

Appendix 1 – Suggested WNC Response to NPPF Consultation

1 Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?

The need to demonstrate, on an annual basis, a five year land supply imposes a burden on local authority resources. However, the alternative of demonstrating a five year land supply over the next five years (amounting to a ten year period) to the same level of certainty in plan making is fraught with difficulties because of the time horizon involved. The concern would be that this would result in arguments from the development industry to include high levels of contingency or at least extremely cautious views on delivery on sites. This is exacerbated at plan making stage because a high proportion of the expected delivery is on sites that are in the very early stages of the planning system. This would have the risk of having the same outcome that the government is trying to avoid i.e. the allocation of more land than is actually necessary to meet needs.

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

Yes, but it is important that safeguards are put in place in order that contingency isn't introduced through other means e.g. a more cautious approach to delivery on sites in the supply, otherwise the same outcome will arise.

3 Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?

Yes, early oversupply should be taken into consideration. Authorities are currently penalised for early delivery. The HDT should, similarly, take into consideration over delivery in years prior to the three years being tested.

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

The guidance should state that the entirety of any oversupply in the years prior to the base date of the five year land supply and post the start date of the plan be taken off the requirement for the following five years.

5 Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

Whilst the production of neighbourhood plans is supported, it is not clear why areas with Neighbourhood Plans should be given more protection than areas with a local plan.

6 Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

Yes, the changes are relatively minor and there are no objections to them.

7 What are your views on the implications these changes may have on plan-making and housing supply?

The suggested revisions to the NPPF have weakened the approach, which will result in more challenges at local plan inquiries to local authorities that are just meeting the minimum need.

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

Agree that guidance needs to be clearer.

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

Agree that it would not be appropriate for the planning system to require building at densities which are out of character with the locality, and that this should be taken into account in determining if local need can be met.

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

This should be informed by developing local design codes and assessing what capacity could be achieved whilst complying with those codes.

11 Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?

Yes, whilst a plan should be properly evidenced it is important that this is proportionate, and that local authorities do not need to spend money and resources on gathering unnecessary evidence.

12 Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

Yes, that seems sensible.

13 Do you agree that we should make a change to the Framework on the application of the urban uplift?

As far as they go, the changes are helpful in making clear what expectations government has of the 20 most populated cities. However it does not say what is expected to happen if the urban area and contiguous areas cannot meet the uplifted figures, does this have to be exported to other areas, or can it just be 'lost'.

14 What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

This authority does not have information as to what would best help those authorities, but it is probably most likely that infrastructure and funding would be needed more than further policies/guidance.

15 How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

Neighbouring authorities should work co-operatively together to determine how best the need might best be met to assist in local regeneration and strengthening the local economy.

16 Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?

Agree that this seems a sensible approach.

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

No comments

18 Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

Agree that authorities should not be penalised in cases where the HDT has been failed because of delivery rather than the lack of permissions. However, it is unclear why a new system has to be set up to do this, effectively what is being suggested here is the 'forward look' provided by the five year land supply report. It seems nonsensical that the buffer is being removed from that, but then introduced through this mechanism. It would be far more efficient to say if a local authority fails its HDT but can demonstrate a five year supply, the HDT 'fail' is switched off.

19 Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

No, this is effectively a 'contingency' which the government considers inappropriate for five year land supply and plan making purposes and is proposing to remove.

20 Do you have views on a robust method for counting deliverable homes permissioned for these purposes?

There is no need to create a new system, which will have resource implications for local authorities, there is already a well-established measure that can be used, i.e. the five year land supply report.

The existing system should continue to be implemented as intended, and the results published, until such time as it is replaced by a different system. Authorities that failed the test in 2021 and have undertaken actions to remedy that situation will continue to be 'penalised' despite their efforts, if the new results are not released; that does not seem to be fair.

22. Do you agree that the government should revise national planning Policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this? – view of Housing sought.

Yes, provided measures are in place to encourage RPs to deliver. At the moment RPs struggle to make schemes work with social rent due to viability issues.

23. Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

Yes, this is welcomed.

24. Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

See answer to question 25

25. How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

The issue with achieving development on small sites is more to do with economics than planning policy, so an enhanced government package to support SME builders might help to achieve more development on small sites. Compulsion for developers of large sites to sell small parcels of land to SME developers might also be worth investigating as part of the fuller review.

26. Should the definition of "affordable housing for rent" in the Framework glossary be amended to make it easier for organisations that are not Registered

Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

Yes, if we are serious about community-led development then we need to make this open to organisations and groups wanting to go down this route. However, there is a danger of unregulated, for-profit organisations coming into the market and taking affordable homes and managing them poorly.

27. Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

Local communities would be more invested in exception sites if there were local connection criteria, like rural exceptions sites. On entry level exception sites and First Home exception sites, there is no requirement for a local connection. This is a barrier to attracting local community groups. It would be good to have some grant available from Homes England especially for exception sites.

28. Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

Delivering affordable housing on exception sites can be a minefield for those not familiar with the process. A community guide and partnership protocols with the local authority and/or Homes England would be useful. Making grant available for the affordable homes on exception sites would be also useful.

29. Is there anything else national planning policy could do to support community-led developments?

The difficulty is that there is a lack of awareness about what community-led development is, and it sounds like significant effort is required to achieve any delivery. Groups need a central place that they can go to for support and guidance.

30. Do you agree in principle that an applicant's past behaviour should be taken into account into decision making? If yes, what past behaviour should be in scope?

Planning should be about the about the consideration of the merits of proposed development, and it is not clear how 'behaviour' could in any way be meaningfully measured such that it can be weighed in the balance with other planning considerations.

31. Of the two options above, what would be the more effective mechanism? Are there any alternative mechanisms?

See answer to question 30.

32. Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

The three policy measures may, to some extent, incentivise developers to build out more quickly. However, the effectiveness of these measures is likely to be limited. The submission of a credible trajectory at the start of the process will be difficult to achieve and could result in protracted negotiations between local authority staff and developers. In any case, prevailing conditions will inevitably influence build-out rates.

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

Yes, it is agreed that placemaking is one of the most important aims of town and country planning and places should be aesthetically-pleasing. However, the term "beauty" is overly subjective and perceptions of what is beautiful in design and architectural terms can change significantly over time.

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

See our answer to question 33. Also, there is a danger that, because the term "beautiful" is subjective, in an attempt to satisfy differing perceptions, the resulting development may end up being the "least offensive" and is too compromised to please over time.

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

Agree.

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

Dependent on achieving good design, the use of mansards might be an appropriate solution. However, they are not necessarily any more appropriate than other types of roof extension. To emphasise one solution in government guidance in preference to others is not helpful when another solution might be more appropriate in a particular situation.

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

The suggestion that artificial grass should be strongly discouraged in new developments is supported.

The NPPF should oblige developers to consider all the ways in which a development could contribute towards an enriched biodiversity offer, filling gaps in wildlife corridors and strengthening them. Many small interventions can create habitats and provide food sources in the private and public realm.

The following are some examples which could be divided into biodiversity aware construction; and retention of existing/creation of new habitats and corridors:

- bee and insect bricks, bird/bat boxes and roosts as an integral part of building construction
- retention of existing hedgerows and trees; they form part of the landscape and will contribute to a sense of place and local connection; moreover, mature trees capture carbon
- planting of trees/hedgerows along development/plot boundaries and roads (where they would have the dual function of addressing air quality) with climate and pest resistant species that provide a refuge, food source and year-round interest.
- Close boarded fencing is always used as a boundary treatment, the NPPF could encourage hedge planting along the boundaries and stress the importance of permeability at ground level to allow wildlife movement
- planting of street trees (shade, cooling and habitats)
- buffers adjacent to wildlife corridors and trees in open spaces where the management regime is more nature friendly to give nature a chance
- incorporation of wilder areas of semi natural open space on larger developments as part of the on-site open space

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

In general, we agree that this is the correct approach, but it should not compromise the need for planning policies and decisions to contribute and enhance the natural and wider benefits from natural capital and ecosystem services.

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

For the buildings, suggest use of an established assessment methodology such as BRE or Passivhaus, but also need to consider the wider impact of travel, green spaces, flood risk etc. A standardised framework for this would be useful in the LA setting.

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

When looking at adaptation policy for local development it is worth considering Place, People, Space and Time, the new mandatory biodiversity net gain rules should help maximise the benefits from green spaces etc.

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

Agree the benefits of the re-powering of future and low carbon energy and heat sources and the ability to repurpose/reuse existing infrastructure, needs to be recognised and considered.

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

No. The requirement to consider the impacts of life-extended sites from the baseline existing on the site today needs further consideration and runs the risk of fresh sites being refused planning permission on the basis that consent will in fact last longer than the lifetime of the current planning permission. With impacts that may be acceptable in the short term considered unacceptable over a longer time period.

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

Agree with 54.

Caution in respect of footnote 62 and the use of Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders, to grant wind energy development involving one or more turbines if it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support. One size does not always fit all.

Also caution in respect of footnote 63 and the proposal that impacts only need to be satisfactorily rather than fully addressed. The use of such tests will lead to confusion, further appeals and more detail is needed.

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

Agree with the intent and the recognition of the benefits that the existing buildings can bring in the fight against climate change and welcome the recognition in respect of Chapter 16, however feel the introduction of 'significant weight' to the consideration of energy efficiency improvements will lead to conflict in respect of the 'great weight' already assigned under Chapter 16 to an asset's conservation.

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

Agree.

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

Agree.

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

Agree.

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

No. Further detail is required in relation to the adoption arrangements in respect of supplementary planning documents. If they have the same weight as local plans will they be expected to go through the same preparatory process? This has timing and resource implications and also runs the risk that plans are not adopted without the additional layer of supplementary guidance, reduced quality and clarity in development whilst authorities seek to plug the gap caused by SPDs ceasing to have effect.

49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?

Agree.

The Council considers that may be some benefit in having national development management policies for a consistent approach to issues nationally and to streamline the scope of local plans and allow them to focus more on locally specific issues.

Given the statutory weight proposed for these policies it is essential however that these are properly tested, examined in a similar way to local plans to demonstrate that they contribute to delivering sustainable development. There must be suitable consultation and testing of these policies before they are implemented, and it is recognised that this is intended for 2024.

50 What other principles, if any, do you believe should inform the scope of National Development Management Policies?

No comment.

51 Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

Agree.

52 Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

Locally derived environmental designations to complement allocations for growth in recognition of the sensitivities and significance of local landscapes and settlement morphology. Examples being Special Landscape Areas and Green Wedges successfully used in areas of West Northamptonshire based on robust evidence.

53 What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

Regionally specific policies and guidance.

54 How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

No comment.

55 Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

No. However the relationship of such development to the delivery of housing and the assessment of housing land supply needs to be understood and carefully considered.

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

Yes.

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

No comment.

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

No comment.