The amendment ensures consistency of terms outlined within the NPPF and as such is a logically approach. Footnote 74 provides a critical explanation of how this

weighting applies the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. To provide sufficient clarity, the Council recommends that Footnote 74 also makes specific reference to the Planning (Listed Buildings and Conservation Areas) Act 1990.

The requirement to conserve a heritage asset for the sake of it when there are positive effects is not appropriate. If an asset can be improved there should not be a presumption not to do so.

**190 Do you agree with the new policies in relation to world heritage, conservation areas and archaeological assets in policies HE8 – HE10? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a. Please provide your reasons, particularly if you disagree.**

Policies HE8 – HE10 provide appropriate and proportionate protection to the historical interest of world heritage sites, conservation areas and archaeological assets which is consistent with their status and the broader objectives of the chapter.

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

No.

**192 Do you agree with the transitional arrangements approach to decision-making? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a. Please provide your reasons, particularly if you disagree.**

Clarification on the implementation of the NPPF as set out in Annex A is welcomed.

In particular Paragraph 3 of Annex A which confirms how Part 1j of Policy S5 is to be implemented in relation to housing need in the context of existing Plans which fail to meet the standard method figure first identified through the December 2024 version of the NPPF. This is a welcomed clarification for the decision-making process. It also reflects the transitional arrangements of the December 2024 version of the NPPF.

The draft NPPF does not alter the approach to the assessment of housing need to determine the housing requirement. As such there is no justification for the implementation of any other transitional arrangement to that set out in Paragraph 3 of Annex A of the draft NPPF which is proposed in current ministerial statements. Significant time and resources have been spent adopting a Local Plan in accordance with the December 2023 NPPF with the transitional arrangements of

the December 2024 NPPF. To change this approach now, in the absence of rational justification, would be disingenuous, altering boundaries for the sake of it. It would significantly harm public confidence in the plan making process to unilaterally set aside a recently adopted Plan outside of the measures set out in the Annex to the draft NPPF. New Plans should also be written after Spatial Development Strategies are produced.

There are significant concerns about the approach applied by the government to the implementation of the NPPF through the decision-making process as set out in Paragraph 2 of Annex A. Despite being non-statutory, the NPPF would in effect override any existing adopted policy within the development plan, despite existing plans the degree of evidence and environmental assessment, public support and scrutiny such plans have been subjected to which is not matched by the process undertaken by the government in the preparation of its draft NPPF. The approach does not provide for a plan-led system driven at the local level but represents an extension of centralised decision-making rough riding over carefully and robustly prepared locally significant planning policies. It would undermine public confidence and produce a quagmire of litigation over what constitutes being “in ANY (emphasis added) way inconsistent with” the NPPF policies. It would be poor policy making and confusing.

In particular, there re objections to the inclusion of the wording ‘in any way’ within Paragraph 2 when measuring whether extant policies are inconsistent with the NPPF or not. This severely undermines existing policies and will lead to time consuming debate on the status of these policies through the decision-making process and litigation. This will not assist the efficiency of decision making and may result in an increase of planning by appeal.

Paragraph 2 of the NPPF should be revised to set tout that ‘development plan policies which are inherently inconsistent with national decision-making policies in this Framework should be given very limited weight’

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

No

**194 Do you agree with the list of Written Ministerial Statements set out in Annex A to the draft Framework whose planning content would be superseded by the policies proposed in this consultation? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree

**a. Please provide your reasons, particularly if you disagree.**

Whilst the inclusion of written ministerial statements in Annex A provides a useful single point of reference for these, its inclusion within the NPPF presumably means that the document will be subject to regular revision. This is not what the planning

process needs. The planning process needs stability and predictability. Any future changes to the NPPF should be limited to those absolutely necessary. As such it may be more appropriate to include dynamic lists and/or guidance within PPG.

**195 Do you consider the planning regime, including reforms being delivered through the Planning and Infrastructure Act, provide sufficient flexibility for energy generation projects co-located with data centres to be consented under either the NSIP or TCPA regime? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Answer

**a. Please give reasons.**

No comment

**196 Would raising the Planning Act 2008 energy generation thresholds for renewable projects that are co-located with data centres in England (for the reason outlined above) be beneficial? *Yes/No***

Answer

**a. If so, what do you believe would be the appropriate threshold? Please provide your reasons.**

No comment

**197 Do you have any views on how we should define 'co-located energy infrastructure'? Please provide your reasons.**

No

**198 Do you think the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for other use types of projects should be increased, or should this be limited to projects co-located with data centres? *Yes/No***

No comment

**a. Please provide your reasons.**

**199 What benefits or risks do you foresee from making this change? Please provide your reasons.**

No comment

**200 Would you support the use of growth testing for strategic, multi-phase schemes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment.

**201 Would you support the optional use of growth testing for regeneration schemes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment

**202 Do you agree greater specificity, including single figures, which local planning authorities could choose to diverge from where there is evidence for doing so, would improve speed and certainty? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment

- a. **Please explain your answer. If you agree, the government welcomes views on the appropriate figure – for example, whether 17.5% would be an appropriate reflection of the industry standard for most market-led development.**

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

No comment

- a. **Please explain your answer. The government is particularly interested in views on whether clarifying an appropriate profit of 6% on Gross Development Value for affordable housing tenures would make viability assessments more transparent and speed up decision-making.**

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

No comment

- a. **Please explain your answer.**

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

No comment

**206 Do you agree there circumstances in which metrics other than profit on gross development value would support more or faster housing delivery, or help to maximise compliance with plan policy? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment

- a. **Please explain your answer.**

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

No comment

**a. Please explain your answer.**

**208 Do you agree that guidance should be updated to reflect the fact a premium may not be required in all circumstances? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment

**a. In what circumstances might a premium, or the usual premium, not be required?**

**b. What impact (if any) would you foresee if this change were made?**

**209 Do you agree that extant consents should not be assumed to be sufficient proof of alternative use value, unless other provisions relating to set out in plans are met? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment

**a. Please explain your answer.**

**210 If extant consents were not to be assumed as sufficient proof of alternative use value, should this be at the discretion of the decision-maker, or should another metric (e.g. period of time since consent granted) be used? *Decision maker discretion / Another metric / Neither***

No comment

**a. If another metric, please set out your preferred approach and rationale.**

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

No comment

**212 Do you agree that the residual land value of the development proposal should be cross-checked with the residual land values of comparable schemes; to help set the viability assessment in context. *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment

**a. Please explain your answer.**

**213 Do you agree that a 2.5 hectare threshold is appropriate? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Partly disagree

**a. Please provide your reasons, particularly if you disagree.**

2.5 hectares represents a density of under 20 dwellings per hectare at the upper end of the scale proposed for medium scale development. The definition sends mixed signals with the government's priority to secure the effective use of land which can form a reason to refuse development under Policy L2. It is recognised that a broad range of proposals should be catered for, as such, it may be more appropriate for any reference to area to be omitted from the definition.

**214 Do you agree that a unit threshold of between 10 and 49 units is appropriate? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Neither agree nor disagree

**a. Please provide your reasons, particularly if you disagree.**

No comment

**215 Do you foresee risks or operability issues anticipated with the proposed definition of medium development? Yes/No**

There are no obvious risks associated with this definition provided that reference to site area is removed.

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

The Council's justification is provided in answer to Question 213.

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

This will require financial modelling which should have been undertaken to inform the Levy at the outset.

**a. Please provide your reasons.**

Answer

**218 If the exemption were to be extended, do you have any views on whether the development of 120 purpose-built student accommodation bedspaces is an**

**appropriate equivalent to a development of 50 dwellings for the purposes of the levy exemption?**

No comment

**a. Please provide your reasons.**

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

No comment

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

No comment

**221 What do you consider to be the potential economic, competitive, and behavioural impacts of possible changes to the levy exemption? Please provide any evidence or examples to support your response.**

The impact on the Levy will only be fully understood once it is implemented.

**222 Do you agree with the proposal to extend the Permission in Principle application route to medium development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly disagree

**a. Please provide your reasons, particularly if you disagree.**

Larger scale proposals have a far greater degree of complexity in terms of their effect on policy matters, environmental constraints, communities, and infrastructure than minor development. This complexity, and the relative impact of development at this scale calls for process which is of greater transparency and due diligence than provided by the planning in principle route. This is especially important where sites are unallocated for development, are on greenfield sites, or potentially contaminated brownfield sites.

The value and need for the extension of Permission in Principle is unnecessary in the context of the revised approach to the presumption in favour of sustainable development as implemented through Policies S4 and S5 of the draft document.

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

No comment.

**224 Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic?**

No

**a. If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how?**

N/A

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

N/A