

# Appendix A: Questions on proposed reforms to the National Planning Policy Framework and other changes to the planning system

- 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?**

We are concerned that the failure to make the National Development Management Policies (NDMP) statutory is a missed opportunity to make the national planning system simpler (especially plan-making), and to alleviate workloads for all local planning authorities and other users of the system. We would advocate for a reversal of this decision.

We do not foresee any alternative to the introduction of secondary legislation to deliver statutory policies.

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

We welcome the revised structure to the NPPF, and in particular the greater distinction between plan-making and decision-making policies. The Introduction is helpful in re-establishing the purpose of the Planning System. We consider that the layout makes the Framework simpler to navigate and will ensure that it acts more like an unambiguous rules-based guide.

- 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.**

Yes, the use of annexes for the presentation of detailed, complex and technical subject matter is appropriate and they ensure that the format of the main NPPF remains accessible. However we would advise against the addition of future annexes for any subjective matters (such as design).

- 4) **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.*

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

Yes, but only incorporated as an Annex.

**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*

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

Yes. In particular, removal of the potential conflict caused by the interpretation of “substantial” and “great” weighting is supported.

**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.***

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

Agree, the re-emergence of more strategic policy thinking is welcomed. Since the abolition of the regional tier of plan-making in 2010 it has created a vacuum where cross boundary strategic thinking can only take place through the process of Duty to Cooperate. This means that consideration of strategic matters of infrastructure delivery and targeting development needs have all be undertaken on sometime an ad-hoc basis. The future role of Spatial Development Strategies (SDS's) presents a positive opportunity to re-establish strategic plan making across all areas of the Country.

**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.***

**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?**

Whilst the need to be responsive to changing events is a valid reason for attempting to make SDSs more flexible having a stable plan is also equally important. Having planning documents which change their strategic thinking on potentially such a regular basis provides neither stability or certainty to any party, whether that be the local planning authority, the development industry or the local community.

It is recommended that SDS's have a minimum lifespan of 10 years to create such certainty to all key stakeholders with on wholly exceptional circumstance to where an early review is necessary. This could include a significant change to housing need, but this should only be in the context of either persistent under delivery or the loss of key development sites.

**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.

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

The national policy position would need to be amended to be reflective of the ambitions around retaining SDS's for more than a 5 year period.

**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.

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

Whilst the proposed content of a Local Plan, as described in paragraph 1 of PM2 is supported, there are a number of concerns around the length of time which is anticipated to preparing local plans, which is not attached the reality of other aspects of plan-making, in particular the increasing demands of Government around increasing engagement and stakeholder participation in the process. Further direction should also be provided to describe the implications of local planning authorities not meeting this 30-month aspiration.

Furthermore, the aspirations around reviewing local plans every 5 years is not realistic. As with SDS's the preparation of local plans should seek to provide certainty to all parties engaged in the plan-making process, the local community, the development industry and the local planning authority itself. The expectation of reviewing a plan every 5 years (as is the implication of paragraph 3) is wholly realistic, it will lead to a continual churn of plans being prepared and quickly being reviewed.

Not only will it lead to great uncertainty in the process, it does not reflect the lack of resource within local planning authorities to undertake this work, both financially (to update the relevant evidence to underpin a sound plan) and also the staffing resource required. The Government, whilst placing greater demands of local planning authorities in terms of the scale and speed of plan making, still have not provided anywhere near enough resource to support this expectation.

**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**

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

Whilst it is necessary to provide stability and certainty to the content of a local plan for a greater period of time than 5 years. It is recognised that plans need to be flexible and adaptable to change. Therefore 15 years is too long a period to accurately provided this.

It is felt that a lifespan of 10 years represents a reasonable balance between providing the certainty and stability needed against the need for a plan to respond positively towards changing local circumstances.

**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.

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

The general principles set out in PM6 represent a strong and positive starting point for plan-making. But this has to be put into the context of the 30-month plan-making period, particularly in regard to the extent and implications of points (d) and (e).

**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.**

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

If local planning authorities stand any chance of preparing plans in the 30-month timeframe anticipated, then it is accepted that work needs to be front-loaded and there needs to be a clear plan for preparation ready at the outset. That includes all elements described in (a) to (d) of paragraph 1 of PM7.

**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.**

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

There are no objections to the role of evidence informing local plans. Evidence is at the heart of informing an objective and soundly prepared Local Plan and the content of PM8 accurately reflects the importance of evidence in that process.

However, the Government consistently fails to explain to local planning authorities what is meant by appropriate levels of evidence or, in the context to this consultation what is meant by evidence being '*relevant to the matters being considered by the plan; proportionate, so that it is focused and not necessarily extensive*'.

As always it would be beneficial for local planning authorities to understand what is considered by the Government to be core elements of evidence which all local plans should seek to deliver, accepting that there will always be circumstances specific to a local area which may as a result lead to more evidence being required. This could quite simply be included either as an annex to this Framework or as part of the supporting practice guidance.

It is not clear why the Government have been so consistently hesitant to provide this guidance however, if it were to be provided, it would help ensure that local planning authorities didn't prepare unnecessary and over-proportionate evidence which they do in order to protect themselves from risk as they advance their plans.

**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.**

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

No additional comments to make.

**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.**

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

It is highly beneficial for all parties to talk to their neighbouring planning authorities to ensure that any cross boundary issue is well understood, explored and any outcomes agreed upon. Whether this is considered under a 'Duty to Cooperate' process or 'Duty to Support' does not fundamentally alter its importance.

Consideration needs to be given on how these engagement processes filter through to the preparation of Spatial Development Strategies where they are undertaken at a regional level.

**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.***

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

Many communities consider that the development industry has a consistent track record of seeking to water down the contributions required of them through the planning application process. This can be via removing policy obligations such as affordable housing or removing infrastructure requirements as set out in the infrastructure delivery plan (which supports the local plan). It is very rare that local planning authorities see policy compliant development and decisions are regularly taken to balance the need for delivery against the issues of viability.

The content provided through PM12 provides little comfort that this national framework will adequately ensure that new development comes forward with the infrastructure necessary to support its sustainable delivery.

**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.*

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

Without further detail on what such review mechanisms could be it is not possible to comment on whether they would be beneficial or not.

**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.***

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

Our overriding consideration is that Policy PM13 should be deleted or significantly amended to support Local Authorities to set local quantitative standards in local plan policies.

The following text is proposed: *Any planning policies that propose qualitative standards for development should have a justified and robustly evidenced rationale for its inclusion.*

Section 19(1A) of the Planning & Compulsory Purchase Act requires that development plan documents, taken as a whole, include policies that ensure land use and development contribute to both the mitigation of, and adaptation to, climate change. The Climate Change Act further establishes that effective climate action must occur at both the national and local

levels. In addition, the Public Sector Equality Duty under Section 149 of the Equality Act 2010 reinforces the obligation to consider people with protected characteristics, many of whom are disproportionately affected by poor housing performance, cold homes, and overheating.

Rather than proposing restrictions that would prevent local planning authorities from fulfilling these duties, the government should instead provide clear guidance and support that enables LPAs to develop robust, evidence based and innovative local standards. These standards are essential for meeting local needs and for ensuring a safe, liveable future.

The government recognises the need for local policy in PM13 for water efficiency in order to meet the stresses of local conditions. This is no different for energy, materials or design. Local planning policy exists to meet the specific characteristics, challenges, and needs of each area. Different places have distinct emissions profiles, development pressures, socio-economic needs, environmental baselines, and infrastructure constraints (including limitations in the electricity network) which national minimum standards cannot meaningfully address. Critically, setting this constraint completely undermines the ability of local communities to advocate for development which meets their unique needs and undermines community voice and participation. The government states that PM13 has been brought forward as they “*are concerned*” that local policy is hampering industry’s ability to “*adapt*” or deliver “*at scale*”. This concern is not underpinned by evidence, nor has an impact assessment been done as to the impacts which the weakening of a national position would cause. Indeed the evidence would appear contradictory to this. Across the country, LPAs have already demonstrated that locally tailored policy with quantitative standards can be robustly evidenced, viable, deliverable, and legally defensible, with years of successful implementation to draw on.

The Building Regulations represent a nationally applicable minimum standard. By design, national minimums cannot reflect local climate, infrastructure, or socio-economic conditions, or resolve area specific challenges. The most recent Future Homes Standard (FHS) consultation bills, net zero, and climate resilient homes. Its implementation has been delayed yet again, and the proposed 12-month transitional period would allow thousands of new homes to proceed without the improved standards the government itself is advocating. New homes could and should meet net zero performance today. The FHS will only produce net-resilient homes which will be net zero only when the electric grid fully decarbonises. This will increase near territorial emissions and medium-term territorial emissions and undermine wider local efforts to address climate mitigation.

Critically for adaptation, the climate is warming at an increasingly rapid rate. PM13 places limits on LPAs ability to address overheating. Compliance with Part O of the Building Regulations uses UKCP09 projections, not the updated UKCP18 which has greater seasonal variations including more robust heat extreme projections.

Fuel poverty, cold homes, poor ventilation and overheating disproportionately affects children and young people, women, vulnerable populations, minorities, and low-income communities. Local policy can and should be based on the most up to date data, needs and climate projections for their local areas and should be supported to deliver better outcomes for all residents. LPAs should retain the ability to set higher energy and climate adaptation standards (such as for overheating) where they are justified.

Neither PM13 nor the wider draft NPPF provides certainty on how embodied carbon will be managed. Despite the absence of robust national regulation, many developments nationally have already been successfully delivered in line with LPA requirements for whole life and embodied carbon assessments. This is a critical policy area given that embodied carbon forms a significant proportion of total lifecycle emissions and must be addressed to meet carbon budgets.

The Planning Practice Guidance on climate change is out of date (most is now close to 12 years old) and fails to provide LPAs with comprehensive or current guidance. The lack of clarity in the draft NPPF, particularly within PM13, prevents a full and informed response to the proposed policy changes.

The reason given by the government for restricting local policy on construction and layouts is that these “*are matters best left to the market to determine.*” This fundamentally contradicts the purpose of the planning system. Market driven solutions often create outcomes which conflict with both short- and long-term public needs. The market does not internalise costs which will burden communities, the environment and residents in the homes for the whole lifecycle of the development. In a severe housing shortage, as is currently experienced in England, the market has little incentive to improve quality beyond the minimum. Consequently, the market may deliver lower quality housing which would not be the choice of occupants if there were better choices available. The government has provided neither evidence nor impact assessment to justify this approach. There is a lack of provided evidence supporting the assertion that market-led design produces better or even adequate long-term outcomes. And there is no provided assessment of the risk and impact of poorly designed layouts on resident health, wellbeing, building energy use, building lifecycle carbon costs, climate resilience and development lifetime costs to society. It also provides no assessment on the need for good layout for occupant safety (such as in relation to designing out crime and the impact on the safety of women and girls as evidenced in the recent 'Violence against women and girls' (VAWG) strategy),

PM13 risks significantly limiting the ability of LPAs to secure the best outcomes for nature and the community. It may restrict opportunities to achieve nature recovery and ecological enhancement beyond the minimum Biodiversity Net Gain (BNG) requirements particularly in urban and built-up areas and it restricts the opportunity to develop other local standards required to meet local conditions and the needs of the local community. This includes many issues which are of importance to the local residents and which a blanket one-size-fits-all national approach may not be appropriate.

As written, PM13 restricts the ability of LPAs to meet the ambition of climate adaptation and mitigation as set out across other areas of the draft NPPF resulting in inconsistency across policy. Critically across a wide range of legislation, LPAs are legally required to meet climate objectives, but the proposal set out in PM13 will effectively prohibit them from using the tools necessary to do so. This creates conflict across the statutory duties of Local Authorities and increase the risk of legal challenge.

Local policy has consistently provided a test bed for raising standards nationally. Instead of constraining LPAs, the NPPF should empower them and give them the tools to innovate, meet local needs, and deliver tailored solutions to the diverse climate, environmental, and social challenges they face, as had been evidenced as possible by numerous LPAs across the

Country to date. Failure to allow this significantly undermines the purpose and value of the Local Plan and serves only to further disconnect communities from the planning system.

**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.*

**a) 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?**

The tests of soundness remain a stable and clear approach towards the assessment of local plans, and it is agreed that these should remain the core principles of assessing the content and direction of plans.

**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?**

No additional comments to make.

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

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

The overall principle is supported, however reference to the minimum necessary information to enable a decision to be made could result in less timely decision making, which would be the opposite of the intention of the policy. It is positive that the policy references local engagement with the community, consultees and the local planning authority (LPA).

**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.*

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

We agree that each LPA will maintain its own policies to promote the economy whilst protecting the environment. It is the role of the local validation list to ensure that additional information not included within the national validation guide is catered for, and we agree this should derive from the requirements of policy within the Development Plan.

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

No comment to make.

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

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

We agree with overall direction of the policy with respect to decision making. However when working with applicants in a positive and proactive way, this can unavoidably lead to decisions that are made outside of the statutory decision-making timescales. Therefore, this feels at odds with the current system. We endorse the need to only consult consultees if it is necessary.

With respect to point D we agree with the principle; however the critical issue here is that consultees need to be sufficiently resourced and then mandated to respond to consultations within the statutory period. This often does not happen at present. Without sufficient resourcing it is questionable whether this policy will be workable.

**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.*

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

The overall premise is to be supported, however not all schemes come forward that are located on allocated housing sites and therefore they will not have been through the viability testing phase. The policy needs to be re-worded to cater for this element. We would add that if a scheme has been viability tested during the application stage that there is no further provision for this to be re-examined following consent, given that the merits have already been assessed. This would provide greater confidence in the planning system.

We agree that where a developer submits a Section 73 application that seeks to reduce affordable housing provision based on a new viability assessment, the LPA should have regard to the harm that such a reduction may cause and should give this appropriate weight in the overall planning balance, alongside the wider merits of the scheme

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

The critical issue is that at the plan making stage a robust (and pragmatic) viability exercise has to be based on reality and not on the aspirational wishes from the LPA.

**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?**

Clearer national guidance would be helpful, and we acknowledge the work undertaken to date regarding the implementation of Section 73B of the Levelling-Up and Regeneration Act 2023. We note that Government intends to undertake a wider review of the statutory framework for modifying or discharging existing planning obligations. Both Section 73 and Section 106A can both be used, but we would question the effectiveness of Section 73 if there was no planning condition which could be modified. Section 106A may be preferable. We would advocate that a proportionate fee (i.e. relative to the complexity and issues arising from the application) should be required.

**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.**

Developers take on risk when they seek to develop sites; it should not be for the local housing market to effectively subsidise the developer profit. If a developer can demonstrate to the satisfaction of the LPA that the development is unviable then re-consideration of the affordable housing scheme should logically follow.

**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.*

**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.*

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

We strongly agree that planning decisions need to focus upon the key issue of whether a development represents an acceptable use of land. More operational matters should be handled by the relevant regulatory regimes.

**31) 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.*

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

We fully support the additional weight that is proposed to be attributed to intentional unauthorised development. Whilst we accept that retrospective applications should not automatically be refused, the fact that the works were intentional should attract substantial weight in decision-making. This approach needs to be consistent in planning (enforcement) appeal decisions too. Such a change would potentially reestablish some confidence in the planning enforcement system and may work as a deterrent. This needs to be coupled with swifter prosecutions and an increase in the fines thresholds.

**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?**

The intentional harm relating to the historic fabric of listed buildings is a key consideration. For example, if works are carried out to facilitate a change of use to a listed building, the wording of policy needs to act as a sufficient deterrent and indicate that retrospective applications will not be supported.

**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.*

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

Yes, more flexibility on this issue is welcome.

We would also advocate that the process of introducing a new Article 4 Direction should be made as simple as possible, without recourse for Secretary of State intervention. The removal of permitted development rights via Article 4 is best determined by the local planning authority, based on robust evidence.

**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.*

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

The ability to set a wider strategic strategy will allow for strategic issues, for example infrastructure delivery or targeting economic growth, to be undertaken at a higher more strategic level and provide greater direction to lower tier local plans without the need for unnecessary duplication.

**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.*

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

No additional comments to make.

**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**.*

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

Whilst a simplified presumption is welcomed, it is felt that the ambitions around Policy S5 mean that the implications of exercising the presumption in rural areas may have significant adverse implications which do not seem to have been fully considered and explored by this Framework.

But we consider that the ambitions of this Framework regarding development outside settlement areas goes too far, especially when suggesting that authorities which do not have a sufficiently strong supply of housing should support the delivery of housing in rural, isolated locations. Whilst the Framework provides circumstances where this would not be acceptable, these are considered to be weak and not sufficient to prevent truly unacceptable development from being permitted through this presumption.

The Policy also limits the opportunity for local authorities to take account of local circumstances with the wording in the subsequent policies of S4 and S5 relating to the assessment of schemes against national decision-making policies in the Framework only. The watered-down role of Local Plans in this assessment is of significant concern.

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

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

It is recognised that in order to the make the best use of existing land that development should be prioritised to sites within existing urban boundaries provided a number of circumstances can be met. It is felt that while S4 does consider these circumstances it should also consider the implications of new development against the existing character of the settlement and provide a consideration to whether the scale of development being proposed is actually proportionate. Local policies would allow such considerations to be made. The inability to consider Local Plan policies within this balance is significant concern.

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

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

Whilst acknowledging in principle support for Policy S5, we have significant concerns relating to criteria (h) and (j). As currently worded the inclusion of these criteria in what are otherwise acceptable rural uses has the potential to result in residential development being directed to unsustainable locations something which we do not support. This is discussed further under our response to question 39.

**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.***

**a) Please provide your reasons.**

Many categories set out in S5 are reflective of longstanding uses which have been considered acceptable in more rural locations. These remain appropriate.

However, criterion (h) and (j) seek to encourage a greater role for general housing stock to be provided in rural, more isolated locations which leads to greater dispersal of development impact and shows a lack of consideration for the implications of piecemeal, unplanned development in the countryside. The lack of housing supply should not be seen as a circumstance, or excuse, for the support of poorly planned and poorly located new housing. This is particularly the implication from criterion (j). The inclusion of criterion (j) would have the potential for particularly damaging impacts on the countryside, particularly in areas which have high value landscapes (which are not taken account of in S5) and therefore should be removed. The Framework (as a local plan) should be read as a whole and there is sufficient direction across the plan to support the delivery of new housing in sustainable locations without the need for criterion (j).

**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.*

**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.**

While supporting the direction of this policy in encouraging development in locations well served by sustainable transport this should not be at the expense of other planning

considerations which may warrant such locations unsuitable. The blanket approval of schemes in such locations should therefore be avoided.

Clearer definitions are also required in relation to how 'well connected stations' will be defined and the evidence base that will be used to assess service provision. The current definition is considered vague.

**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.*

**a) If not, please provide your reasons**

Whilst the inclusion of housing figures for neighbourhood plan areas are well meaning, the inclusion of such figures is not considered to be robust. Many neighbourhood plan groups would seek to dispute the numbers provided and any numbers which are included in a plan tend to be arbitrary and not sufficiently based on the very local circumstances of that specific plan area. It is not considered to be an effective or robust method of providing such figures and its recommended that such figures are undertaken on a case-by-case basis, ideally using some form of methodology which is provided within the Practice Guidance.

**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**.*

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

The City Council agree with the broad intention of the policy to take a proactive approach to mitigating and adapting to climate change but strongly disagree with the proposed mechanisms and constraints to local plan making. Those most affected by climate change, children and young people, women, vulnerable populations, minorities, and low-income communities should be central to CC1 which should support local plans to address these impacts.

The NPPF should empower local areas to deliver radical reductions in greenhouse gas emissions. As drafted it is unclear how this can be achieved without the ability to set quantitative standards or address the full range of emissions associated with development.

The focus on climate adaptation, emphasis on long-term climate risks and provision for relocation of homes and other uses is welcome. Guidance should be provided based on the most recent climate projections and highest emissions scenario (currently UKCP18, RCP 8.5).

CC1 apply across all areas of plan making, not only spatial strategies and allocations and should include conversions and material change in use. Local areas have local carbon budgets, local infrastructure, and local needs which local plans should be supported to provide a local solution to.

Clear requirements to reduce operational and embodied carbon are required. Guidance should be provided to include Scopes 1-3 of emissions and for alignment with the governments carbon budgets, local carbon budgets and alignment with the Climate Change Act as noted in footnote 30.

The Framework fails to provide guidance for those locations where a spatial development strategy has yet to be prepared. It is not clear where, in the absence of this strategy, strategic guidance will be provided and how this should be assessed in the interim.

CC1 (1) The policy should require climate change mitigation and adaptation to be integrated across all policy areas from health to housing. It is welcome that a range of long term weather related climate risks is included. This should also include soil wetting and drying cycles.

CC1 (1) (a) The policy must not be constrained to the spatial strategy and allocations to be effective and must also include wider local and design policy. It should cover both new development and conversions or changes of use.

CC1: (1)(a)(i) It is welcome that baseline carbon assessments are expected to be provided. This should at a minimum include all territorial emissions and should be expected to cover a full lifecycle assessment of the development including Scopes 1-3. There should be a requirement for a carbon mitigation plan and levers for off/insetting any residual emissions. Robust guidance should be provided on the baseline assessments and policy guidance for setting quantitative emissions reductions targets across all development. Policy PM13 should be revised to allow for effective policy setting across emissions areas.

CC1 (1) (a) (ii) It is welcome that planning must be done around the relocation of development in response to climate impacts. The paragraph requires further detail and guidance on the relocation of homes and other uses at risk of coastal change, and the requirements this responsibility carries in plan making. Guidance should also be provided around vulnerability and risk.

CC1 (1)(b) – The approach to climate risk should apply to all development not just allocations. Further guidance is required in this policy area. Risk levels should be based most recent climate projections and highest emissions scenario (currently UKCP18, RCP 8.5) and be based on local circumstance.

CC1 (1)(c) Water efficiency standards should be expected across all local plans and all development types and not be limited to new development. Water efficiency policies should be based on most recent climate projections and highest emissions scenario (currently UKCP18, RCP 8.5). This paragraph should include rainwater harvesting and grey water recycling.

CC1 (1) (d) paragraph should include mention of ecosystem services and soil health. Plan-making policies should apply at the site level as well as wider strategic considerations.

**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.***

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

The approach to mitigation should provide for the situation within local carbon budgets and set out meaningful approaches to achieving national and local mitigation targets across all emissions scopes. The policy should require an assessment of full life cycle emissions

including Scope 3 emissions and a mitigation plan. Guidance should be provided on how proposals should be assessed and include locally applicable guidance.

CC2 (1)(a) The paragraph should also include reference to increasing electric vehicle use where applicable to the development.

CC2 (1)(b) The paragraph should be positively focused to increase modal shift and “*support good access to facilities within walking, cycling and public transport distance*” rather than seek to “*limit the need to travel.*”

CC2 (1)(c) This paragraph should go beyond approaches outlined in DP3(1)(c) and more comprehensively and holistically approach operational energy, healthy buildings and embodied carbon. It should include renewable and low carbon energy, ventilation and energy affordability.

CC2(1)(d) The requirement should be that the proposal ‘must’ maximise the re-use of existing structures and materials. There should also be a clear preference included for retaining existing structures over demolition. Whole lifecycle carbon assessments including Scope 3 emissions should accompany any demolition activity. The reference to ‘non-contaminated’ soil and hardcore should be removed. All soil and hardcore should be included as provision can be made for remediation/recycling.

CC2(1)(e) The paragraph should include that development should be designed to be heat network ready in areas where heat network zoning may apply. Development which creates waste heat should be expected to be future proofed for connection to a heat network regardless of if a heat network currently exists.

CC2(1)(f) Reference must be given to the protection and enhancement of soils as the largest terrestrial carbon store. The paragraph should also include the protection and enhancement of habitats within development sites which act as carbon stores.

CC2(1)(g) This should be accompanied by an assessment of full life cycle emissions and full accounting of Scope 3 emissions and a mitigation plan.

CC2 The paragraph should include reference to water efficiency. The policy should reference the protection of the historic environment.

**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.***

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

The approach to development within coastal areas is welcome as is the widening recognition of heat and drought related climate risk. The approach to adaptation must provide for the ability to situate assessment of applications within local climate contexts and set out meaningful approaches to addressing local adaptation needs. Specific recognition should be given to the disproportionate impacts of climate change on children

and young people, women, vulnerable populations, minorities, and low-income communities particularly with reference to local areas. Specific mention should also be given that green infrastructure should be planned with reference to climate projections. Provision for nature to adapt should also be included. Guidance should be provided on how proposals should be assessed. The policy should apply to new development as well as conversions and material change in use. Substantial weight should be given to retrofitting measures for climate adaptation.

CC3(1) A definition of what is included in the 'potential' impacts of climate change should be outlined in guidance. Impacts should be based on most recent climate projections (currently UKCP18) and be planned for the high emissions scenario. Clear, locally applicable guidance should be provided to support determination of applications. The assessment should be expected to include an equality impact assessment.

CC3(1)(c) The paragraph should include the protection and enhancement of soils for their function in the hydrological cycle. the use of SuDS to add other adaptation benefit such as urban cooling, and also include green and blue roofs and decreasing surface sealing.

CC3(1)(d) The paragraph should also include extreme weather impacts. DP3(1)(c) requires inclusion of wider design considerations for design methods required to effectively adapt to overheating which are included under the response to question 148. The approach should also seek to increase urban greening, trees and deliver green/blue roofs not just within new development but also proposals for conversions and material change in use applications.

CC3(1)(e) The phrasing of this paragraph should be amended to reflect a contextual approach to identifying at-risk sites. The policy should also contain consideration of design and materials of development for reducing fire risk. This should also be included in DP3(1)(c)

CC3: Policy CC3 should have a similar paragraph to that contained in CC2 (2) but relating to climate adaptation. Wording should give 'substantial weight' to retrofitting measures designed to reduce the impacts of 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.***

**a) Please provide your reasons**

CC3(1)(e) – The phrasing of this paragraph should be amended to reflect a local and contextual approach to identifying at-risk sites and accompanied with locally applicable guidance. The policy should also require consideration of design including ventilation and roof design, fire resilient materials, landscaping and blue features, protection of soils, water supplies and mains pressure, evacuation routes, and building air tightness. Design considerations should be included in DP3(1)(c).

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

Guidance should be developed from areas where there is high wildfire risk. The Framework should allow for local plan making policy to respond to local need, local climate,

environment and landscapes, and historic and cultural environment. Qualitative local policy should be supported for location specific needs such as setting building design aspects including ventilation and roof design, fireproof materials, landscaping and blue features, protection of soils, water supplies and mains pressure, evacuation routes, building air tightness, wildfire community protection plans. Requirements must apply also to conversions and material change of use.

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

The Framework should place emphasis on the urgency of climate change and provide for situating development within local carbon budgets and local climate adaptation needs. Local policy should be expected and enabled to deliver meaningfully on net zero across the full range of greenhouse gas emissions associated with development. All development plans should be required to deliver climate adaptations based on UKCP18, RCP 8.5. A greater focus on climate resilience should be included.

The critical need for local food growing areas should be included as well as insuring the delivery of allotments, community gardens and urban farms. Climate policies should link in with health policies. Specific recognition should be given to reducing the disproportionate impacts of climate change on children and young people, women, vulnerable populations, minorities, and low-income communities particularly with reference to local areas.

**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.*****

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

Whilst we support the drive to deliver more housing expressed throughout the NPPF, we remain concerned about the amended methodology for calculating future housing requirements. The proposed amendments continue to use a stock-based approach for calculating future need.

This approach has no linkages with the demographic or economic conditions and trends of a local area. The approach continues to fail to take account of local circumstances which could lead to need and economic aspirations being unmet in some areas and in other areas where numbers have been inflated upwards risks producing housing numbers that have no ability of being delivered in respect of the availability of genuinely deliverable sustainable sites, the capacity of the market to deliver or importantly the existence of the community to need them.

It continues to burden authorities with unrealistic housing numbers that they have no prospect of delivering and where the evidential need for them in that location has not been demonstrated. It has the potential to lead to land being released where the demographic need for that growth does not exist, especially where the population of an area may in fact be declining or in some instances remaining static.

We have consistently strived to deliver growth through challenging housing targets driven by the economic prospects of the District and the demographic needs of its community. The

ability to deliver this growth has, like many areas, proved challenging with constraints impacting the availability of genuinely deliverable sites.

The NPPF as worded no longer makes provision for identifying those circumstances under which an authority may require a lower housing requirement where this has been demonstrated necessary following a robust assessment of supply and the presence of constraints and land availability.

As drafted the NPPF continues to place an unrealistic expectation on local authorities to deliver over inflated housing numbers.

**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.*

**a) If so, what elements should this guidance cover?**

Clearer guidance on how the demographic needs of these groups should be provided. The relationship of demographic data with the stock-based housing requirement should be made clearer.

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

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

The City Council would support the inclusion of requirement figures where it is supported by evidence and where it is recognised that the ability to deliver this need is influenced by both land availability and genuine sustainable opportunities. Failure to do so risks undermining the Local Plan and, as is the case with all types of development, risks schemes being promoted and approved in unsustainable locations.

**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.*

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

Changes to PPTS have made assessing the needs of the Travelling community more complex (particularly the changes in the definition of Travellers) which has required studies to include data and site visits/interviews to existing sites and any others believed to be occupied by Travellers. On this basis GTAA's require a longer lead in time and a degree of co-operation from the Travelling community. Even with experienced consultants/field work staff, this can be extremely challenging. However, in our opinion and experience, the combination of data and site visits is more likely to provide better results. We welcome further guidance but even with this, it will not necessarily overcome some of the challenges around identifying Travellers. We also welcome the recent changes to PPTS which allows LA's to include Travellers who have ceased to travel because in excluding them, there is more likelihood of dealing with illegal encampments and unauthorised pitches.

**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.*

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

The Council agrees that the wording included in Annex D is sufficiently clear and provides certainty to local authorities on the circumstances under which the relevant buffers apply.

Whilst recognising the purpose of the buffer in creating additional flexibility the City Council maintains that the buffer places an additional burden on authorities who are already facing significant challenges in delivering their housing requirement and in most instances will never be able to demonstrate a five-year 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.*

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

This should make clear how issues of over and under supply will be treated, with the NPPF currently silent on this.

**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.*

Whilst the intention and wording are clear, the reality of achieving this is questionable. Failure to demonstrate a five-year supply risks undermining the Local Plan and, as is the case with all types of development, risks schemes being promoted and approved in unsustainable locations. Lancaster district has the highest number of Traveller pitches in the whole of Lancashire. Whilst recognising the importance of identifying and meeting need, it has been incredibly difficult to find suitable sites that accord to own policy – i.e. in sustainable locations. A number of permissions have been granted since our GTAA was adopted in 2017 having regard to identified need, and in some instances, temporary permissions have been granted pending the identification of sites in more sustainable locations, but this has not proved possible even though we have an open call for sites. Any sites that have been nominated are in flood zone 3 (an area of the district where the largest number of sites have already been given historic consents) and any others were in very unsuitable or isolated locations.

**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.*

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

No additional comments to make, we agree with the identified measures.

**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.***

The identification of designated rural areas as locations for the establishment of affordable housing requirements for non-major residential developments is supported. This will ensure that affordability issues in rural areas can be addressed, providing a clear link between need and location.

**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.***

Ensuring that housing is delivered which meets the needs of an aging population and the needs of disabled people is vital. Proposals which help deliver this are supported by the Council.

**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.***

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

We currently have a 20% minimum requirement for M4(2) as part of the adopted Local Plan, but it is our intention that our new Local Plan will significantly increase that percentage (ideally to 100% unless there is exceptional justification for a departure from these standards on a case by case basis).

**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.***

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

The establishment of requirements for the provision of specific types of housing on identified sites or parts of allocated sites is supported. In most instances this may provide the main mechanism for ensuring that the needs of different groups of the community are met.

**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.***

**a) Please provide your reasons and indicate if an alternative site size threshold would be preferable?**

The Council support this requirement. Implementation of this proposal will ensure that housing sites deliver the full mix of housing required by the community and will help to ensure that housing need across all tenures is delivered. We welcome the opportunity to increase the supply of social rented homes and meet other specialist needs in the district.

**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.*

**a) Please provide your reasons**

The Council agrees with this proposal and recognises the important and valuable role which small sites will play in meeting the future housing requirements for an area. The recognition within the policy that this may not always be possible is also supported.

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

The policy places substantial weight on the delivery of accommodation which contributes towards meeting the evidenced need of the local community. Whilst this is supported the Council would question the extent to which the delivery of the new housing requirement based on a stock-based approach is an appropriate measure of need.

As referenced in previous responses the ability of an authority to deliver its housing requirement is extremely challenged, with housing requirements in an area often now significantly above the availability of sustainable housing sites. Measuring performance against these requirements via both five-year supply considerations and housing delivery test performance places an authority and its community under significant pressure and in most instances undermines an authority's ability to appropriately plan for its community when the delivery of need, based on inflated housing requirements, is given substantial weight.

**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.*

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

Lancaster district already has designated accommodation (run by Guinness Trust) for those leaving HM Forces and alongside this, we have sought to ensure that HM Forces personnel would be afforded reasonable preference for social housing alongside the national priority afforded for shared ownership. Further data on need by district would be helpful.

Managing housing pressures and meeting the needs of other homeless households and those in extreme housing need is challenging, and if there is evidence of need at a district level, then having more homes that are designated for HM forces personnel could ensure that supply aligns to need but as timing is crucial in matching need with supply, the fall-back position needs to be clear in the event that there are no identified HM forces households in need of that accommodation when it becomes available otherwise homes could be left unoccupied.

**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.*

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

Lancaster City Council has formulated a suggested mix of market and affordable housing tenures and size typologies as the starting point for all new developments. Whilst recognising that most developers will have a preference to build larger 4-5 bedrooled homes which are most profitable and provide the best headroom for affordable housing delivery, this has to be balanced with meeting a local need i.e. also providing opportunities for first time buyers and people needing to downsize including households that may require accessible homes.

**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.*

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

Whilst we support the principle of increasing the supply of social rented homes, with affordable rent as the default rented tenure since 2011, the council would need to re-test development viability in order to arrive at a suitable percentage. Even with our existing affordable housing targets, these are regularly challenged by developers and house builders because of the sharp increase in construction costs since the pandemic. We robustly challenge any attempt to re-negotiate affordable housing requirements through an independent assessor, but any further controls that can be put in place to prevent a reduced number of affordable homes being provided on new sites would certainly be welcomed.

**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?**

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

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

The council has no direct experience of providing this type of accommodation so further guidance on this would be helpful in order to inform future policy making.

**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.*

**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.**

In all circumstances, the council will seek to secure on-site affordable housing delivery and would only negotiate a commuted sum payment as a last resort.

**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**

As a) above, only when every other possible option to secure on-site affordable housing has been exhausted (i.e. homes for rent and shared ownership through a Registered Provider) would a commuted sum be accepted.

**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 risks are that it may not prove possible to spend the commuted sum payments in the area where the affordable housing should have been provided on-site particularly in rural areas. The calculation of commuted sums will inevitably be less than the value of the affordable housing that should have been provided. That said, we have made very good use of any commuted sums previously held where a viability gap has been identified by Registered Provider partners (particularly with more modest grant rates since 2011) and on one occasion a commuted sum directly supported a community led development (partnership with an RP) which allowed the CLT to purchase the site. On other occasions, commuted sums have been used to offset the additional costs associated with special needs housing.

**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.**

We already have an existing policy that allows commuted sums to be paid to a Registered Provider, the council itself as a stock retaining LA with a HRA, or a community group for delivery of schemes providing 100% affordable housing and where a viability gap has been evidenced.

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

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

**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.**

Further guidance to ensure that commuted sums due are a true equivalent of the on-site affordable housing would be welcomed.

**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.***

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

Strongly agree on both quality and quantity and on quality to fit in with the council's own priorities on climate change and combating fuel poverty and as stated in question 68, to offset some of the costs associated with special needs housing.

**72) Do you agree 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.*

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

Accessibility to key services is important as is the delivery of proposals which meet the accessibility needs of the older population. This section should also refer to affordability with this also being a key issue for older people. The importance of energy efficiency should also be noted with fuel poverty being a key issue.

**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.*

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

Based on our own experience, proposals of this nature must have the support and input of the relevant commissioning lead or body who will evidence need and suitability. There have been local instances where speculative providers have sought to bring forward specialist/supported accommodation without the knowledge or direct support of the relevant commissioning lead which may be wholly unsuitable, fail to provide the appropriate level of care and support or be in the wrong area. In Lancashire, there are more children's homes than any other local authority area and yet the commissioning team often fail to place looked after children within the county. The planning system needs to play its part in bringing some controls around this to safeguard vulnerable adults and children and measures to control some of the extortionate costs associated with these specialist placements.

**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.*

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

We agree with the amended glossary wording and criteria identified. Assessment of future proposals must be set within the context of need as identified under paragraph 1 of Policy HO9.

**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.*

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

We consider that the emphasis on delivering affordable housing (to warrant an exception) is sufficiently strongly worded. We consider that HO10 (2b) might usefully remove reference to 1 hectare, and instead solely focus upon ensuring that development is commensurate to the size of the settlement in question (i.e. rely only on the % criteria instead).

**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.*

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

There has been little appetite for First Homes from local developers perspective, and our preference is to bring forward affordable homes that are owned and managed by Registered Providers.

**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.*

**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?**

We have no preference for the approaches set out.

**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.*

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

We already have the largest number of Traveller pitches in the county, so there could be implications if no local connection test exists (recognising that this could be a difficult test for some Travelling families to meet). Equally there is a risk that the more proactive Local Authorities will be meeting the needs of other Local Authorities who are not doing enough to meet the accommodation needs of their own Travelling communities. Our current policy already directs new pitch provision to sustainable urban and rural locations, although as previously stated, there have been some circumstances where it has been necessary to depart from this policy

**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.*

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

The policy is pragmatically worded, recognising the difficulty in delivering multi-phase, complex sites. It is helpful to include the flexibility of setting a shorter commencement timescale to ensure proposals are started without delay. It would be helpful to define “consenting framework” in HO13(3). Does this effectively mean any parent permission (such as an outline for the wider site?).

**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.*

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

We have no further comments to add to our response to Q.80.

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

**a) Please provide your reasons.**

Not that should be explicitly included in the NPPF. The role of development corporations was appropriately considered in the New Towns Taskforce Report (28 September 2025). These corporations are the only logical solution, in our view, to establishing bodies of sufficient scale to single-mindedly create a new town, including land acquisition, infrastructure delivery and wider local engagement from the outset.

**83) Do you agree with the proposed changes to the Housing Delivery Test (HDT) rule book?**

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

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

We do not support the removal of the word lower from the rule book. The removal of this text from the rule book places authorities under more pressure and will in many instances make it more likely for an authority to find itself subject to the sanctions resulting from a poor HDT performance.

When there are fundamental questions in relation to the methodology used for the calculation of local housing need figures, the authority is unable to support any amendment which would strengthen their use in reporting past delivery and would ultimately undermine an authority's ability to determine future planning applications. On that basis the proposed amendments are not supported.

**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.**

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

Greater emphasis on relevant national strategies and the need for flexibility in planning for economic growth is essential. Aligning local policy with national priorities ensures consistency, maximises opportunities for funding and investment, and helps Local Plans remain responsive to wider economic shifts. Many local economies are diverse and fast-changing, and overly rigid policy frameworks risk constraining innovation, limiting the growth of emerging sectors, and undermining the district's ability to respond to new market conditions. A flexible, forward-looking policy approach enables authorities to support evolving industries, adapt to technological and labour-market changes, and proactively guide sustainable economic development.

**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.*

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

The approach set out in Policy E2 contains several positive elements. Giving appropriate weight to the economic benefits of commercial development (E1(a)) and recognising the importance of modernising agricultural operations (E2(1b)) are both constructive measures that support business growth and the functioning of rural economies.

However, the requirements in E2(2) would benefit from greater flexibility. Market signals, operational requirements and sector-specific locational needs can vary substantially, and an overly rigid approach risks constraining sustainable economic development or creating conflict with environmental and spatial objectives. Providing clearer criteria for how these competing factors should be balanced would support more consistent and transparent decision-making.

Further clarification is also needed on how “unmet need” should be evidenced. Without a consistent evidential framework, interpretation may differ between applicants and decision-makers, generating uncertainty and delays. Greater clarity here would help ensure the effective delivery of employment land and improve the usability of the policy.

**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.*

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

The introduction of a dedicated policy for freight and logistics is positive, as this sector has distinct operational, spatial and transport requirements that justify clearer national guidance. A specific policy within the NPPF provides greater certainty for applicants and decision-makers and helps ensure that proposals are directed to suitable locations with appropriate infrastructure and transport connections.

The policy could benefit from a stronger emphasis on addressing the wider impacts associated with freight activity. This includes clearer expectations around reducing transport-related emissions, managing cumulative effects on the road network, and safeguarding environmental and residential amenity. Reinforcing requirements for sustainable transport modes, good design, and integration of low-carbon technologies would help ensure that freight and logistics development contributes to economic growth while supporting national objectives for climate mitigation and good place-making.

**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.*

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

The proposed redrafting of paragraph 88 improves alignment with wider policies relating to development inside and outside settlements through Policies S4 and S5, and offers stronger support for agricultural diversification, which is an important element of maintaining a vibrant rural economy. The policy could provide further clarity around how rural business

development should balance economic benefits with the protection of the countryside, environmental quality, and local character, as well as social impacts. Additional emphasis on the scale, design, and potential landscape or amenity impacts of rural development would help guide decisions more effectively.

**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.*

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

The proposed drafting of Policy TC1 provides a coherent and strategic approach to planning for town centres, bringing together key principles into one policy, and placing greater emphasis on having an overarching strategy to guide development needs, opportunities for diversification/intensification, and the identification of areas suitable for public realm or infrastructure investment. The strengthened focus on making effective use of vacant sites, encouraging a broader mix of uses including residential, and aligning site allocations with the plan period rather than a fixed ten-year horizon provides welcome flexibility when considering site allocations and improves consistency with the wider plan-making framework.

We consider that the policy could offer further clarity on the mechanisms for how strategic approaches to town centres should balance growth and diversification whilst protecting their distinctive character, heritage assets, and local identity. While the recognition of the role of design guides, design codes, masterplans, and Article 4 directions is helpful, more guidance on when and how these tools should be applied would support greater consistency and ensure they effectively enhance vitality and viability.

**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.*

**a) If not, please explain how you would achieve this aim differently?**

**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 change has had minimal effect since its introduction to the high street, however there are far more leisure, food and drink uses now which offer a more diverse town centre, but this will be at the expense of the more traditional high street uses.

We consider however there is current inconsistency between national policy (supporting the High Street), guidance and the flexibility of Class E in all locations (including non-town centre).

**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.*

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

The test still plays a role in steering new development for town centre uses to locations which best support the vitality and viability of town centres. We strongly support its retention.

**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.

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

We consider that this element should be weighted in the overall planning balance, rather than comprising grounds for an outright refusal.

**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.

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

The policy is very supportive of development which is not a surprise given the Government's 10-year infrastructure strategy. We support the preference for utilising existing sites for infrastructure as opposed to new sites. We believe that this approach needs to be rigidly adhered to by telecoms operators.

**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.

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

Yes. Using existing sites to minimise visual impact is the preferred approach. A greater focus on the specifics of individual sites is required to ensure that applicants take sufficient account of the characteristics and appearance of the locality.

**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.

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

We would advocate that there is an additional requirement for the use of photomontages of proposed development in protected landscapes, conservation areas and those adjacent to listed buildings. These prove useful visual aids to help users of the planning system understand the visual impacts of a development.

**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.

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

An additional requirement of this policy should be that both environmental assessments and greenhouse gas assessments are undertaken to inform decision making and to guide energy infrastructure into areas of least harm, particularly in areas of high ecological value, or areas of high sequestered carbon (for example see the methodology for Scottish wind farms). Development should also be made to consider fragmentation of habitats.

The Framework's proposal in PM13 limits the ability of LPAs to set quantitative standards for development which in turn could limit the ability to proactively support appropriately sized infrastructure within the competing land, resource and infrastructure constraints which exist within a local area. For example, setting higher energy efficiency standards for residential and commercial development could release pressure on areas of local grid constraint.

However the policy fails to provide guidance for how this should be planned for, the evidence needed to underpin it or how the policy should be prepared, particularly in the absence of yet to be published national and regional policy, strategy and guidance. It is not clear where, in the absence of this, strategic guidance will be provided and how this should be assessed in the interim.

**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.**

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

The approach to proactive planning for local low carbon and renewable energy in line with wider cross-cutting strategic energy policy is welcome. The focus on waste heat is also welcome; this however must be balanced with other planning considerations.

The Framework fails to provide guidance for how this Policy should be planned for, the evidence needed to underpin it, or how the policy should be prepared. It is not clear where, in the absence of this strategy, strategic guidance will be provided and how this should be assessed in the interim.

**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.**

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

The contributions of small-scale and community led development is welcomed.

Substantial weight should be given to the whole lifecycle emissions of the development, including any associated emissions that result from degradation of the local environment and soils. This should be applied to, at a minimum, development being proposed on peat soils (see our previous reference to Scottish wind farms.)

Weight should be given to the restoration of land if the development has a limited operational lifespan, and whether soil health and carbon can be recovered to a level equal or above that which was originally on site. Appropriate financial guarantees should be used to underpin planning conditions of site restoration.

All renewable energy development should also provide direct annual community benefit funds or other direct local benefit such as delivery of an Energy Local Club.

Renewable development should be expected to deliver multiple land uses and not sterilise land for other use. For example proposals which include business cases and design which support inclusion of agriculture such as Agri-photovoltaics should be encouraged.

As renewable development constrains open space, proposals should include improving and increasing access to rural areas such as through the improvement or delivery of PROWs, cycle routes and bridleways.

**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.*

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

No comments to make.

**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.*

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

We strongly agree with the removal of coal from the list of minerals of national and local importance, and with the proposed prohibition on identifying new coal sites. However, we partly agree with M1 as a whole as outlined in the following observations.

The proposal to align policy with the phasing out of and reducing dependence on fossil fuels is welcomed. The proposal to remove shallow and deep-mined coal from minerals of local and national importance is welcome. It is also welcomed that development plans may not identify sites for peat or coal extraction. This supports the phasing out of combustion-based fuels and the critical need to deliver on climate mitigation, as well as providing vital protection to the ecology of peatland. It also offers the opportunity to address the socioeconomic impacts that such extraction has had on some communities with extraction often located in areas with the highest levels of deprivation.

However, there is a difference between a prohibition on allocating sites for coal or peat extraction, and in refusing development proposals. The latter of which is not included within this policy (however it is noted that in M5 there is a strict ban on approving peat extraction, but that coal is absent from this ban). It is recommended that a strong policy position is made on coal and peat extraction within plan making such that no sites may be allocated, and no permissions granted for such development.

This must however be holistically approached and should be combined with strong support for LPAs to drive down Scope 1 and 2 emissions through other areas of the Framework and Scope 3 emissions arising from fossil fuel associated emissions across the entire supply chain not only those associated with extraction of materials.

**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.*

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

It is welcomed that the development plan should not plan for new or extensions to existing oil and gas extraction. However, M1 (4) must also reference the decommissioning and abandonment of sites within the phases of oil and gas development. These are integral components of the full project lifecycle and proposals should therefore be expected to provide a complete assessment of environmental impacts and responsibilities.

Any further development within licenced areas must continue to be required to provide full lifecycle assessment of greenhouse gas emissions including Scope 3 emissions and emissions related to the environmental (including) soil damage resulting from the development. There should also be included a requirement to prepare and submit carbon management plans, monitoring and reporting, onsite mitigation of emissions and meaningful off/insetting of Scope 1 and 2 emissions. Any further development within licensed areas must also provide direct annual community benefit funds or other direct local benefit such as the delivery of an Energy Local Club where there is electricity created on site. Any waste heat generated should be expected to support wider heat decarbonisation efforts by supplying that heat to heat networks or other uses.

Finally, any oil or gas development within licensed areas should be expected to restore the land to previous use or for other uses (including societal, cultural, historic, habitat environmental and climate) and not sterilise land for other future uses.

**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.***

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

We agree that critical and growth minerals should be added to the list ‘minerals of national and local importance.’ As far as possible minerals should be extracted within the UK, recognising the role that this plays in national security and global social responsibility and not outsource the damage that extraction creates to other countries where social, cultural and environmental protections may not be as strong. However, a focus should also be placed across the Framework on prioritizing the minimisation and use of virgin materials.

While minerals can only be worked where they are found, as written M1 (6) provides wide interpretation of where it may be appropriate to extract minerals and does not reference the need to prevent and in worst case mitigate/offset societal, cultural, historic, landscape, soil, biodiversity, habitat, environmental and climate loss or damage. Nor does the Framework seem to provide the levers for investment in mitigation and policy levers needed to meaningfully repair damage from mineral extraction. The policy fails to provide guidance on how this should be interpreted. It is not clear where, in the absence of this guidance, strategic guidance will be provided and how this should be assessed in the interim.

A stronger focus and priority must be placed on secondary and recycled materials and minerals waste. The critical need to reduce and minimise the extraction and use of virgin materials is key to ensuring a just net zero transition and supporting the circular economy. Any extraction activity must also include full life cycle emissions and full accounting of Scope 3 emissions.

Across all areas of the plan, the circular economy should be centred and provide LPAs the ability to set quantified targets for recycled materials and development of the circular economy.

**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.*

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

No comments to make.

**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.*

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

The weight must not just focus on the emphasised economic benefits but should also include societal and community benefit as well as those outlined in M3 (d) and historic benefit in M3 (e). There must also be balance with the losses and damages that the extraction will cause. This must holistically consider societal, cultural, historic, landscape, soil, biodiversity, habitat, environmental and climate damage arising from the proposed development.

A stronger focus and priority must be placed on secondary and recycled materials and minerals waste. The critical need to reduce and minimise the extraction and use of virgin materials is key to ensuring a just net zero transition and supporting the circular economy.

**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.*

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

This exclusion is warranted as the extraction of oil and gas has far larger associated carbon emissions than the extraction of non-combustible minerals and should therefore be treated differently in the context of planning.

While some development for mineral extraction could conceivably have net benefits to the green energy transition and delivery of net zero, fossil fuels will always have a negative impact on climate in terms of the scope 3 emissions associated with the end use of the extracted fuels. 'Substantial weight' should not be given to onshore oil and gas extraction in this context, particularly given the requirements of the Climate Change Act 2008.

**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**.*

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

Reference should also be given to avoiding social, cultural, landscape, soil, biodiversity, habitat, environmental and climate loss and damage. The gendered impacts of mineral development must also be addressed.

Mineral development should provide direct annual community benefit funds or other direct local benefit. Any waste heat generated should be expected to support wider heat decarbonisation efforts by supplying heat to heat networks or other uses.

M4(c) Should seek to secure restoration to the highest environmental standards. Bonds or other financial guarantees should underpin the planning conditions to ensure that conditions are followed through and communities and the environment are protected.

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

M5(2) The paragraph should include that the extraction of coal at new or extended sites should be refused. M5 (2) should also include facilitation of heat recovery for heat networks.

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

No comments to make.

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

No comments to make.

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

In M6 (3), reference should also be given to avoiding social, cultural, landscape, soil, biodiversity, habitat, environmental and climate loss and damage.

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

No comments to make.

- 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.**

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

Policy L1 provides a sufficient framework for developing local plan policy. The intention of this policy and the promotion of the effective and efficient use of land is supported. We would however note that whilst minimum densities can help to deliver this, it is important that site specific considerations are also considered such as heritage and townscape as well as the overall character and sustainability of the site. Further guidance on how a design led approach could be developed would therefore be supported.

**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.***

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

L2 is very specific and we would suggest that assessing whether a proposals represents efficient use of land is best undertaken at the local level. Phrases such as ‘*development footprints which optimise a sites development potential*’ are very subjective and may be interpreted as giving carte blanche for proposals that are insensitive in terms of scale and massing. Whilst the policy position is clear, we question whether the policy should be advocating the use of corner plots for accommodating taller properties. Whilst such plots may present an opportunity to deliver more distinctive buildings, we would suggest that height needs to be examined on a case by case basis through the determination process.

**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.***

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

The general direction is accepted, however density is hard to achieve when topographical challenges exist.

**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.***

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

The policy provides a solid basis, however, is very specific and we would not agree that it is sufficiently high-level. The local context will always be important when making decisions on these types of applications.

**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.***

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

The policy is positively worded, indicating that proposals may be acceptable if it satisfies one or more of the criteria (including L2(d)(i)). We would query whether this part of the policy

is necessary, given that the Framework already advocates high-quality design, scale and density within other policies.

**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.*

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

The inclusion of a requirement to retain at least 50% of the non-developed area provides some safeguards (as does the intent to ensure buildings do not occupy more than twice the footprint of the existing building on the site). However the danger of including specific sizing requirements in policy is that it is interpreted as a figure 'to be achieved' by the applicant. It may also facilitate proposals that, on a case-by-case basis, are unsuitable for the plot.

**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.*

**a) If not, please explain how guidance could be clearer?**

The policy is worded to promote an increase in density, which, in principle, is acceptable. However it is critical (from a place making perspective) that it is done sensitively. It is welcome that L3.2 talks about the importance of the character of the settlement, and we believe that this should be emphasised. Higher densities should always be secured where they can be accommodated.

**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.*

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

The density requirements are rightly aspirational. In many areas of our district these figures may only be appropriate when delivered as apartments (as opposed to dwellings). Whilst we recognise that increased development density can help address housing delivery issues, we still believe that it should be for the Local Plan to stipulate density requirements.

**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.**

We have no evidence to share, but this issue highlights the importance of assessing these issues at a local level as opposed to being nationally mandated.

**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.*

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

We agree the dwellings per hectare is the metric to use and would agree that net developable area is a suitable metric also.

**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.***

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

We understand the use of railway stations as indicators of sustainability, but there are other determinants that influence whether a settlement should accommodate higher densities of development, i.e. distance to bus stops, towns and villages, schools. These matters, which often require assessment on an individual locational basis, are best retained at the local level.

**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***

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

No comments to make.

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

We consider that this should be determined at the local level and be included in Local Plan policies. If the policies are not sufficiently ambitious, then the evidence base can be challenged at Examination. This is the type of local assessment that is necessary.

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

No comments to make.

**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.***

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

It depends how receptive Inspectors are to the continued inclusion of criteria-based policies within Local Plans. These policies provide the necessary design advice for residential extensions. If it is the intention that Policy L4 (and national design and place-making guidance) replaces local policies, then we would disagree.

**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.***

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

No additional comments to make.

**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.*

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

The policy fails to provide guidance for those locations where a spatial development strategy has yet to be prepared. It is not clear where, in the absence of this strategy, strategic guidance will be provided and how this should be assessed in the interim.

We are also concerned by the amended wording contained in Annex E in relation to the identification of Grey Belt land. This has seen the removal of footnote 7 considerations from the definition. The current inclusion of footnote 7 would have seen these areas potentially excluded from what could be considered Grey Belt where they provided a strong reason for refusing or restricting development. Removal of these from the definition will potentially lead to more areas being lost to development without a proper assessment of the potential impact of this.

**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.*

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

Whilst supporting the principle of directing development to accessible public transport hubs such as train stations, we wish to note that this should not be at the expense of the protection of the Green Belt. Such areas may still perform strongly against the five purposes for designation, with the loss of such land risking undermining the overall extent of the Green Belt. The impact on the Green Belt should still be taken into account when assessing proposals in such locations.

**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.*

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

We support the intentions of this policy and would support the delivery of the measures referenced. The extent to which the Local Plan can achieve all of these is, however, questionable especially where land is within private ownership and may not be available to deliver the benefits suggested.

**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.*

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

GB6 refers to the tests included at GB7. Not all of the tests in GB7 are sufficiently clear (e.g. what constitutes “*limited*”?). But we are pleased to see the inclusion of renewable and low

carbon energy development as one of the development types where “*very special circumstances*” might warrant an approval.

- 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.**

GB7.1h caters for new housing provision on Green Belt. The policy suggests that this would not be inappropriate where it is near a well-connected station. We would suggest that this requires assessment as part of the Local Plan process as opposed to be included within policy. The density requirements associated with L3 are (understandably) ambitious but we believe are best addressed via local plan examination.

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

The alignment between the planning policy for traveller sites and the Framework ensures that there is sufficient clarity and consistency.

- 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.**

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

Development on green belt land should incorporate the highest level of benefits and affordable home delivery is at the forefront. Many development sites are multi-phase, and therefore part 3b could in effect apply to most sites. Is this the intent of the policy?

The wording should not be used to marginalise the Local Plan viability assessment.

- 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?**

Yes. In order to highlight that viability assessments should be the exception as opposed to the rule, it may help developers and local authorities -to have some typical benchmark values.

- 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.**

The overall intention is to be supported especially if it means that a greater quantum of social rented housing comes forward. We would say however that a 10-15% requirement would need to be tested as part of the Local Plan process and therefore discretion is needed with respect to this.

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

No further comments to make.

**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.***

**a) Please explain your answer.**

This provides a robust and standardised national benchmark and allows developers and decision makers to make informed decisions.

**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?**

It is a standardised approach especially for greenfield land and agricultural land.

**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.***

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

Planning judgement still needs to be exercised, however the change does at least provide additional clarity with respect to what constitutes Grey Belt.

**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.***

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

Further clarity is needed via the Planning Practice Guidance. It is welcome that the DP1 (c) provides for policies around design which can respond to local issues. This is critically important to retain to ensure that local areas can respond to local need.

**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.***

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

We welcome the move away from the legal requirement for authority-wide design codes, however, further guidance would be beneficial through Planning Practice Guidance to provide more clarity; for example, to help *interpret ‘where design guides, design codes and masterplans are necessary’*.

It should be made clear in DP2 (a) that the ‘*character of the site or area*’ refers to the natural as well as the built environment. It is very welcome that DP2 (b) outlines the need

to respond to local context and be underpinned by community engagement. Emphasis should be placed on the need to also engage with children, youth and young adults. Further guidance would be useful. Engagement audience should include engagement with children, youths and young adults who are generally underrepresented in planning engagement. It would also be beneficial for design guides, design codes and masterplans to be reflective of existing strategies, for example Green and Blue Infrastructure Strategies and Local Nature Recovery Strategies.

**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.*

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

Design reviews are a valued resource, especially when they involve complex, strategic developments. However we still believe that local pre-application advice is the best method for assessing the acceptability of development proposals.

Some specific observations which inform the creation of well-designed places:

- Policy DP3 (1) (d) the design of a new development - should be led and shaped by nature. Green and blue infrastructure should not be an afterthought in the design process. For example, to be effective, sustainable urban drainage systems need to be an integral and early part of the design process to ensure the layout, design of green and blue space and the design of development take every opportunity to reuse, infiltrate and attenuate water. In addition to incorporating (new) and connecting to a (existing) network, how the design of a development can enhance existing green and blue infrastructure should be explored. Wherever possible, the aim should be to connect to the existing green and blue infrastructure network. The ongoing management and maintenance of green and blue infrastructure is also a key element of the design of a development.
- Policy DP3 (1) (d) must include reference to soils and improving soil quality (along with air and water quality). Soils must be protected and enhanced in order to deliver on the aims of (a), (b), (c), (d), (g) and (h). Development on agricultural land should be expected in particular to protect soils and to deliver areas for food growing such as orchards, community gardens and allotments.
- Policy DP3 (3) (d) should include wider design considerations for mitigation and adaptation including protection from extreme weather, fire and a focus on healthy buildings. This could include form factor, resilient low carbon, external shading, roof design (for low carbon energy, green roofs, shading and fire resilience), internal layouts, design for storms, increasing thermal mass and controlled ventilation with single vent points (such as mechanical ventilation heat recovery).
- Policy DP3 (1) (g) Public space which says that "*To respond to their context and create well-designed places development proposals should...(part g) include spaces that are safe, secure, inclusive, accessible for all ages and abilities and which facilitate and encourage social interaction, play and healthy lifestyles...*" We

consider that this section (and the wider NPPF) should specifically make reference to women, girls, gendered safety and designing out violence against women in the built environment. It is imperative that women and girls feel safe when interacting with the built environment through consideration of measures such as well-lit streets (which can still be ecologically and dark skies friendly), accessible public transport, well considered street layouts which will encourage more women and girls to use walking and cycling as an alternative to the private car, thereby also having a benefit on reducing levels of pollution. Omission of any reference to this issue in the NPPF is significant, given the levels of new development that the NPPF will facilitate. Exclusion of any reference would also be contrary to the recently published government strategies such as the 'Violence against women and girls' (VAWG) strategy.

**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.***

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

No additional comments to make.

**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.***

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

Yes. It is encouraging to see reference to public transport operators and land promoters within the groups identified for early engagement regarding sustainable transport at the plan-making stage.

The policy could however be stronger in favour of sustainable transport. It could do this by amending the start of Policy TR1: (1a) to read "*Making sustainable transport considerations **part a priority** of early engagement with local communities...*". This policy must make it clear that new development should explore all opportunities for sustainable transport.

**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.***

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

We have no objection to the setting of parking standards in development plans (as opposed to making these an optional inclusion). The greater flexibility in TR2 is also welcome, particularly placing greater emphasis on the local assessment of a site's connectivity.

It is important to ensure sufficient space for electric vehicles and parking spaces for other groups such as blue badge holders, and we are encouraged to see reference to this in the policy. Similarly, reference to 'wheeling' (for the first time in the Framework) is also welcome.

**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.*

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

The change in wording; i.e. expanding on the previous, vague reference to “*significant development*” is a considerable improvement and will help clarify the type of impacts that local planning and highway authorities should be concerned with.

We believe that the Department for Transport Connectivity Tool has the potential to be a significant informant of what is a sustainable/unsustainable location. We would advocate greater training in the use of the Connectivity Tool, not just for officers but for Elected Members and other built environment professionals.

**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.*

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

It is encouraging to see TR4 (1a) indicate that there should be “*priority first to pedestrian and cycle movements*”, and that maximising the opportunities for high quality public transport is also to the fore.

We agree with the reference to prioritisation facilities, such as segregated cycle lanes, and to the principle of reducing the scope for conflict between modal types.

In our experience, “unnecessary street clutter” is often caused by the siting and scale of highway signage, which can be insensitive to its surroundings, particularly in conservation areas.

We would suggest amending TR4 (1d) to add that the delivery of goods should not just aim to “not compromise” key place-making principles but also should seek to maintain unobstructed access for all modes of transport.

**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.*

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

We have no comments to make on this question.

**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.*

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

Yes; some clarity at TR6 (3) regarding the term “severe adverse impact” is welcomed but considering how the issue of severity is a considerable cause of disagreement during planning appeals (typically public inquiries), we wonder if this should be more explicitly defined.

We consider that there is an opportunity to provide criteria for when a Transport Statement or a Transport Assessment should be required (i.e. to provide national consistency). This could be reflected in Annex C of the Framework.

**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.*

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

We have no additional comments to make.

**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.*

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

The scenarios presented in the policy for opportunities to improve the quality of existing routes are logical.

**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.*

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

Welcome the inclusion of definitions for community facilities and public service infrastructure, to highlight their importance. It is good to see the need for engagement with relevant service providers set out in national planning policy. Previously within our district, in some cases, this has been received with mixed response. It is also good to note the request to set out the facilities and contributions that are expected from development referenced in this section. However, it would be beneficial to include more emphasis on the protection of existing services and infrastructure. We strongly agree with the expectation for the development plan to set local standards for different types of recreational land. Whilst national standards are a useful starting point, there is not a one size fits all approach, because different areas have different needs and so this needs to be reflected in local standards to deliver the bespoke spaces each area needs.

The ability to set local standards and allocate land for green space and outdoor recreational lands should also include reasons around climate adaptation and to provide climate shelters.

**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.*

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

The previous wording ‘*reasonably close*’ was not particularly helpful and widely open to interpretation. Local Green Spaces are ‘*green areas of particular importance to the local community*’, and in order to be able to serve this local community as per point a) it must be close and therefore accessible to the local community in which it serves.

**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.***

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

Yes, we think that this sufficiently bolsters support for new or improved community facilities.

**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?**

We support the inclusion of the word ‘reasonable’ relative to walking distance. Rather than the term ‘fast food outlets’, perhaps a better choice would be ‘hot food takeaways’ as that would align with the definition of types in the Use Classes Order.

**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.***

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

No additional comments to make.

**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.***

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

We agree that the policy seeks to protect open space provision, but we would add that the replacement provision should still be of a better standard of provision, and most importantly, be relevant to what the local area requires (i.e. is deficient in).

**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.***

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

The provision to exclude Local Green Space designations from falling within the Grey Belt or areas of previously-developed land is logical and is supported.

**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.***

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

P1 (1) should explicitly mention climate. P1 (b) (i) should explicitly mention soil.

Agree that future impacts need consideration at the allocation stage and we are pleased to see that the NPPF picks this up.

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

None.

**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.***

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

The criteria appear to be robust and it is similar to the amenity-based policies that have previously been included in our Local Plan.

**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.***

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

We consider that P4 should be more explicit about the Agent of Change principle and the presumption that the continuation of existing activities within a locality will not be compromised by nearby new development.

**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.***

This appears to be a comprehensive list, and we have no additional comments to make.

**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.***

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

Yes, but not at the expense of the other policies contained within the Framework.

**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.***

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

We support the increased clarity provided by Policy F3 in relation to this important issue.

**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.**

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

The changes to the sequential test are equally useful for developers and LPAs. We note that the aim is still to steer development to the lowest flood risk. We would query why the policy is silent on the impact of groundwater, and we would welcome clarification on this matter.

**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.**

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

No additional comments to make.

**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.**

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

The policy adds the new requirement that Sustainable Urban Drainage Systems should be designed in accordance with the National Standards, which we fully support.

Multifunctional benefits should be a cornerstone of delivery of SuDS. Climate adaptation should be explicitly mentioned as SuDS can support and facilitate cooling as well as water management. Soils should be referenced in this policy. Soils across the development site should be protected as much as possible from compaction during development. Soils in areas which will not be sealed including areas where SuDS will be installed should be protected from damage so as to continue to retain their role in the hydrological cycle.

**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.**

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

We fully support the de-culverting and rewilding of river channels wherever possible.

**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.**

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

The policy seeks to build on the Flood Risk and Coastal Change Planning Practice Guidance and by aligning the Framework and the PPG this removes any conflict or ambiguity when making decisions.

**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?**

This is a welcome addition and adds further weight to the threats posed by our changing climate. As worded, we are confident that this will ensure that only appropriate development will be permitted. The change aligns with the *Flood Risk and Coastal Change Planning Practice Guidance*. Its inclusion within the Framework will assist decision makers.

**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.**

**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.**

No additional comments to make.

**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.**

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

We would like to offer additional observations regarding the various policy components.

N1,1a. hierarchy of sites: strongly agree. It continues the long-standing policy of site hierarchy but does not restrict it to the formally designated sites which typically form a subset of the overall local areas of value for biodiversity.

N1, 1b. opportunities: strongly agree. The Local Nature Recovery Strategy (LNRS) makes a valuable contribution to this, although additional strategies and management plans also have an important role, especially for landscape scale.

N1, 1c. steers location of development to land of least environmental value where consistent with policies: partly agree. The approach is broadly good, but there is caution about the term “*where that would be consistent with other policies in this Framework*”. With the planning balance strongly tilted to allow development unless there is a significant overriding reason, it will be difficult in practice for planning authorities to steer development away from areas of environmental value that do not have a formal designation for conservation.

LNRS identifies opportunities to integrate development and environmental restoration. Where the opportunities are not integrated into a development there is an opportunity cost to future nature recovery. In some cases there will be other land that could be identified for future alternative opportunities when those originally identified are lost. In other cases the opportunity cost would be significant and not readily replaceable by other alternatives, and

in such cases there should be the option to preclude the allocation for land for development. For example, creating a 'pinch-point' development might limit a landscape-scale opportunity for future wetland restoration/flood relief scheme. It might lose the opportunity to create habitat that would also enable recreational access to a new or improvement green network/suitable alternative natural greenspace area, although N1, 1d may help with this.

N1, 1d Strongly agree. The role, importance and multiple benefits that both green and blue spaces can provide needs to be emphasised and considered in all development proposals. Standards should be set for green infrastructure, and these should complement and/or incorporate standards for open space and recreation. As such spaces are multifunctional. Requirement needs to be set through national policy, with a national starting point that can then be tailored to local needs through the setting of local standards.

There is a risk that the policy might be interpreted as meaning that only established trees and hedgerows that are specifically identified as beings of visual, historic or nature conservation value should be retained. Those trees and hedges considered to be of importance at site scale (e.g. mature trees that are not significantly visible outside the site and not currently identified as a bat roost) would not necessarily be valued for retention. N3 deals with long-term maintenance, which is a welcome inclusion, but only covers trees that have been retained.

**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?**

It would be reasonable to seek more than 10% biodiversity net gain:

- Where bespoke compensation is required for losses of irreplaceable habitat. Compensation for unavoidable losses of irreplaceable habitat is taken out of calculation of BNG and is considered separately, rather than as contributing to any gain from a development. Assuming no change in this position, the rest of the losses on site could be addressed by the usual 10% gain.
- Where development impacts on strategic green corridors of other local green and blue infrastructure, because reduction or loss of those cannot usually be replaced by habitat compensation in areas remote from the development. This interacts significantly with local Open Space needs especially if there is an existing deficit in accessible natural green space in the area.
- On large scale or phased developments where it is likely that the site will be cut into separate units below the mandatory BNG threshold.

It should be noted that the impact of Policy PM13 on this proposed policy of the Framework is not clear as it lays out that quantitative standards should be limited to a narrow range of areas which do not include BNG.

**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.*

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

The approach in policy N2 1. is broadly supported. Developments should aim to meet all of the policy criteria in N2, 1. a to g. To emphasise the importance of this, the following wording could be added to the end of the opening sentence of N1 'should from the outset', to indicate that these considerations should be factored in from the very start.

N2 (1) (a) and (d) must include reference to soils. This is for their social, cultural, environmental and climate value and the critical role they play in ensuring landscaping survival. N2 (1) must explicitly reference the protection and enhancement of soils on all development sites. This should also require soil baseline assessments, soil management plans, avoidance of loss of soils to landfill, and opportunities for reuse of soils on site.

N2 (1) (b) should be accompanied by guidance which sets out how this should be assessed and how at the local level protection of agricultural land supports national land use goals including that for food security. This policy should also include when development is on agricultural land how the non-renewable resource of agricultural soils will be protected as much as possible from sealing, and protected and enhanced for local growing within the development site.

N2, 1 f. is welcomed, although such measures also need habitat nearby that can be used by swifts, bats and hedgehogs, all of which are dependent on diverse and abundant invertebrate populations.

N2 2. provides an important last resort to refuse development if there is significant harm that cannot be resolved. In accordance with best practice significant harm should include indirect or off-site harm as well as direct on-site losses.

An example of indirect harm would be housing development adjacent to heathland with a rare reptile population, or rare ground-nesting birds, where the site would be within an easy predation zone for domestic cats and/or there would be recreational disturbance from increased public access. No on-site compensation could be achieved, and effective offsite compensation would only be possible if there were alternative areas where habitat enhancement could bolster another relatively local population sufficiently to compensate for the reduction or loss related to development - and that may not be the case with rare or threatened species.

N2 should place more emphasis on blue infrastructure.

There is no question related to N3. N3 should also reference the air quality and social equity.

**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.*

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

In N4, 2. setting out the requirements for assessment of major development in Protected Landscapes is useful. There will be the difficulty of deciding how to weigh factors of development cost and economic benefit against attributes that cannot be monetarised in the same way: conservation and enhancing natural beauty and wildlife and cultural heritage.

As Protected Landscapes are national assets not just local ones, assessment of economic benefits should also focus on the economy nationally, rather than the economic benefit case just being satisfied by a benefit to the local economy.

Note that many Protected Landscapes also have significant importance for conserving and enhancing wildlife (e.g. Arnside and Silverdale), not just the National Parks and the Broads.

**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.**

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

Policy N6 does provide a hierarchy of sites with the sites of highest importance given the greatest protection. As written, the level of protection has been downgraded at all three scales. There is no reference to the mitigation hierarchy and protection for sites rests solely on Policy N2, 2.

N6, 1a<sup>ii</sup> would only provide an adequate degree of compensation if an Environmental Delivery Plan is supported by robust evidence that the type of impact can be adequately compensated for the sites and features affected – and compensation can be delivered in a relatively short timescale. This means that EDPs would only be of value for a very limited number of landscape-scale impacts such as nutrient neutrality. Broadening EDPs to complex habitats of high value and to species where there is insufficient evidence about effects and the effectiveness of compensation would lead to reductions of biodiversity, some of which may be irrecoverable.

N6, 1b<sup>ii</sup> reduces the existing protection for SSSIs. The text should be “*should be refused unless;*” rather than “*should only be supported if;*”.

The test of “clearly outweighs” is unclear and the text omits any reference to N2, 2. A developer should not be eligible to apply for an Environmental Delivery Plan unless the preceding steps to avoid, minimise and mitigate have already been undertaken.

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

There are significant concerns about the criteria for Environmental Delivery Plans, the evidence to support their efficacy, the time to deliver any compensation, and the resources for this, especially the capacity within Natural England.

A specific issue in this district (and others) is that of recreational disturbance on the bird populations of the coastal SPA. We consider that the best method to address this is via the system of payments that have already been put in place in some areas to provide mitigation and compensation in the local area and with funding coordinated by the local authorities, with Natural England as a participating stakeholder. Examples include schemes for SPAs at the Solent, the Essex estuaries and the Humber.

It is likely that a similar scheme will need to be put in place for Morecambe Bay and Duddon Estuary SPA, after completion of the current user surveys that have been commissioned jointly by three local councils to inform the need for mitigation. We think the existing model would be more appropriate here than an Environmental Delivery Plan, particularly for ensuring that the actions delivered are local and appropriate, which is not the case with Environmental Delivery Plans – Natural England would not be obliged to provide any compensatory measure in the local area.

Natural England has informed us that they are not able to deal with planning consultations routinely and is placing more responsibility on the local planning authorities, in order to focus on only the largest developments, NSIPs and significant impacts on SSSIs. We consider that Natural England could not resource the operation of any scheme to address the current and future recreational impacts on the SPA. It would be on a much greater scale than current District Level Licensing.

**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.***

**a) Please provide your reasons.**

These are significant designations and for them not to have the same statutory protection in planning as listed buildings and conservation areas appears to reduce their importance, making them only a material consideration. We particularly welcome that this would include the setting of such assets. The NPPF could also confirm that the S72 duties include consideration of setting in relation to character and appearance of a conservation area.

At the moment, The Gardens Trust must be consulted by LPAs before they grant planning permission for any development which will affect a Registered Park or Garden. Given the Government's proposal through its Reforms to the Statutory Consultee System, which could see The Gardens Trust losing their statutory consultee status, the need to extend the special regard duties to include Registered Parks and Gardens, in particular, has become even more pressing.

**186) Do you have any evidence as to the impact of implementing the additional regard duties for development?**

Mainly in relation to Registered Parks and Gardens. Several in our district are also within conservation areas, which has then taken precedence in planning terms. However, this does not apply in all cases, leaving those Registered Parks and Gardens at potentially greater risk. Also development can affect the setting of Scheduled Monuments within our district, and it is important that our archaeological colleagues are able to assess the impact.

**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.***

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

We support the inclusion of heritage assessment as part of the plan making process.

While we are pleased to see the promotion of local lists to identify non-designated heritage assets, the multiplicity of Non-Designated Heritage Assets (NDHAs) needs to be addressed. “Local lists” can include a wide range of unlisted historic assets and imply there are several different grades of undesignated historic buildings. We consider that local lists should simply incorporate all NDHAs within a parish and district, including all those which positively contribute to the character and appearance of a conservation area. Local lists should not just include selected historic buildings, implying a different grade or higher status for these building in comparison to other NDHAs. This simply results in greater complexity to the criteria used for identification of NDHAs and in the implementation of associated policy. It also makes the system difficult for the public to understand.

It is positive to see more explicit guidance in relation to conservation areas and advice to review them periodically. Where a new conservation area or an amendment to an existing boundary is proposed then this should rightly be informed by a formal conservation area appraisal. However, there are exceptional situations where designations are needed at short notice and therefore it should not be a requirement that there should be an adopted conservation area appraisal on designation. A draft assessment of the character and appearance of the conservation area should be considered appropriate in these circumstances pending the production of a full conservation area appraisal. Likewise, a management plan should certainly be encouraged but should not be a requirement of designation.

**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.***

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

The inclusion of a spectrum of impacts from enhancement, through to not effect to harmful is supported as it clarifies that the assessment should also look at positive impacts not merely measure harm. However, it would be useful to acknowledge in 2b. that development can often cause a mix of enhancement and harm. It can be case that the enhancement and harm are evenly balanced resulting in a neutral outcome. On other occasions minor harm in one part of a scheme may be outweighed by significant enhancement elsewhere. The opposite also applies.

In relation to the content of heritage impact assessments, it is helpful for the national guidance to reflect the prescriptive guidance produced at a local level. Also, helpful to state that the decision makers need to be satisfied with the accuracy of those assessments. However, the accuracy of those assessments in relation to planning applications is a concern, as the vast majority of assessments are not impartial because they are paid for by the developer.

A standard format for heritage statements should be considered. These could be live documents, possibly in tabular form outlining the asset's significance, proposed works, and impact, to reduce the endless report writing and prose. A column for the local authority conservation officer comments could be included enabling them to more quickly respond to applications without having to write separate assessments. Although not something for inclusion within the NPPF, more guidance is needed to make these documents more useful.

We also consider more guidance is urgently needed to make the details, materials and specifications within an application easier to assess and for everyone to understand. Currently, information on the details of an application can be found in many parts of a planning or listed building consent application. For example, details can be found in the application form; within the Design and Access Statement; within the Heritage Statement; on the application plans and annotations; and within Schedules of work. Often these documents conflict with each other. Again, probably not for the NPPF but for supporting guidance to devise a system to simplify the process.

The IHBC and Historic England could assist in advising on these issues.

**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.***

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

We note the change in wording to “substantial weight” from “great weight”. While on the face of it this seems to be a semantic change for consistency with substantial weight used elsewhere in the NPPF, in the case of heritage this is underpinned by statutory force through the duties in s16, 66 and 72 of the 1990 Act. It is not clear if the use of the term elsewhere the draft also reflects statutory duties and, if not, it could be inferred that heritage protection is being downgraded or levelled down.

We are pleased to see that ‘less than substantial harm’ has been removed. This terminology always downplayed any harm which was not ‘substantial’ for which the Planning Practice Guidance set a high bar, in saying that it “is a high test, so it may not arise in many cases”. While we can understand why energy efficiency and low carbon heating measures have been given a special mention, it is not clear what is meant by ‘important public benefits’. Are we to assume that they should receive greater weight than other public benefits, and we may need to accept more harm to the heritage asset? Important public benefits might also include significant enhancement to the heritage asset. We also have doubts that energy efficiency and low carbon measures in a single building can be meaningfully defined as an “important” public benefit, especially if the impact is harmful in other respects and may, ultimately, lead to a loss of public support for such measures.

Rather than define these specific benefits in policy, with the proposed wording being unclear and confusing, it would be better to define these benefits in supporting guidance.

The change from ‘optimum viable use’ to ‘long-term re-use’ does offer more flexibility, but if a range of uses no longer needs to be considered, then there is a risk that the most profit-making, but the least sympathetic, use will simply be put forward. While we appreciate that development proposals would still need to comply with Policies HE4 & HE5 it might be worth

re-defining “optimum viable use” as “optimum long-term use” to take account of the need to minimise harm.

**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.***

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

We are pleased to see the inclusion of more detailed requirements in all these policies, including HE7.

It is a very positive policy on conservation areas and includes helpful references to non-designated heritage assets. Especially noted the comment in HE9 which states that “the assessment of impact should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole...” This seems to give a NDHA greater prominence in its own right, rather than simply assessing its contribution to the character and appearance of the conservation area.

Policy HE9 might include reference to the “setting” of conservation areas, to take account of development outside a conservation area that would affect its setting. An obvious example is a tall building.

The policy scope and wording of HE9 could equally be helpfully applied to Registered Parks and Gardens, which are also an area-based designation, to provide a firmer basis for consideration of impacts on these assets.

Policy HE11: Loss or Removal of Heritage Assets consolidates current Framework paragraphs 211, 217 and 218 to provide a cohesive approach where development would result in the loss or removal of heritage assets. It ensures assets are not lost unnecessarily and that, where removal occurs, they are recorded in the Historic Environment Record. The policy also retains the “retain and explain” approach for statues, plaques, memorials and monuments.

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

Generally, we are pleased that this chapter acknowledges the positive role that heritage assets can play in sustainable development. The restructuring of the chapter with clear headings is welcomed, as is the greater clarity and detail. The new numbering system will also avoid constant re-numbering of policies where there are later amendments.

**192) Do you agree with the transitional arrangements approach to decision-making?**

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

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

We are unsure why development plan policies should be afforded “*very little weight*” where inconsistency arises. If the policies within the NPPF were statutory, then this approach would be far more logical.

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

No further comments to make.

**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.*

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

On the whole, the list of WMS set out in Annex A is comprehensive, and we agree that a list is necessary to avoid confusion.

We are concerned about the inclusion of Planning – Local Energy Efficiency Standards Update as a document that is superseded, and we believe that this is premature without a comprehensive, cross-regulatory sector approach to the setting of local standards. In short, if a local planning authority considers that there is scope and viability headroom to insist on increased energy efficiency standards in their district and are able to evidence this ]during plan-making, then there should still be scope to do so.

**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**.*

**a) Please give reasons.**

Consenting data centres under the NSIP regime has a strong potential to disrupt development including the delivery of new, high-quality housing in the UK. Due to tight grid constraints across the country, housing and other development can often be limited constraints on local electrical infrastructure. Developments such as data centres, which carry a high energy requirement and therefore take up a high quantum of local grid capacity, can cause knock-on impacts to the viability of housebuilding due to grid upgrade costs.

Development involving data centres should be consented by local planning authorities (i.e. not using the NSIP regime) or, if the NSIP regime is to be used, there should be a strong requirement to work closely with the local planning authority to anticipate any disturbance to the local grid and to avoid any negative impacts to allocated development sites.

Without these measures in place a data centre could undermine site allocations within a development plan and thus result in slower housing delivery and a loss of a 5-year-housing-supply. This effect is not limited to housing development either and is a risk for all development types which require grid connections. It is therefore vital that this issue is addressed and that data centres come forward in a way which works with the local planning system and which minimises negative impacts.

Streamlining the process for delivery of data centres should not occur at the expense of the local area. Any application must mitigate and avoiding social, cultural, landscape, soil, biodiversity, habitat, environmental and climate loss and damage.

The following should be added to the consenting process for large-scale datacentres to ensure the impacts of delivery are reduced as much as is possible:

- Any combustion based co-located energy infrastructure (e.g. CHP) should be explicitly excluded.
- Provide for improvements to the electric network which increases overall headroom to ensure surrounding area is not sterilised for development.
- The development must be required to complete a full lifecycle carbon assessment including Scope 3 emissions. This must include the development's lifetime impact on the LPAs territorial emissions profile. A carbon management plan must be provided and any residual Scope 1 and Scope 2 emissions from the development should be expected to inset them within the local authority or worst case offset with a credible national offsetting scheme within the UK.
- Data centres' economically productive lifespan is quite short. As such planning applications for datacentres and their associated infrastructure including co-located energy infrastructure should be accompanied by a decommissioning plan.
- Where any water-based cooling systems are proposed, a full catchment-based water availability assessment must be provided and approved by the local water regulatory body
- Provision must be made for the use of waste heat produced from the datacentre to provide heating for nearby residential and business use. Data centres should be co-located with heat networks where possible, and where no heat network exists, they should be required to be designed for heat network readiness, or one should be created and made available for nearby connections
- A local benefit scheme must be delivered which includes direct substantial social, cultural, economic and environmental benefits to the local area. This could include community shares, local annual benefit fund, Energy Local Clubs, creation/improvement of public open space, delivery of PROW, cycleways and bridleways, etc.

**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**

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

For the reasons outlined in Q.195 we would support proposals that ensured that the local authority remained the decision maker for applications relating to data centres. We recognise the issues associated with two consenting schemes and believes that increasing the energy generation thresholds would help reduce this issue while ensuring that local authorities retained their decision-making powers.

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

Where it is not possible to deliver the energy infrastructure within or adjacent to the site, the energy infrastructure should be within the same primary substation area. Locating within the primary substation area, as opposed to within the data centre site boundary, can also introduce wider benefits for example by reducing landscape impact, increasing the catchments for community benefits and supporting wider rural income diversification.

**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**

**a) Please provide your reasons.**

We do not have a preference regarding the thresholds.

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

Not applicable.

**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.**

**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.**

**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.**

**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.**

We accept that 17.5% is a good reflection of industry for market led schemes.

**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?**

**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.**

It is clear that greenfield sites with little in the way of abnormal costs will appeal to the market. The scenario set out in (a) above would make viability testing more transparent and potentially quicker.

**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?**

**a) Please explain your answer.**

The overriding message should be that viability testing later in the process should be the exception, rather than the rule.

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

No comments to make.

**206) Do you agree there are 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.**

**a) Please explain your answer.**

The complexity of this issue requires further exploration by Government.

**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?**

**a) Please explain your answer.**

No comments to make.

**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.**

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

In respect of the delivery of affordable housing.

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

Removing premiums can only assist with facilitating faster development.

**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.**

**a) Please explain your answer.**

Every site is different and faces constraints and challenges. An extant consent might be incapable of being implemented, so the existence of a permission should not be proof of alternative use value.

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*

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

No comments to make.

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?

This can be avoided simply by clarity of national policy wording. Be unequivocal in stating that schemes have to be policy compliant.

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.*

a) Please explain your answer.

No additional comments to make.

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

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

We only partly agree because clarification is required as to whether the figure represents net or gross developable area.

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.*

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

No comments to make.

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

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

Sites may come forward in smaller, piecemeal amounts to fall within the threshold requirements.

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?

a) Please provide your reasons.

The Building Safety Levy has still yet to be formally introduced after being delayed for a year. It should be implemented first and exemptions should then be considered following its introduction. We see no reason for the exemption.

**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?**

**a) Please provide your reasons.**

It would in our experience depend on whether studios or apartments are proposed. We would argue a development of 120 purpose-built studios is quite different to a scheme which includes shared accommodation in the form of Houses in Multiple Occupation. The critical question is why should they be exempt in the first place?

**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.**

Whichever option represents a simpler administrative solution.

**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 comments to make.

**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.**

As per Q.216, the risk of smaller sites coming forward in piecemeal fashion to circumvent the levy.

**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.*****

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

The PIP route is overly simplistic, and the outline planning consent route is more suitable for assessing new housing, in particular medium-sized developments.

**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?**

A short planning statement can be useful for LPAs and can also seek to advance the applicant's case. We find that applicants often choose to submit a covering planning statement irrespective of whether they are required to.

**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?**

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

We have no comments to make.

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

We have no comments to make.