PHD806
Ward(s): General

DRAFT PORTFOLIO HOLDER DECISION NOTICE

PROPOSED INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR BUILT ENVIRONMENT

TOPIC – RESPONSE TO PROPOSED CHANGES TO NATIONAL PLANNING POLICY FRAMEWORK

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Legal Services Manager, the Chief Executive and the Strategic Director: Resources are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

If you wish to make representation on this proposed Decision please contact the relevant Portfolio Holder and the following Democratic Services Officer by 5.00pm on Tuesday 8 May 2018.

Contact Officers:

Case Officer: Jenny Nell Tel: 01962 848 278 jnell@winchester.gov.uk

and Julie Pinnock Tel: 01962 848439 jpinnock@winchester.gov.uk

Democratic Services Officer: Nancy Graham, Tel: 01962 848235 ngraham@winchester.gov.uk

SUMMARY

The Government over the last couple of years has undertaken various consultations which have implications for the planning system both planning policy and development management. These various consultations together with further changes announced, have culminated into proposed changes to National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). In early March 2018, the Government launched the draft NPPF and PPG for consultation. Responses to be submitted by 10 May 2018.

The key message is that the country needs radical, lasting planning reforms that will allow more homes to be built, through ensuring more land is brought forward for

development and that planning permissions are turned into homes as soon as possible.

The consultation proposals include a summary of the revised text and key messages together with a consultation question, which is typically expressed '*do you have any comments on ….*?'. This forms the basis for our response set out at Appendix A.

PROPOSED DECISION

That the comments contained within Appendix A are presented to MHCLG by the deadline of 10 May 2018 and authority be delegated to the Corporate Head of Regulatory , in consultation with the Portfolio Holder for the Built Environment, to agree any final changes in response to this notice.

REASON FOR THE PROPOSED DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The Government over the last couple of years has undertaken various consultations which have implications for the planning system both planning policy and development management. The Council has responded to the following :-

- Community Infrastructure Levy Review Panel – Response to Questionnaire PHD 670 (Jan 2016)

- Consultation Response to the Proposed Changes to National Planning Policy Published by DCLG PHD 671 (Feb 2016)

- Consultation Response to the Technical Consultation on Implementation of Planning Changes Published by DCLG PHD 684 (April 2016)

The Council has also submitted comments on the Housing White Paper 'Fixing Our Broken Housing Market' (Feb 2017) and Planning for the Right Homes in the Right Places (Nov 2017).

These various consultations together with further changes announced in the 2017 Budget, and through Written Ministerial Statements, have culminated into proposed changes to National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). In early March 2018, the Government launched the draft NPPF and PPG for consultation. Responses are to be submitted by 10 May 2018. In line, with previous consultations the Government has included a schedule of questions to be answered, this draft PHDN seeks agreement to submit the Council's response. The consultation questions, the Government's summary of the main provisions of the revised NPPF and the recommended response on behalf of the Council are set out at Appendix A.

It is understood that following the close of the consultation, final versions of the NPPF and PPG will be published during the summer.

It is recommended that the focus for the response from Winchester City Council will cover the following matters (see Appendix A for details), which reflect the topic headings in the revised NPPF:

Plan Making

There was a move away from having a two tier system in recent years with references back to local plans rather than 'core strategies' as introduced through local development frameworks, by the Planning and Compulsory Purchase Act in 2004 and the subsequent demise of Regional Plans and Structure Plans. The current changes appear to reintroduce the concept of strategic planning and, whilst strategic priorities can be identified by local planning authorities, there is a requirement to have in place a statement of common ground with relevant organisations to demonstrate that strategic matters lie at the heart of plan making, particularly around the need for infrastructure.

The proposed changes to Planning Practice Guidance provide additional detail on viability matters and emphasise that viability should be considered fully when sites are allocated in local plans, rather than at the planning application stage. While this is to be welcomed, it is likely to involve more resources at the plan preparation stage and could potentially require compromises in terms of developer contributions for infrastructure, CIL, affordable housing, etc.

It is recommended that the Council supports the proposed distinction between strategic' and 'local' issues. However, concern should be raised to the proposed requirement to produce statements of common ground showing how neighbouring authorities' unmet needs have been addressed and to review plans every 5 years, as these are likely to cause additional delay, costs and uncertainty. Currently there is no requirement to produce statements of common ground and numerous such statements could be required, given the number of authorities that border the City Council's area, as well as the other prescribed bodies.

Decision Making

No significant matters are raised in this section.

Delivering a Sufficient Supply of Homes

It is recommended that the Council supports the positive references to windfall development but suggests that the requirement for 20% of housing to be on small sites should include windfall, rather than requiring numerous small local plan allocations. Currently, local plans tend not to allocate sites below about 10 dwellings and to identify various smaller sites would require extensive additional site assessment work, consultation and examination, adding costs and delay to the process. It is also suggested that the proposed target of achieving 75% of the authority's local housing requirement by 2020 is unrealistic in view of the time needed to plan and deliver the level of increases in housing provision needed.

It is recommended that the Council objects to the proposal for 'entry level exception sites' which could result in unrestricted market housing outside settlement

boundaries, with inadequate controls or affordability benefits. It is also suggested that the proposed 'annual monitoring statements' should apply for a 2-3 year period, given the time and resources that would be needed to produce them. The response also questions the proposals for Green Belts around major development areas, reduced 'default periods' for planning conditions, and changes regarding rural workers' dwellings.

Building a Strong Competitive Economy
It is recommended that the Council suggests that references to business and community development being permitted outside settlement boundaries need to be qualified.

Ensuring the Vitality of Town Centres
It is recommended that the Council supports the proposed changes to strengthen the 'town centres first' approach, but suggests that this should include a requirement for applicants to demonstrate the need for out of centre development.

Promoting Healthy and Safe Communities
It is suggested that the new guidance promoting public safety, security and defence requirements is unduly onerous as it expects authorities to anticipate and address 'all possible malicious threats and natural hazards'. A more realistic approach would be to take 'appropriate and proportionate steps', as advised later in this section.

Promoting Sustainable Transport
It is recommended that the Council agrees with the proposed text on transport.

Supporting High Quality Communications
It is recommended that the Council supports the references to providing fibre (broadband) connection to new developments.

Making Effective Use of Land
It is suggested that the proposed wording of this section is too permissive of housing development on sites allocated for other uses, particularly employment. It is also proposed that the policy to promote efficient use of land should apply generally, not just in cases where there is an existing/expected shortfall of housing land, and that the presumption in favour of developing brownfield land should be limited to 'suitable' brownfield sites.

Achieving Well-Designed Places
No significant matters are raised in this section.

Protecting Green Belt Land
It is recommended that the Council supports the proposed limited relaxations of Green Belt policy, but questions the need to allow new Green Belts around new settlements and major development areas (also recommended above).

Meeting the Challenge of Climate Change, Flooding and Coastal Change
It is recommended that the Council supports the proposed additional references to the cumulative impact of flood risk and to sustainable drainage systems. It is also suggested that planning authorities should be able to retain or introduce higher energy efficiency standards for new buildings through their local plans, as Winchester has done, where they can justify them based on clear and sound evidence.

Conserving and Enhancing the Natural Environment
It is recommended that the Council supports the changes made to the draft NPPF to help protect the natural environment and in particular supports the reference to aged and veteran trees

Conserving and Enhancing the Historic Environment
No significant matters are raised in this section.

Facilitating the Sustainable Use of Minerals
No comments are recommended.

Transitional Arrangements and Consequential Changes (Annex 1)
It is suggested that local plans should be treated in the same way as neighbourhood plans in relation to housing delivery/land supply, with consequential amendments being needed to paragraph 14.

The consultation asks whether there is a need for changes to the Planning Policy on Traveller Sites (PPTS) as a result of the revised NPPF. It is recommended that the Council responds by noting that a further consultation has just been launched on unauthorised traveller sites and suggesting this may require changes to the PPTS in due course. It should also be pointed out that there is currently a lack of guidance as to how to deal with 'travellers' who do not fall within the PPTS definition of travellers and that, if there is to be guidance regarding this group, it should be included in the NPPF or a rapid update of the PPTS.

RESOURCE IMPLICATIONS:

There are no specific resource implications for responding to this consultation, however, some of the matters identified in the draft NPPF and PPG may have consequential implications for the resources within both the Strategic Planning team and Development Management team to ensure compliance with any revised requirements.

Of particular note is the need to review local plans every five years and to comply with a housing delivery test, this will require continuous housing monitoring to inform both this process and publication of an annual housing delivery statement, as suggested in the NPPF/PPG, which will be required to be agreed and will set out the Council's position. Preparation of such documents is time consuming and to only be valid for a year is an onerous requirement.

The issue of viability provides a constant theme through the draft documentation and this may require additional resources to fully assess the implications for the Council both at plan making stage and through decision making processes. The Council has also committed to reviewing its Community Infrastructure Levy (CIL), originally adopted in 2014 and requires updating to ensure compliance with proposed changes to CIL Regulations.

CONSULTATION UNDERTAKEN ON THE PROPOSED DECISION

Consultation with the Portfolio Holder for Built Environment, and discussion with specialist officers within WCC.
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FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

n/a

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

none

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

none

Approved by: (signature) **Date of Decision**

Councillor Caroline Brook – Portfolio Holder for Built Environment

APPENDICES:

Appendix A : Government summary of key changes to the NPPF, consultation questions and recommended WCC response

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Chapter 1 Introduction

Para 6 clarifies that endorsed recommendations of the National Infrastructure Commission may be material when preparing plans or determining applications.

Para 5 refers to the need to also read the NPPF in conjunction with the Planning Policy for Travellers Sites.

Q1 Do you have any comments on the text of Chapter 1?

WCC response – *It is disappointing after all the various consultations since 2015/16, that the NPPF is not comprehensive and there is still reliance on additional guidance. The council notes that there was consultation on draft guidance ' Review of Housing Needs for Caravans and Houseboats' in March 2016, however, this does not appear to have been finalized or incorporated into the revised NPPF. This guidance highlighted the needs of those wishing to reside in alternative accommodation and included reference to the needs of gypsies and travellers, given the revised definition of travellers in PPTS which requires travellers to still be travelling, there is a lack of guidance on how to deal with the non-travelling community. References to non-travellers were included in Planning for the Right Homes in the Right Places, however there is no evidence of these being referred to in either the revised NPPF or PPG. Indeed references to local housing need assessments specifically identify older persons; people with disabilities and students – and there's reference to travellers in para 62 but what about those that have stopped travelling?, It should be made clear that other additional local needs may also exist that require a planning response*.

Chapter 2 Achieving sustainable development

Para 11 - The wording of the presumption in favour of sustainable development has been reordered to reflect the way that plan and decision-making are approached in practice. The draft text also sets out an expectation for objectively assessed needs to be accommodated unless there are strong reasons not to, including any unmet needs from neighbouring areas.

The current Framework includes examples of policies which provide a specific reason for restricting development. This is proposed to be changed to a defined list, which is set out at footnote 7 and includes Ancient Woodland and aged or veteran trees. This approach does not preclude other policies being used to limit development where the presumption applies, if the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Q2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

WCC response – *Support the reference to plan making leading the way on achieving sustainable development as this supports the importance of the role of the local plans.*

It is proposed that the 'core planning principles' section in the existing NPPF is deleted, to remove duplication with other chapters, and ensure that important policy messages are aligned with relevant topic chapters to maximise their effectiveness. The content of the core principles has been retained, and been moved to the most appropriate parts of the revised Framework.

Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

WCC response:- *Agree with the deletion of core planning principles*

Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

WCC response :- *It is not appropriate to treat local plans and neighbourhood plans in different ways, as proposed at paragraph 14. Local plans must be examined at least as rigorously as neighbourhood plans, and should be subject to the same provisions once adopted, in relation to housing delivery and land supply, as both documents form part of the development plan for an area. . Paragraph 14 should be amended to relate to local plans as well as neighbourhood plans.*

Chapter 3 Plan-making

The housing White Paper proposed a number of changes to plan-making policy, which build on the changes in law introduced through the Neighbourhood Planning Act 2017. These cover the following matters:
a) a new plan-making framework which defines strategic priorities and allows authorities to plan for these in the most appropriate way;

b) amendments to the tests for a 'sound' plan, to make clear that it should set out 'an' appropriate strategy rather than 'the most appropriate strategy' (to avoid the need for disproportionate work to demonstrate that a strategy is optimal);

c) enabling spatial development strategies to allocate sites if there is unanimous agreement;

d) the new requirement for authorities to review plan policies every five years following the date of adoption, with updates, if necessary, to reflect changing circumstances;

e) tightening the evidence which is expected in respect of both local and strategic policies to support a 'sound' plan, to allow for a more proportionate approach; and

f) introducing the expectation that plans should use digital tools to assist consultation and presentation of policies.

The *Planning for the right homes in the right places* consultation also proposed changes that are reflected in the chapter. These are:
a) setting out that to meet the test of soundness authorities when preparing plans, will need to prepare and maintain a statement of common ground, as evidence (where appropriate) of the statutory duty to cooperate;

b) changing the 'effective' and 'positively prepared' soundness test so that these more clearly encourage agreements and joint working; and

c) a new approach to viability, through which plans are expected to be clear about the contributions expected in association with development. This will help ensure that requirements on developments set through plan policies are deliverable, more transparent and provide more certainty about what will be expected at the decision-making stage.

Para 23 reflects changes to the Town and Country Planning (Local Planning) (England) Regulations 2012 which come into force on 6 April 2018, requiring local planning authorities to review their local plans every five years from adoption. Under the Neighbourhood Planning Act 2017, local planning authorities must consider whether to revise the document following such a review, and publish their reasons if they decide not to do so.

Para 21 expects strategic policies to be distinguished clearly in plans, to allow clear scope for local policies to be formulated.

Further changes are also proposed to the tests of 'soundness', to:
a) ensure a consistent approach to examination, by extending their application to all strategic and local plans, so that policies in a spatial development strategy are assessed against the same criteria as strategic policies in a local plan;

b) amend the 'positively prepared' soundness test to emphasise the role of plans in meeting objectively assessed needs for housing;

c) strengthen the 'effective' soundness test to emphasise effective joint working, as evidenced by the Statement of Common Ground which enables authorities to record where agreements have and have not been reached; and

d) make clear that the tests will be applied proportionately to local policies according to the extent to which they accord with strategic policies.

Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

WCC response:- *References through plan making to allow for an 'appropriate strategy' rather than 'the most appropriate strategy' are welcomed.*

The distinction between 'strategic' and 'local' policies is welcomed, along with the more proportionate approach to local policies.

The changes also place greater emphasis on the requirement for local authorities to meet the unmet need of their neighbours and to produce statements of common ground. The position of Winchester as a semi urban/rural area puts increasing pressure on undeveloped land to be considered for development purposes. The Council wishes to ensure that the quality of the District is maintained and therefore has significant concerns in relation to this requirement to meet the unmet needs of its neighbours.

Statements of common ground are likely to require significant resources to ensure compliance and agreement both at a technical and political level, particularly to have to prepare statements with each of the bodies listed in paragraph 27. This will add time and significant costs and potential delays to local plan preparation, particularly where there is debate about accommodating the needs of neighbouring authorities. Whilst the draft NPPF expresses this requirement in terms of 'where it is practical to do so', it will potentially require additional evidence and constitutional arrangements to agree statements of common ground. While in principle this change is supported, the practical implementation may actually generate delays to plan making where additional resources, processes and evidence are required.

Q6 Do you have any other comments on the text of Chapter 3?

WCC response: *Object to the requirement to up date local plans every five years., Paragraph 23 states 'policies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary' – given that Government guidance changes on a regular basis, plus updates to key data such as population forecasts it is almost inevitable that a plan will require updating. However, there has been no corresponding change to the 2012 Regulations to make the process of plan making more succinct. In Districts which are geographically diverse and where there is a high degree of interest in planning matters from both stakeholders and the wider community, this generates at every regulated stage numerous representations, which take time to process and respond to. Therefore the requirement for reviews of plans to be <u>completed</u> within 5 years will be difficult to meet and mean that plans are in a constant state of flux, undermining the aim of providing certainty. There should be allowance for the time needed to undertake any review and a corresponding requirement that the review includes a programme for producing and adopting a revised plan.*

<u>Chapter 4 Decision-making</u>

Para 58 takes forward the reforms to viability assessment proposed in the *Planning for the right homes in the right places* consultation. The policy makes clear that where a proposed development accords with all relevant policies in the plan there is no need for a viability assessment to accompany the planning application. This should speed up the decision making process by reducing scope for delay caused by negotiation of developer contributions. The policy also expects all viability assessments to reflect the Government's recommended approach which is set out in draft revised national planning guidance published alongside the Framework.

Q7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

WCC response:- *Agree. Winchester City Council has web published viability appraisals (with appropriate redaction) since June 2016.*

In support of the revised Framework, draft national planning guidance says that plans should define circumstances in which viability assessment is carried out at the decision making stage. The guidance gives some illustrative examples of circumstances which plan makers could identify as requiring viability assessment at the decision making stage.

Q8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

WCC response:- *Agree with additional detail being required to provide clarity to the planning application process.*

The guidance says plans can set out when and how review mechanisms may be used to amend developer contributions to help account for significant changes in costs and values and provide certainty through economic cycles. Plans can set out how review mechanisms will be used to identify any significant increase in the overall value that occurs over the lifetime of a large or multi-phased development, and how that increase in value will be apportioned between the local authority and the developer to provide more certainty for delivering supporting infrastructure.

Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development

WCC response:- *Review mechanisms have a role to play on schemes where certain variables are unknown and on larger or multi-phased developments.*

An additional reference to non-statutory and statutory consultees has been included in paragraph 41 to highlight their role and encourage local planning authorities to refer applicants to them for pre-application advice where appropriate. Similarly, text on the need for discussions about infrastructure and affordable housing at the pre

application stage has been added to paragraph 42 to encourage early engagement on these issues.

Changes at paragraph 45 reflect the fact that the local information requirements do not apply to applications for permission in principle, and that the local list of information requirements applicable to applications made on or after 31 July 2013 must have been published (or republished) during the two years before the application is made.
Changes at paragraph 46 have been made to more accurately reflect the requirements of the Seveso Directive.

New paragraphs 48 to 51 set out the weight that may be given to policies in emerging plans (previously in Annex 1), and puts into policy the approach to 'prematurity' previously contained in national planning guidance.

Q10 Do you have any comments on the text of Chapter 4?

WCC response:- None

Chapter 5 Delivering a wide choice of high quality homes

This chapter implements a number of proposals from the previous Housing White Paper and *Planning for the right homes in the right places* consultations.

Para 61 introduces a new standard method for the calculation of local housing need. The details of the standard method are set out in draft revised national planning guidance published alongside the NPPF.

Para 62 makes clear that there should be clear policies for addressing the housing requirements of groups with particular needs. Students and travellers have been added to the list, as have people who rent their homes to reflect the outcomes of the *Planning and Affordable Housing for Build to Rent* consultation in February 2017.

Paragraphs 63-64 reflect the Written Ministerial Statement of 28 November 2014 on affordable housing contributions.

Paragraph 65 implements the housing White Paper proposal that at least 10% of homes on major sites should be available for affordable home ownership, with certain exemptions.

Paragraphs 66-67 introduce an expectation that local authorities should provide a housing requirement figure for designated neighbourhood areas.

Paragraphs 69-70 take forward the housing White Paper proposals to encourage greater use of small sites, to help diversify opportunities for builders and increase the number of schemes that can be built-out quickly. Following Budget 2017 the draft text proposes that local planning authorities should ensure that at least 20% of the sites allocated for housing in their plans are of half a hectare or less. However we

remain open to views as to whether this is the most appropriate threshold for ensuring a good supply of small sites while not slowing plan production, or whether a broader approach should be taken (which could include measures to promote more medium sized sites as well). Therefore we are interested in whether:

a) the proportion of allocations should relate to the number of sites allocated as currently proposed, the number of sites identified in these and other ways (such as through brownfield registers), or the overall number of homes to be provided for; b) the most appropriate size threshold to ensure that a suitable mix of small and medium sized sites comes forward; and c) the most appropriate percentages to apply.

Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

WCC response:- *It is not realistic or necessary to expect local plans to allocate sites of half a hectare or less, as these would require a disproportionate level of resources to identify, consult on and allocate. Most small sites emerge as windfall developments and the encouragement for developing appropriate windfall sites is welcomed. Planning authorities should be able to meet the requirement to identify small sites by including policies in their plans to encourage small / windfall sites, rather than being required to allocate specific sites. The requirements for windfall allowances (paragraph 71) should not be unduly restrictive and it should be stated that windfall sites could contribute to the required 20% of identified sites (paragraph 69).*

It is not necessary to refer specifically to resisting development of residential gardens as authorities can introduce relevant policies if necessary. These are often a useful source of acceptable small-scale housing sites..

Paragraphs 74(c), 75 and 77 set out the policy consequences of the new Housing Delivery Test. Footnote 29 proposes that from 2020, the presumption in favour of sustainable development will apply where delivery is below 75% of the authority's housing requirement. The proposed threshold of 75% was announced at Budget 2017. The local government finance settlement technical consultation in September 2017 on New Homes Bonus revision, set out that the Government intends to go further in 2019-20. This could include linking payment of the bonus to the housing delivery test or the standard approach to local housing need. Government consult on any further changes to the bonus before proposed implementation in 2019-20.

Q12 Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

WCC response:- *The proposals do not allow sufficient lead-in time to bring forward additional sites where this is needed to meet the proposed local housing requirements. The new requirements will generally involve significant increases over the levels of housing currently being planned for, so will require additional land*

allocations, or other actions, to be achieved. Even if these could be put in place immediately (which most could not) it is not realistic to expect planning consent to be granted, and construction to be completed on a range of additional sites by 2020 (only 2 years from now). A more realistic timescale is needed and the requirement should be phased in over a 5-year period, especially for authorities that are expected to achieve a large scale of increased housing.

Paragraph 76 takes forward the housing White Paper proposal that the 5 year land supply position should be capable of being agreed for a one year period. The policy proposes that this should be demonstrated either through a recently adopted plan, or through a subsequent annual position statement. The minimum 10% buffer required in order for local authorities to take advantage of this policy is set out in paragraph 74(b).

Paragraph 78 provides that authorities should consider imposing a planning condition to bring forward development within two years, except where a shorter timescale could hinder the viability or deliverability of a scheme. It also encourages local planning authorities to consider why major sites have not been built out when considering subsequent planning applications.

Paragraph 72 reflects the announcement at Budget 2017 that the Government would consult on allowing the development of exception sites to provide entry-level homes suitable for first-time buyers, where a local need is identified.

Q13 Do you agree with the new policy on exception sites for entry-level homes?

WCC response:- *The Council objects to this policy. There are totally insufficient controls to prevent large-scale and unplanned urbanisation of the countryside on the edge of settlements. The proposed policy is vague in terms of the proportion of 'entry level' homes required, what the definition of 'entry level' is (what level of discount is expected, what is the definition of affordable?) and silent on the scale of such sites, how many may be permissible for each settlement, etc. The policy is an invitation for developers to promote open market housing, without proper planning or infrastructure provision, on sites where it has been concluded through the local plan process that this is not appropriate. The policy in its current form will generate an influx of uncontrolled inappropriate development.*

If retained at all the policy should provide only for sites that have been identified in local plans, so they can be subject to the usual consideration of needs and assessment of available sites. It should also be clear that any initial discount must be maintained for subsequent buyers and that, as these sites will not necessarily provide affordable housing and will simply be incorporated into the open market housing stock, they should make a financial contribution to affordable housing provision from the substantial land value uplift that they will generate.

Q14 Do you have any other comments on the text of Chapter 5?

WCC response:- *The requirements for demonstrating land supply through an annual position statement or recently-adopted plan are too onerous. This authority has a local plan adopted in April 2017 which, under the definition in footnote 28, would not be classed as 'recently adopted' even though it is only 1 year old. Given the amount of time and resources needed to produce a local plan or annual position statement, these should endure for 2-3 years not a maximum of 1 year. The requirement for a 10% buffer in these cases is also a disincentive to have an up to date plan or annual position statement, as it is higher than the buffer that may otherwise apply (5%).*

The reference to creating Green Belt around new developments seems to conflict with and undermine the purposes and policies for Green Belt. If there is justification for policies to contain urban extensions, these can be included in local plans when strategic sites area allocated, without the need to designate the land as Green Belt.

The imposition of a shorter 'default period' condition and the reference to assessing why an earlier permission did not happen will do nothing to make developers build out schemes. There need to be other sanctions on developers that do not implement consent which penalise a failure to develop, not act further to restrict development.

The additional reference in paragraph 81 (a) to 'those taking majority control of a farm business' should be deleted. The fact that someone may have financial control of a business does not mean that they have an essential (or any) need for a home in the countryside.

Chapter 6 Building a strong, competitive economy

Paragraphs 82-83 make more explicit the importance of supporting business growth and improved productivity, in a way that links to key aspects of the Government's Industrial Strategy.

The rural economy section in the existing Framework has been brought within this chapter, with new policy at paragraph 85 on the potential need for planning policies and decisions to accommodate sites for local business and community needs outside existing settlements, in ways which minimise the impact of such sites and exploits opportunities to make such locations more sustainable. This approach reflects the fact that the availability of sites to accommodate appropriate development in rural areas may be limited, particularly within existing settlements.

Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

WCC response:- *Yes, but the references to accommodating business and community needs outside settlement boundaries should be limited to 'essential'*

needs so as not to undermine settlement boundaries or result in unplanned development.

Q16 Do you have any other comments on the text of chapter 6?

WCC response:- *None.*

Chapter 7 Ensuring the vitality of town centres

Paragraph 86d clarifies that in allocating sites to meet the need for town centre uses, policies should look at least ten years ahead (though not necessarily over the full plan period, if longer, given uncertainty in forecasting long-term retail trends). It also provides that town centre boundaries should be kept under review so that identified needs for town centre uses can be accommodated, recognising that it is difficult for retail forecasts to look beyond ten years. Where town centres are in decline, the text (at paragraph 86g) has been expanded to provide a clearer policy approach. Changes have also been made to policy on planning applications for town centre uses. Paragraph 87 amends the 'sequential approach' to planning applications, so that out of centre sites should be considered only if suitable town centre or edge of centre sites are unavailable or not expected to become available within a reasonable period. This addition makes clear that suitable town centre or edge of centre sites do not have to be available immediately, in order to avoid prejudicing town centre or edge of centre sites that are in the pipeline but not available straight away.

Paragraph 90 removes the expectation that office developments outside town centres are subject to an impact assessment, where the development is over a certain floorspace threshold. This change has been made as the Government considers that the approach to offices is covered sufficiently by the sequential approach, and is aware that there is no generally accepted or used method for assessing office impacts.

Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

WCC response:- *The changes proposed are supported in terms of promoting town centre development,, but do not go far enough. There is a requirement on planning authorities to assess and plan for retail, etc needs but no corresponding requirement for applicants for out of centre developments to demonstrate their proposals meet an identified need. Without this it is impossible for planning authorities to question the 'need' for a proposed development, which can result in out of centre developments having to be permitted even though no need (and hence sites) have been identified for them.*

Q18 Do you have any other comments on the text of Chapter 7?

WCC response:- *None*

Chapter 8 Promoting healthy and safe communities

Paragraph 94 reflects the housing White Paper proposal that policies and decisions should consider the social and economic benefits of estate regeneration, and that authorities should use their planning powers to help deliver estate regeneration to a high standard.

Paragraph 92 gives additional recognition to the role that planning can play in promoting social interaction and healthy lifestyles. Paragraph 96 introduces new policy on the ways in which planning policies and decisions can help to counter malicious or natural threats, especially in crowded places and should take into account wider defence and security requirements.

Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

WCC response:- *The new guidance at paragraph 96 is generally welcomed, but is unduly onerous in requiring 'all plausible malicious threats' to be anticipated and addressed. A more realistic approach is set out subsequently, where there is a more measured requirement to take 'appropriate and proportionate steps' and it should be stated that certain forms of development will need to be subject to consultation with the appropriate authorities.*

Q20 Do you have any other comments the text of Chapter 8?

WCC response:- *None.*

Chapter 9 Promoting sustainable transport

Paragraph 103b reflects the housing White Paper proposal that authorities should be expected to identify additional development opportunities arising from strategic infrastructure investment.

Paragraph 107 incorporates the Written Ministerial Statement of 25 March 2015 on parking standards.

This chapter has been substantially revised to improve its structure. As part of this, a new introduction explains the variety of ways in which transport should be considered as part of the planning process, so that transport issues are recognised and addressed as fully as possible.

Paragraph 105f sets out new policy to recognise the importance of maintaining a national network of general aviation facilities.

Policy on assessing the transport impact of proposals (now at paragraphs 108-110) has been amended to refer to highway safety as well as capacity and congestion in order to make it clear that we expect that designs should prioritise pedestrian and cycle movements, followed by access to high quality public transport (so far as possible) as well as to reflect the importance of creating well-designed places.

Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

WCC response:- *Yes*

Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?

WCC response:- *Yes*

Q23 Do you have any other comments on the text of Chapter 9?

WCC response:- *None*

Chapter 10 Supporting high quality communications

Paragraph 112 indicates that plan policies should set out expectations in relation to the delivery of high quality digital infrastructure, which provides access to services from a range of providers. This reflects Government's support for the further expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections, and the role that planning can play in this alongside other regulatory frameworks.

Q24 Do you have any comments on the text of Chapter 10?

WCC response:- *Support the references to the provision of fibre (broadband) connections to new developments.*

Chapter 11 Making effective use of land

This chapter combines existing policy with a number of proposals from the housing White Paper or and previous consultations. The housing White Paper proposals include:
a) expecting plans to have a clear strategy for using land (paragraph 117);

b) making more intensive use of existing land and buildings (paragraph 118d-e);

c) avoiding building homes at low densities in areas of high demand, and pursuing higher-density housing in accessible locations, while reflecting the character and infrastructure capacity of each area (paragraph 123); and

d) taking a flexible approach to policies or guidance that could inhibit making effective use of a site – although the proposed policy now refers specifically to daylight and sunlight issues, as these are considered to be the most relevant consideration in this context (paragraph 123c).

The text also reflects the White Paper proposal to give great weight to the value of using suitable brownfield land within settlements for homes (paragraph 118c) – although to give further emphasis this has been amended to substantial weight – and reflects the Written Ministerial Statement of 5 February 2018 on building upwards (paragraph 118e).

Budget 2017 set out a number of additional proposals to make more land available for housing, especially in areas of high demand, a number of which are reflected in this chapter. These changes include:
a) making more effective use of empty space above shops – with the proposed policy widening this to refer to other situations where under-utilised land and buildings could be used more effectively (paragraph 118d);

b) reallocating land where there is no reasonable prospect of an application coming forward for the allocated use – with the proposed policy also setting out how alternative uses should be considered ahead of a plan review taking place (paragraph 120);

c) making it easier to convert retail and employment land to housing where this would be a more effective use (paragraph 121); and

d) expecting minimum density standards to be used in town and city centres and around transport hubs – the proposed policy (paragraph 123a) applying this principle to areas where there is a shortage of land for meeting identified development needs, extending the principle to town centres, and indicating that standards should seek a significant uplift in prevailing densities, unless this would be inappropriate. Paragraph 123b also proposes that minimum densities should be considered in other parts of the plan area.
Building on these changes, paragraph 123c also proposes that local planning authorities should refuse applications which they consider fail to make effective use of land, in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.

Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

WCC response:- *The proposed wording is too permissive of the loss of employment land in some places. The 'test' in paragraph 120 should remain (as in the current NPPF) that there is no reasonable prospect of the site being 'used' for the allocated purpose not of an application coming forward (which is easy for an applicant to claim). Paragraph 120 (b) and paragraph 121 (a) should not require an authority to 'support' alternative uses, but to consider the relative need and prospects of development between the allocated and proposed uses.*

Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

WCC response:- *The measures in paragraph 123 should apply generally, not just where there is an existing or expected shortage of land for housing needs. There should be a general requirement to make optimal use of land, albeit that the provisions of paragraph 123 may be particularly important where there is a shortage of land.*

Q27 Do you have any other comments on the text of Chapter 11?

WCC response:- *The reference to brownfield land at the end of paragraph 117 should be qualified by referring to 'suitable' brownfield land. Paragraph 118 rightly qualifies the use of brownfield land, so paragraph 117 should not imply that every brownfield site is suitable for development, or in a sustainable location.*

Chapter 12 Achieving well-designed places

Paragraphs 124-125 reflect the White Paper proposals that plans should, at the most appropriate level, set out a clear design vision and expectations, supported by visual tools such as design guides and codes. The revised text also reflects the White Paper proposal that widely accepted assessment frameworks such as Building for Life should form part of the 'toolkit' used by authorities in assessing design (paragraph 128).

Additional emphasis has been placed on the importance of pre-application discussions in securing good design (paragraph 127). The text also implements the White Paper proposal that design should not be used as a reason to object to development where the scheme complies with local policies (paragraph 129).

As a consequence of the above, the text at paragraph 130 has been revised to make clear that "outstanding or innovative designs" should not be given great weight where they are in conflict with local design policies, or would not be sensitive to their surroundings.

Policy on advertisements has been shortened; the text from the existing Framework which has been deleted will be moved to guidance.

Q28 Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

WCC response:- *None*

Q29 Do you have any other comments on the text of Chapter 12?

WCC response:- *None*

Chapter 13 Protecting the Green Belt

The Framework maintains the strong protections of the Green Belt and retains a high bar before Green Belt land may be released. Paragraphs 136-137 implement the housing White Paper proposals that certain criteria should be satisfied before 'exceptional circumstances' are used to change Green Belt boundaries, and that where Green Belt is released first consideration should be given to land which has been previously-developed or which is well-served by public transport.
The housing White Paper also proposed a number of other changes to Green Belt policy that are reflected in the chapter – to:
a) make clear that neighbourhood plans may amend detailed Green Belt boundaries, once the need for a Green Belt change has been demonstrated (paragraph 135);

b) expect policies to set out how the impact of removing land from the Green Belt can be offset (paragraph 137); and

c) provide that facilities for existing cemeteries, and development brought forward under a Neighbourhood Development Order, should not be regarded as 'inappropriate development' (paragraphs 144b and 145f).

Paragraph 144g reflects the proposal in the December 2015 consultation to allow brownfield land in the Green Belt to be used for affordable housing, where there is no substantial harm to openness. The proposal broadens the previous proposal to allow brownfield land in the Green Belt to be used for Starter Homes so that, subject to Green Belt protections, all residential developments that contribute to meeting an identified local affordable housing need can use brownfield land, allowing local planning authorities to use this land more flexibly in response to local circumstances. Current policy allows buildings in the Green Belt in association with uses such as outdoor sport and cemeteries, but does not allow material changes in the use of land for such purposes, even if there would be no harm to openness. To allow a more consistent approach, paragraph 145e provides that material changes of use that preserve openness are not inappropriate development in the Green Belt. In addition, paragraphs 144b and 144f make clear that facilities for burial grounds and allotments, and rural exception sites, are not inappropriate development.

Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

WCC response:- *Yes, there is likely to be scope for some development that would not undermine the purposes of Green Belts.*

Q31 Do you have any other comments on the text of Chapter 13?

WCC response:- *The reference to creating Green Belt around new settlements or major urban extensions (paragraph 134) conflicts with and undermines the purposes of Green Belt. Such developments are not 'exceptional' and relevant policies can be included in the strategic plans that allocate them, without the need to designate numerous isolated pieces of new Green Belt.*

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

This chapter carries forward a number of housing White Paper proposals – to:
a) refer to the risk of overheating from rising temperatures and makes clear that planning policies should support measures to ensure the future resilience of communities and infrastructure to climate change (paragraph 148);

b) incorporate the Written Ministerial Statement of 18 June 2015 on wind energy development (paragraph 153b and its accompanying footnote);

c) clarify that plans should have regard to the cumulative impacts of flood risk, rather than just to or from individual development sites (paragraph 155); and

d) clarify policy on the exception test that may need to be applied when considering development in locations at risk of flooding (paragraphs 158-162).

Paragraph 149b reflects that local planning authorities are tied to national technical standards, and there is limited scope to extend local ambition. The Clean Growth Strategy sets out the Government's plans for consulting on energy performance standards in Building Regulations later this year. Local authorities can play an important role in improving the energy performance of buildings, in line with the ambitions of the Clean Growth Strategy, and this will be considered further as the Government develops its consultation proposals.

A new paragraph (163) has been added to incorporate the Written Ministerial Statement of 18 December 2014 on sustainable drainage systems (SuDS) in major developments.

Q32 Do you have any comments on the text of Chapter 14?

WCC response:- *Support the references to the cumulative impacts of flood risk (paragraph 155) and the requirements for sustainable drainage systems, particularly in relation to future maintenance (paragraph 163).*

Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

WCC response:- *Yes, Government has consistently delayed its plans to introduce higher energy and water efficiency standards through the Building Regulations. This authority has operated higher standards successfully for several years and planning authorities should be able to retain or introduce higher standards through their local plans where they can justify them based on clear and sound evidence.*

Chapter 15 Conserving and enhancing the natural environment

Paragraph 180 implements the housing White Paper proposal, and the announcement made on 18 January 2018, to clarify that the 'agent of change' (or applicant) should be responsible for mitigating the impact on their scheme of

potential nuisance arising from existing development, such as live music venues and church bells.

This chapter has been updated to align with the 25 Year Environment Plan. It includes additional policy on strengthening existing networks of habitats (paragraph 169) and taking air quality fully into account (paragraph 180), clarifies that development within National Parks and Areas of Outstanding Natural Beauty should be limited (paragraph 170); and also clarifies the implications for policy on areas defined as Heritage Coast (paragraph 171).
Paragraph 173c of the revised Framework strengthens protection for ancient woodland and other irreplaceable habitats, by making clear that development resulting in their loss or deterioration should be wholly exceptional, and maintains a high level of protection for individual aged or veteran trees found outside these areas. This policy strikes a balance between protecting these important natural assets, while allowing development to proceed in the very limited circumstances where it would have significant public benefits, but we welcome views on this during the consultation period. In particular, we are interested in views on how best to protect aged and veteran trees without preventing those important development schemes which are in the public interest.

Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

WCC response:- *Yes*

Q35 Do you have any other comments on the text of Chapter 15?

WCC response:- *Support paragraph 168 (b) which acknowledges the intrinsic character and beauty of the countryside*

Chapter 16 Conserving and enhancing the historic environment

Paragraph 182 has been revised to clarify that World Heritage Sites are recognised internationally for their Outstanding Universal Value and that this forms part of their significance and should be taken into account.
Paragraph 189 has been revised to clarify that when considering the impact of a proposed development on a designated heritage asset, decision-makers should give great weight to the asset's conservation irrespective of whether the potential harm to its significance amounts to 'less than substantial harm' or 'substantial harm or total loss' of significance .

Q36 Do you have any comments on the text of Chapter 16?

WCC response:- *None*

Chapter 17 Facilitating the sustainable use of minerals

This chapter has been shortened slightly, the intention being to incorporate the deleted text in guidance. Additional text on on-shore oil and gas development is included at paragraph 204, which builds on the Written Ministerial Statement of 16 September 2015 to provide clear policy on the issues to be taken into account in planning for and making decisions on this form of development.

As planning for minerals is the responsibility of minerals planning authorities, the Government is interested in views on whether the revised planning policy for minerals that we are consulting on would sit better in a separate document, alongside the Government's planning policy for waste. In addition, we would welcome views on whether the use of national and sub-national guidelines on future aggregates provision remains a relevant approach in establishing the supply of aggregates to be planned for locally.

Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?

WCC response:- *None*

Q38 Do you think that planning policy on minerals would be better contained in a separate document?

WCC response:- *Yes*

Q39 Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

WCC response:- *None*

Transitional arrangements and consequential changes

From the date of publication of the current Framework, it provided that full weight should be given to plan policies adopted prior to the Framework being published and coming into effect, even when there was a limited degree of conflict with the Framework. We do not propose to repeat this particular transitional arrangement for the revised Framework, as we do not consider that the extent of the revisions to national policy justify it.

Transitional arrangements are also proposed which will apply the previous Framework to the examining of plans which are submitted on or before the date which is six months after the date of the publication of the new Framework.

We do not propose to take forward transitional arrangements for the amended 'positively prepared' and 'effective' soundness tests, nor for the introduction of statements of common ground. Although transitional arrangements were consulted on in the *Planning for the right homes in the right places* consultation, the

introduction of the statement of common ground as a way of evidencing joint working and the duty to cooperate is not a significant change in practice, and so we do not consider that it requires a transitional period.

The housing White Paper set out transitional arrangements for the application of the presumption in favour of sustainable development as applied through the consequences of the Housing Delivery Test. These step the application from delivery of less than 25% of the housing requirement in 2018 and 45% in 2019. From 2020 it will be introduced from 75%, as announced at Budget 2017. To reflect the policy on neighbourhood plans set out in the Written Ministerial Statement of 12 December 2016, neighbourhood plans which are more than two years old will also be covered by the policy at paragraph 14 of the revised Framework until 12 December 2018.

Q40 Do you agree with the proposed transitional arrangements?

WCC response:- *No, it is not appropriate to treat local plans and neighbourhood plans in different ways, as proposed at paragraph 14. Local plans must be examined at least as rigorously as neighbourhood plans, and should be subject to the same provisions once adopted, in relation to housing delivery and land supply.*

The National Planning Policy Framework needs to be read in conjunction with the Planning Policy for Traveller Sites and the Planning Policy for Waste. The Government is considering whether any consequential changes should be made to these documents as a result of the proposed changes to the Framework set out in this document.

Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

WCC response:- *Whilst this authority would have ideally liked to see the PPTS incorporated into the NPPF, it is noted that a further consultation has just been launched on unauthorised traveller sites. As this will presumably result in changes to the PPTS in due course it is accepted that the PPTS should remain a separate document. However, there is currently a lack of guidance as to how to deal with those that prefer not to live in bricks and mortar, but who do not fall within the PPTS definition of travellers. If guidance is to be provided on this group, it should be done within the NPPF or through a rapid update to the PPTS.*

Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

WCC response:- *No comments*

Glossary

The glossary has been amended to reflect changes throughout the Framework.

Q43 Do you have any comments on the glossary?

WCC response:- *None*