

Appendix 1:

Draft response to Government consultation - Levelling-up and Regeneration Bill: reforms to national planning policy

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1 Do you agree that local planning authorities should not have to continually demonstrate a deliverable five- year housing land supply (5YHLS)

Agreed. This would be beneficial to local planning authorities who have an up-to-date plan in place. The proposed change shifts the balance between plan-led and so called speculative development, leaning more towards ensuring the number and location of new homes is delivered through plan-making, giving the authority the ability to better ensure that the right amount of development goes in the right places.

Local authorities that have been unable to meet the 5YHLS have triggered the 'tilted balance' in favour of sustainable development which leads to an increased number of speculative planning applications and results in planning by appeal. The result of this is piece meal development that has not been properly planned. This means the cumulative impact of new development coming forward cannot be anticipated and infrastructure needs cannot be planned for making new development potentially unsustainable.

2 Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

Yes. Removal of the buffers would provide consistency and would not disproportionately impact upon local planning authorities who have struggled to deliver in recent years. If the 20% buffer is removed, it will result in a greater number of LPAs being able to demonstrate a 5YHLS and less 'speculative' development coming forward.

3 Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on?

Yes, though further clarity on the time period of oversupply being considered is needed, including how this relates to stepped trajectories / delivery. In Three Rivers, under-delivery has been recorded against the standard method housing target. However, there has been an oversupply against the current Local Plan target, resulting in the authority being penalised when meeting housing needs as set out in the District's Local Plan. Delivery should be measured across the whole of the plan-period against the agreed Local Plan target. A local plan allocates land to meet an agreed housing target, if the target changes during the plan period, as was the case following the introduction of the standard method, then the new target won't be able to be met until a new Local Plan is in place resulting in under delivery.

4 What should any planning guidance dealing with oversupply and undersupply say?

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The planning guidance should be clear that any oversupply should be monitored over the whole plan period rather than penalising authorities that are meeting their own local plan housing targets.

The guidance should treat oversupply and undersupply equally and authorities should be able to offset any oversupply against later undersupply. It should be recognised that development doesn't always come forwards at the same rate and therefore there should be some provision to account for large schemes coming forward beyond the 5 year period. This may be addressed by including for allowances for a stepped trajectory that goes beyond the 5 years.

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| 5 | Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans? |
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Giving greater protection to neighbourhood plans is supported.

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| 6 | Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need? |
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Yes, these changes are supported. They add an emphasis on a plan-led system, on sustainability and the delivery of infrastructure. All of which is supported by the Council.

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| 7 | What are your views on the implications these changes (local housing need and standard method) may have on plan-making and housing supply? |
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Local authorities should be able to use more up-to-date population projections than the 2014 population projections as these are significantly out of date. There has been a large decline in projected population growth between the 2014 projections and 2018 projections in Three Rivers. As such, there is concern about the accuracy of the 2014 population projections.

The Council supports the proposed review of the implications on the standard method from the 2021 census data on population projections. This data is expected in 2024 so in the meantime the most up-to-date population projections available should be used when calculating housing needs.

The Council strongly supports changes to allow local planning authorities to set housing requirements that respond to local constraints as well as demographic and affordability factors. A more proportionate approach at examination is welcomed as this helps ensure that local context is fully considered whilst also helping to speed up plan-making.

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| 8 | Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing |
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local housing needs? Are there other issues we should consider alongside those set out above?

Clarification that the standard method is a starting point and not mandatory is strongly supported.

The exceptional circumstances for the use of an alternative approach for assessing local housing needs should be clearly set out in policy and guidance. This will help ensure that local plans are not held up by debates as to what constitutes exceptional circumstances unnecessarily slowing down plan-making.

9 Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

The Council strongly supports these proposed changes, however some further clarification is required.

The Council supports the emphasis on local character when considering housing densities and the ability to meet housing need. However, there may be situations when a larger uplift in housing densities may be the best approach to optimising the use of land especially in the case of Green Belt release.

The District's Green Belt is an important asset and should be protected. Further clarity is needed on what would constitute exceptional circumstances as there is some uncertainty over what is necessary to demonstrate compliance with national policy. Housing need in itself is not an exceptional circumstance but what about affordable housing need and affordability in general, the needs for older people's accommodation, for infrastructure, jobs etc? Without further clarification on exceptional circumstances the ambiguity surrounding Green Belt release that the Government is trying to address would remain.

Agree with taking into account past over-supply from a previous plan-period. This approach would be consistent with the proposed amendments around the 5-year housing land supply. This further justifies the need for a consistent approach to longer-term housing monitoring through a standard approach to the production of housing trajectories.

10 Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

Making a judgement on 'out of character' would require evidence on existing character. Local planning authorities will increasingly be drawing upon character studies in support of their emerging design codes. Design Codes would provide LPAs with more control over development in their areas, but their preparation adds to resourcing needs in already stretched planning teams.

In the case of Green Belt release local authorities will need to demonstrate what proportion of their need can be met without using Green Belt land. If Green Belt release is

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	<p>required to meet local needs (not just housing) then higher densities may be appropriate to reduce the amount of Green Belt land being released.</p> <p>Higher densities should only be considered appropriate in the most sustainable locations with good access to services and sustainable transport.</p>
11	<p>Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?</p> <p>It is questionable whether removing the 'justified' test would facilitate a proportionate assessment of plans at examination. The absence of this test means there would be no basis for assessing whether the strategy is appropriate and whether the evidence base is 'proportionate'. Many of the elements of this test are also covered by other legislation, such as the Environmental Assessment of Plans and Programmes, 2004 which requires assessment of 'reasonable alternatives'. Therefore, further clarity is required on what evidence would or would not be expected in support of plan-preparation.</p>
12	<p>Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?</p> <p>No, plans that have reached pre-submission consultation will have already produced the supporting evidence, however they should not be penalised by going through a more onerous examination than plans that are at a less advanced stage.</p>
13	<p>Do you agree that we should make a change to the Framework on the application of the urban uplift?</p> <p>Yes, larger towns and cities tend to be the most sustainable places for development.</p>
14	<p>What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?</p> <p>No comment. It is not specifically relevant to this local planning authority.</p>
15	<p>How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?</p> <p>No comment. It is not specifically relevant to this local planning authority.</p>
16	<p>Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of</p>

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revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?

Yes, although a further reduction in housing land supply requirement would be supported. Local Plans that are progressing should be supported and in a plan-led system speculative development should be discouraged.

17	Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?
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Yes, additional guidance on constraints would be welcome in support of the transitional arrangements.

18	Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?
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Yes, this is supported. Housing delivery is largely out of the Council's control. Monitoring the number of permissions approved by the Council is a more appropriate way of measuring performance.

We would question whether this buffer is too high and suggest that locally determined 'lapse rates' should be used to ensure that the number of permissions required to meet the test is not excessive.

19	Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?
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This buffer may be too high and potentially locally determined 'lapse rates' should be used to ensure that the number of permissions required to meet the test is not excessive. A clearer understanding of how the 115% figure is derived would be helpful.

Given that housing markets differ across the country, it is questionable whether it is reasonable to apply a blanket figure.

20	Do you have views on a robust method for counting deliverable homes permissioned for these purposes?
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Local authorities monitor the number of deliverable planning permissions approved in their Annual Monitoring Reports and when calculating 5 Year Housing Land Supply. These could be used as the basis for collecting this data.

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21	<p data-bbox="351 313 1532 403">What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?</p> <p data-bbox="351 425 1532 582">The Housing Delivery Test is currently too focused on the delivery of housing which is largely outside local planning authorities' control. Until the proposed changes to the Housing Delivery Test are brought in, resulting in a fairer assessment of local authorities' performance, the test's consequences should be suspended.</p>
22	<p data-bbox="351 604 1532 694">Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions?</p> <p data-bbox="351 716 1532 828">Yes, this is strongly supported. There has been a historic under delivery of Social Rent properties. Often Social Rent is supported in Local Plan policies but in reality lower levels than policy requirements tend to be delivered. This needs to be addressed.</p>
23	<p data-bbox="351 873 1532 963">Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?</p> <p data-bbox="351 985 1532 1052">Yes, the needs of an ageing population should be addressed.</p>
24	<p data-bbox="351 1097 1532 1187">Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?</p> <p data-bbox="351 1209 1532 1411">The approach is supported in principle. It is important to make sure that the small sites are in sustainable locations and not being given preference purely due to being small in scale. Too much focus on small sites would be a concern as their contribution to infrastructure provision is minimal. Many small sites will come forward through windfall development rather than through the local plan allocations.</p>
25	<p data-bbox="351 1456 1532 1545">How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?</p> <p data-bbox="351 1568 1532 1635">A specific provision regarding support for affordable housing delivery through small sites could be added to the policy.</p>
26	<p data-bbox="351 1657 1532 1814">Should the definition of "affordable housing for rent" in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?</p> <p data-bbox="351 1836 1532 1977">Any changes to the definition of affordable housing for rent to be provided by registered providers should be carefully limited to specific groups or types of organisation, ensuring that the affordability criteria are still met. The regulation that comes with Registered Provider status and the housing Regulator is important to ensure standards and that</p>

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	mechanisms and scrutiny are in place for monitoring and addressing any performance issues.
27	<p>Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?</p> <p>No comment.</p>
28	<p>Is there anything else that you think would help community groups in delivering affordable housing on exception sites?</p> <p>No comment.</p>
29	<p>Is there anything else national planning policy could do to support community-led developments?</p> <p>One of the main challenges for community groups wishing to develop their own housing is land availability and the ability to purchase at the right cost. The scope of national planning policy to tackle these issues is limited, however support could be provided for community land trusts where communities can pool their resources together.</p>
30	<p>Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?</p> <p>Yes, in principle. It must be clearly set out how this would be measured, so purely based on performance data for example lapsed permissions. It must not be an assessment of character, that would be outside the scope and role of a local planning authority to assess whether an applicant has acted in a particular manner. There is potential for a large number of appeals to come forward on this basis unless the criteria are very clearly set out.</p>
31	<p>Of the two options above, what would be the most effective mechanism?</p> <p>Option 1 is the preferred option. As stated above this needs to be something that can be quantified if we are to consider past behaviour a material consideration in the determination of planning applications.</p> <p>Option 2 results in effectively blacklisting applicants before the reasons for past poor performance can be considered.</p>
32	<p>Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?</p> <p>Yes.</p>

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Publishing data on developers will help discourage slow build-out rates. Developers should be building in line with the local authorities' policies on housing mix and tenure. There should be a requirement for developers to demonstrate how quickly they will build out their developments should they be granted permission.

33 Do you agree with making changes to emphasise the role of beauty and place-making in strategic policies and to further encourage well-designed and beautiful development?

Yes/No. Using terms such as 'beauty' and 'ugliness' are subjective and cannot be measured. How can a planning application be refused on the basis of not being beautiful?

The use of design codes and national housing standards are supported as they provide sufficient scope for well-designed and environmentally efficient buildings. The focus on good design will place a strain on resources as the design skills required may not be available in house. An emphasis on new development being in keeping with local character would be appropriate.

34 Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?

No. Beauty is too subjective.

35 Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

No. This will add time to enacting planning conditions and put a strain on resources in already stretched planning departments.

36 Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

No. This is too detailed for inclusion within national planning policy, where local circumstances dictate, this could be covered under design coding. There may be innovative design solutions that could achieve the same objectives without specifically referring to mansard roofs. The existing national policy is considered adequate as it allows for upward extensions where appropriate taking into consideration local character.

37 How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?

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Small scale nature interventions should be included in a wider approach to green infrastructure. Tying in with Local Nature Recovery Strategies and biodiversity net gain. The use of artificial grass should be discouraged. Though there should be a balance between impacts on habitats and the most efficient use of land, for example, for playing pitches artificial pitches can allow intensified use.

38 Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?

Yes. A clear distinction needs to be made between land which is currently in the most effective and productive agricultural use, and short, medium and long term availability for such future use. It should be noted that Council's access to this information needs to be improved as data on the quality of agricultural land is difficult to obtain and often outdated.

39 What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

At the plan-making stage site selection processes and policy options would need to be considered against their associated carbon impacts. In decision-making a proportionate approach should utilise existing tools to estimate carbon impacts, likely with a greater emphasis on circular economy principles and lowering embodied carbon through reuse, recycling and minimising waste.

40 Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?

More focus on ecosystem services would be supported. This can help with biodiversity, floodrisk, temperature control and other forms of climate change adaptation and mitigation.

41 Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

Agree to amendments to enable the re-powering of renewable and low carbon energy where planning permission is required.

42 Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

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Agree to amendments to enable the re-powering of renewable and low carbon energy where planning permission is required.

43 Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

Footnote 54- This is an error. Footnote 54 has not been changed and does not refer to onshore wind energy.

Footnote 62- There is concern about the requirement for community support as there may be situations where other benefits may outweigh the need for community support.

44 Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

Yes. Existing building stock needs to improve energy efficiency where possible so this paragraph is supported.

45 Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

Yes. The 30 June 2025 submission deadline for plans to be assessed under existing rules seems appropriate.

46 Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

Yes, provided the proposed timetable comes forward as expected.

47 Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

Yes.

48 Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

No, there is concern about the additional time and resources needed to prepare supplementary plans. These would need to be prepared alongside the new Local Plan and stretched planning policy teams may not have the resources to get this work completed on time. As such, the deadline for the expiration of existing SPDs should be extended.

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49	<p data-bbox="351 313 1543 392">Do you agree with the suggested scope and principles for guiding National Development Management Policies?</p> <p data-bbox="351 425 1543 526">Yes, agree in principle to the scope and principles for guiding policies, however more detail is required on exactly which policy interventions will be addressed through the National Development Management Policies.</p> <p data-bbox="351 560 1543 660">Having National Development Management Policies in place will help speed up plan-making. It would result in a reduction in evidence required to support the plan and will stop local authorities from duplicating national policy in their local plans.</p>
50	<p data-bbox="351 705 1543 784">What other principles, if any, do you believe should inform the scope of National Development Management Policies?</p> <p data-bbox="351 817 1543 918">It should be made clear whether there is scope for local authorities to go further than the National Development Management Policies if they have local evidence to support a case for doing so.</p>
51	<p data-bbox="351 963 1543 1041">Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?</p> <p data-bbox="351 1075 1543 1131">Yes, the baseline approach to carbon reduction and an optional requirement to go further than this baseline is strongly supported.</p>
52	<p data-bbox="351 1176 1543 1288">Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?</p> <p data-bbox="351 1321 702 1355">No other issues identified.</p>
53	<p data-bbox="351 1400 1543 1467">What, if any, planning policies do you think could be included in a new framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?</p> <p data-bbox="351 1500 630 1534">No issues identified.</p>
54	<p data-bbox="351 1579 1543 1691">How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?</p> <p data-bbox="351 1724 542 1758">No comment.</p>
55	<p data-bbox="351 1803 1543 1908">Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?</p>

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There is already an emphasis on brownfield development in urban areas, which is supported. Councils need to demonstrate that they have prioritised urban brownfield sites before considering sites beyond this.

56 Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?

Yes. The focus should be on good design and other interventions that can support this positive goal.

57 Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

No comment.

58 We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

No issues identified.
