

CONSULTATION RESPONSE (for online submission)

Levelling-up and Regeneration Bill: reforms to national planning policy

<https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

- 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?

Agreed.

- 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)?

Agreed.

- 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, LPAs should not be penalised later on for over-delivering housing requirements early in a plan period.

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

Planning guidance should make it clear how calculations are to be made.

- 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?

The Parish Council agrees with the proposed amendment to extend the timeframe from two to five years. It recommends that it includes not only neighbourhood plans which identify their own policies and allocations to meet the housing requirements, but is extended to neighbourhood plans which state they concur with the local planning authority's policies and allocations where these meet the identified requirement.

- 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?

Agreed.

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

The Council is in broad agreement with the concerns from stakeholders, particularly those relating to the Green Belt and other constraints such as environmentally sensitive sites and flooding, as well as the risk of neighbourhood plans becoming overruled. It must be recognised that some areas may have more or less reached capacity for housing due to infrastructure, environmental constraints and proper planning. The Council strongly supports taking local constraints into consideration regarding housing.

The implications of taking better account of local constraints would appear to be likely to include a rate of housing growth below the numbers identified in the standard method. This can be offset by directing housing development to less constrained areas.

- 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?

It is agreed that policy and guidance concerning exceptional circumstances should be clearer. The proposal that the standard method is an advisory starting point and not mandatory is welcomed.

It is suggested that affordability issues may be considered an exceptional circumstance. Chobham parish struggles to stem the loss of small dwellings and the migration of younger villagers to areas with a lower cost of housing. Potential downsizing opportunities for older people are often prohibitively expensive. Policies should place importance on the sustainability of village communities.

It is recommended that policy and guidance is made clear that flexibility should apply to all types of housing need, including the needs of Gypsies and Travellers and Travelling Showpeople, which is a significant issue with the constraints of Surrey Heath.

- 9 Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in

assessing whether housing need can be met, and that past over-supply may be taken into account?

The Council supports the three changes as set out.

It should be made clear that there is no requirement to review and alter Green Belt boundaries, including villages “washed over” by the Green Belt in order that the special character of these villages is not eroded. NPPF paragraph 146 (formerly 144) has the potential to fragment the Green Belt and appears to conflict with commitments to protect the Green Belt.

- 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?

The Parish Council is aware that its local planning authority (Surrey Heath Borough Council) has expressed concern that evidence such as design codes will require authorities to be properly resourced, skilled and funded.

- 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?

In principle, simplification in this area is supported, provided there is no weakening in the examination process.

- 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?

It is felt that the revised tests of soundness should still apply for plans at advanced stages.

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

Not relevant to Chobham parish.

- 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?

Not relevant to Chobham parish.

- 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?

Not relevant to Chobham parish.

- 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?

Agreed.

- 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?

Agreed.

- 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?

Agreed LPAs should not be disadvantaged due to slow- or non-build outs of permissioned homes.

- 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?

If the 15% contingency is a national average, it is suggested that consideration be given to allowing regional/local variations instead of a flat percentage, where it can be evidenced that the rate of progressed planning permissions is notably different from 15%.

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

The Parish Council would expect the counting method to be managed by local planning authorities.

- 21 What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

No comment to make.

- 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?

Agreed. In areas with an identified need for Social Rent housing, a minimum proportion of the affordable housing requirements for larger developments to be Social Rent, with grant funding available to registered providers. Rural

exception sites could also be obliged to provide an appropriate mix of housing tenures to reflect local needs, including Social Rent.

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

This is supported. It is felt that the needs of older people is an urgent issue to address, to include not only specialist older people's housing but realistic, affordable downsizing opportunities and bungalows for older people.

- 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)?

In highly constrained areas where capacity is scarce, targets for particular sizes of sites may be an unrealistic challenge.

Paragraph 69(d) relating to the sub-division of large sites would appear to offer a possible loophole allowing developers to avoid the affordable housing obligation of larger sites.

- 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?

Subdivision of large sites should not be used as a way to circumvent affordable housing or other policy requirements.

- 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?

In order to protect residents and make best efforts to ensure housing is well-governed, compliant and supported by a regulatory system, the Council sees no reason why the definition should be relaxed. Community groups are not excluded from becoming registered providers, or they could work together with registered providers.

It is felt that if this changed, there could also be an opportunity for exploitation, with development projects being presented as community-led "on paper".

- 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?

Development of exception sites by community groups is not supported without the protections of a regulatory system and robust, long-term governance.

There are particular concerns regarding low thresholds for local connection criteria and qualifying buyers/renters on exception sites, and for too much flexibility allowing exception site homes to be cascaded outside of the local area.

Chobham parish has seen brand new rural exception site homes cascaded at least as far as county level in recent years, when these homes were built to meet “very local” needs. This is a policy area that requires stronger regulation.

The Council is not confident that Community Trusts and similar arrangements are transparent and secure enough for the management of exception site housing.

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

As above.

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

As outlined above, the Council urges caution in order that communities and future residents are not let down by the potential pitfalls of community-led housing schemes.

- 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?

The strengthening of enforcement in the planning process is fully supported.

Past behaviours that could be taken into account include:

- Building not as per plans.
- Breaches of planning conditions.
- Not building planning permissions (all or part).
- Failure to comply with enforcement notice.
- “Playing the system” e.g. causing undue delays.
- Unauthorised building, engineering works and changes of use.
- Concealment.
- Encroachments.
- Listed building breaches.

There is a concern that applicants with a poor record could use a third party to “front” future proposals.

A question is raised as to whether it is proposed to have information about applicants' past irresponsible behaviour available to planning authorities nationally or whether this would be at local level only? There is obvious scope for "bad developers" to move areas if restrictions are only local.

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

Of the two suggested ways of take account of past irresponsible behaviour, it is suggested that LPAs be given the power to use either or both as they see fit.

- 32 Do you agree that the 3 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?

Measures to support prompt build outs of planning permission are supported in principle.

Other measures could include shorter timescales for commencement, more meaningful criteria to demonstrate lawful implementation of permission, timescales for completion, reserved matters and to comply with pre-application conditions. Automatic lapses of permission and/or financial penalties could be introduced.

- 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?

The Council would prefer to see emphasis placed on the provision of appropriate infrastructure over "beauty".

In the Council's experience, the particular aesthetics of a building are not usually what drives opposition to development. It is more likely to be infrastructure burden and adverse effects on residential amenity.

Pre-established principles of "beauty" would be likely to ultimately lead to standardisation and a loss of distinctiveness, innovation and unique development.

Many developments have come about due to expansion of permitted development rights, which takes no account of beauty and placemaking, may not contribute to infrastructure, and can be sub-standard in many other respects. Changes in this and other policy areas still have the potential to be overridden by permitted building and changes of use. It is suggested that under a reformed planning system with focus on good design, there may be

opportunities to reduce and simplify what is allowed under general permitted development.

- 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?

As above.

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

Agreed. For better visual clarity, plans should be encouraged to include 3D renderings showing relevant colours and textures. In order to seek to avoid car-dominant development, the renderings should include parked cars.

- 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?

It is felt that the very specific promotion of mansard roofs is unnecessary, and forms of upward extensions should be encouraged instead to reflect the prevailing local design and vernacular.

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

It is felt that there is no justification for using artificial grass in new developments or redevelopments, for well-documented reasons including no biodiversity value and contribution to climate change.

The use of artificial grass (and similar materials) could also specifically be removed from permitted development.

Policies to support opportunities to increase or enhance wildlife corridors and linkages at individual plot level would be welcomed.

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

Agree and support safeguarding not just the "best and most versatile" agricultural land, but recognising the contributions of small local sites.

- 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?

No comment to make.

- 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?

The Council has seen frequent examples of local knowledge, experience and evidence of flooding being overridden by desk-based assessments. It is urged that far more weight in the planning system be given to local knowledge, the lived experience of residents and their suggested solutions, down to individual street level.

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

Agreed.

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

Agreed.

- 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?

No comment to make.

- 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?

While understanding the move towards greater energy efficiency, the Parish Council would prefer an approach that considers the full implications of energy efficiency schemes. For example, the Council would not wish to see significant weight given to energy improvements where this would seriously impact neighbouring residential amenity or the character of an area due to noise, visual impact or other considerations.

- 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?

Agreed.

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

Agreed.

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

Agreed.

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

No, this is quite a radical change. It is suggested that more time be given in the transition arrangements.

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

The Council does not agree with the introduction of National Development Management Policies. It is agreed that duplication of policies at national and local level is unnecessary, but it is felt that national policy should remain the over-arching framework, with more specific policy detail provided at a local level to respond to local needs and circumstances. An overly standard approach for the whole of England would not be desirable, due to the need to maintain the local variety and styles which give areas their individual characters, while allowing flexibility for exceptions.

It also appears that the proposals as set out would provide less opportunity for community involvement, despite references to the contrary. Furthermore, there is a risk that a more standardised process will undermine public confidence in the system and contribute to apathy to a greater extent, and adds another layer of complexity in the process to be “patched up” or replaced by successive governments.

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

As per Q.49.

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

As per Q.49.

- 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?

Notwithstanding the Council's view on National Development Management Policies, it is agreed that national policy is silent or could be clearer on certain planning considerations. These include:

- Challenges in provision of burial land.
- Basement development, including in flood-prone areas.
- Opportunities for planning policy to support housing downsizing opportunities.
- Appropriate standards for provision of cycle storage to ensure it is fit for purpose.
- Appropriate frontages in different types of areas.
- Developers' hoardings and advertising.
- Measures to avoid streets being dominated by cars and garages.
- Stronger protection and enhancement policies for public rights of way.
- Capturing and re-using waste energy from energy-intensive industries.

- 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?

It is agreed that the planning system can contribute positively to the levelling up missions.

It is suggested that a separate, more focused consultation takes place on this topic in order to generate the type of "bold and innovative ideas" sought. This would allow planning professionals and other interested parties more space to consider such ideas outside of the substantial time investment required for this consultation.

- 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 to make.

- 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 comment to make.

- 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?

The Council welcomes initiatives to help women, girls and other vulnerable groups feel safe in public places, and improvements in public safety for all people generally.

It is noted and welcomed that this would be part of a broad scope of actions that includes addressing the attitudes and behaviours that result in crimes of violence and abuse.

It is urged that planning-related measures concerning the safety of women, girls and vulnerable people in rural areas are well studied as part of the proposals, noting that this will differ from urban areas (e.g. tall closed fencing or dense hedges being allowed to create a "tunnel effect" on rural footpaths and poor highway planning causing dangerous conflicts between motor traffic, walkers, cyclists and horse riders where some users are more vulnerable than others).

- 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?

The use of a range of modern digital tools is supported, provided any new approaches to presenting and accessing national planning policy are also fully accessible at a very local level to those members of the public who are not digital-literate or are unable to engage digitally for other reasons.

In the Council's experience, most members of the public become engaged in the planning process when there is a planning application that directly impacts them. Moving towards a more Plan-led and "permission in principle" process may result in less community involvement unless greater engagement efforts are made (potentially requiring greater resources and funding).

- 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.

Any potential for undermining the delivery of rural exception sites and other types of affordable housing may disproportionately impact some protected groups who are more likely to require access to social housing.

A move towards more digitised delivery of Local Plans and other elements of the planning process is likely to exclude members of the public who are less able to access or understand information electronically, who choose not to, or who cannot afford to.

The focus on speeding up the Local Plan process may restrict planning authorities' ability to engage with hard to reach and disadvantaged groups.

Any proposed reductions or removals of public participation in the planning system may disproportionately affect people from disadvantaged groups.

With such a comprehensive review of the planning system, the potential impacts on people with protected characteristics could be significant. The Council would expect to see the government undertake its own impact assessment in this regard, and would welcome seeing this published for comment alongside any future consultations on planning reforms.