

# **Open Consultation from the Ministry of Housing, Communities and Local Government, Proposed reforms to the National Planning Policy Framework and other changes to the planning system**

## **The Response of Civic Voice 16-02-2026**

### **Executive summary for civic societies and for public circulation**

- Exe.1 The response of Civic Voice is based on the contributions of many different local societies and individuals, as well as discussion within the Expert Panel. Those who contributed may recognise their wording in specific passages. We must thank all those who contributed.
- Exe.2 The draft National Planning Policy Framework (NPPF) is a long complex and multi-faceted document, with many detailed provisions that in total amount to a significant reworking of practice in England. The detail will count in the assessment of plans and planning applications. Everyone interested in planning should read both the draft NPPF, if at all possible and the detailed response of Civic Voice.
- Exe.3 Nevertheless, it is possible to identify some key points and concerns, presented here in the order that they appear or fail to appear in the draft document. The draft NPPF,
- risks undermining the work of elected local councils in plan preparation;
  - says too little about the potential role of strategic planning in promoting regeneration and encouraging job creation and job upskilling;
  - should contain an explicit commitment to transparency and openness in decision-making and a willingness to consult all relevant parties;
  - needs to be strengthened in relation to the protection of parks, open spaces and playing fields in urban areas;
  - proposes increased urban densities in a way that has beneficial aspects, but also needs careful regulation;
  - provides some welcoming words about the importance of heritage whilst giving exceptions that allow the loss of heritage assets;
  - fails to recognise the importance of community engagement and involvement.
- Each of the key points may be examined in turn.
- Exe.4 Civic Voice would oppose any measure, including the introduction of statutory National Development Management Policies, that might undermine local development plans and the ability, which is already limited, of elected councils and residents to determine the future. Planning should be as local as possible, whilst also recognising strategic aspects such as the scale of public transport investment or the large areas covered by housing markets and the journey to work. The draft National Planning Policy Framework itself has centralising aspects that require amendment. Policy PM6.1c, though not fully clear, warns against 'substantively' restating or modifying national policy and is likely to deter local planning authorities from adapting national policy to respond to the distinctive needs, aspirations and characteristics of communities. Further, the transition arrangements as expressed in Annex A are a dangerous precedent for the future. These arrangements would enable any government to come into power and make all existing development plans irrelevant and out-dated, even if they had been recently adopted.
- Exe.5 The introduction of spatial development strategies is a welcome innovation in dealing with problems and opportunities across counties and city regions. However, spatial development strategies should consider the needs of places with little or no economic

growth, specify a framework for economic regeneration and define economic regeneration in terms of job creation and job upskilling, not just the provision of housing units (policy PM1). Places with a decline in population and economic activities or at risk of decline should not be ignored.

- Exe6 Clause DM3.1b states that LPAs should ‘Consult statutory or internal consultees only where it is necessary to do so.’ That is wrong. LPAs should be encouraged, as at present, to seek expert advice where they lack expertise. In addition, they should consult expert and community groups if this is likely to improve the quality of their policies and decisions, and ultimately of the development taking place. Expert advice, whether from statutory consultees or other bodies, should be published on the local planning portal. The comments of members of the public and of local amenity groups, including civic societies, should likewise be published, subject to redactions covering personal privacy. Civic Voice has elsewhere expressed a concern about a tendency for LPAs to conceal the comments of the public and, in some cases, conceal the comments of expert bodies. Those concerns are published on the Civic Voice website in a document entitled ‘Concealment of public comments on planning portals’ and dated 6 October 2025. The NPPF should contain a commitment to transparency and openness in decision-making and a willingness to consult all relevant parties.
- Exe7 Open space, parks, playing fields and sports fields, both in existing settlements and on green belt land, deserve greater protection (Clause S4.2ai, dealing with development in urban areas, policy HC7 dealing with open space and sport, HC8 dealing with local green space and policy PM13 setting standards). The draft NPPF assumes that the only green space is local green space. That is simply wrong. Towns and cities in England contain parks that are intended for the enjoyment of all and should be protected. In addition, local planning authorities should be encouraged and required to formulate community standards for open space, recreational facilities and sports. Otherwise, there is no yardstick to measure local variations and local deficiencies. The failure to specify quantitative standards for open space, recreation and sports is particularly concerning given other proposals to remove the status of Sport England as a statutory consultee.
- Exe8 The efficient use of land, as expressed in Chapter 12, is an important policy aim and leads directly to related policies that seek to raise urban densities. It is important, moreover, to increase densities to promote walkable and accessible urban areas. However, it is also important to increase densities in a careful and considerate way so as to avoid opposition from residents who wish to retain the character of their cities, towns and villages. Contrary to the sentiment expressed in the accompanying explanatory document ‘Proposed reforms to the National Planning Policy Framework and other changes to the planning system’, (p.24), higher densities require more regulation of most aspects of the external environment, not less.
- Exe9 In policies H1, H2 and H3, Civic Voice welcomes the emphasis on a positive pro-active strategy for conserving and enhancing the built environment heritage. Local councils are commonly just reactive to threats and this leads them to deal only with preservation rather than the enhancement and enjoyment of heritage. Civic Voice also welcomes the recognition that heritage is a potential component of economic strategies, encouraging visitors and investment. Encouraging local councils to treat heritage as part of growth strategies is one of the few draft NPPF policies that will conserve and promote a unique sense of place. However, clause HE6.5 undoes much of the emphasis on heritage protection. That clause envisages the loss of grade II listed buildings and grade II registered parks as being acceptable in ‘exceptional circumstances’ the character of which is undefined. The clause needs amendment to strengthen the protection of heritage
- Exe10 There is a failure throughout the draft NPPF either to endorse or even to consider the role of community involvement and of local amenity groups, in Policy PM7 dealing with plan

making, Policies PM14 and PM15 dealing with the tests of whether a plan is sound, and policy P4 dealing with the impact on living conditions. That failure should be rectified. People care about the environment that they live in and take pride from heritage. A failure to listen to and to consider the concerns of voluntary groups such as local civic societies will lead, in the long terms, to a loss of quality in the environment of our towns, cities and villages.

## The detailed response to the questionnaire

### **Preliminaries**

1. What is your name?

Professor Barry Goodchild

2. What is your email address?

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3. What is your organisation?

Civic Voice, the national charity for civic societies (<https://civicvoice.org.uk/>)

4. Please indicate in what capacity you are responding to this consultation (please only select one)

(Required)

Local planning authority

Parish or town council

Developer/landowner

Business (other than developer or landowner)

Planning professional

Professional association/industry representative

Statutory consultee

Amenity society

Community/residents organisation

**Voluntary/charitable sector**

Member of the public

Other

**1) Do you have any views on how statutory National Development Management Policies could be introduced in the most effective manner, should a future decision be made to progress these?**

- 1.1 To an extent, the issue of statutory or non-statutory national policies is not of itself a major concern. The NPPF is non-statutory in that compliance is not mandatory. But it is clearly an important material consideration to which decision makers must have proper regard. If the national decision-making policies are to be made statutory, it should likewise be made clear that full compliance with them is not mandatory and that Councils will still be free to make decisions inconsistent with these policies where other policies or material consideration warrant such action. If, however, the statutory National Development Management Policies are discretionary, what is their point?
- 1.2 The distinction between a National Development Management Policy and the national decision-making policies included in the draft National Planning Policy Framework (NPPF) is in any case unclear. In principle, the distinction between the two types of policy could be clarified. In practice, the exercise in clarification would be difficult, perhaps impossible.
- 1.3 Civic Voice would oppose any measure, including statutory National Development Management Policies, that might undermine local development plans and the ability,

which is already limited, of elected councils and residents to determine the future. Planning should be as local as possible, whilst also recognising strategic aspects such as the scale of public transport investment or the large areas covered by housing markets and the journey to work.

**2) Do you agree with the new format and structure of the draft Framework which comprises separate plan-making policies and national decision-making policies?**

Strongly disagree

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

- 2.1. The distinction between plan-making and national decision-making is flawed in the draft NPPF the way it is presented as two, very different and apparently unconnected aspects of planning. Paragraph 8 declares 'the plan-making policies should not be used when making decisions on development.' Why? Plan-making and the assessment of development applications are always linked. Sometimes, an administrative error might mean that a key part of a plan-making policy has been ignored in the preparation of a development plan. As a matter of commonsense, any such omission should be rectified in determining a planning permission. The same rigid distinction between plan-making and decision-making also means a neglect in the draft NPPF of planning activities that fall between the two- notably urban regeneration.
- 2.2. The introduction to the draft NPPF states that national decision-making policies 'should be read alongside the policies in the development plan' (paragraph 3). That is not a 'genuinely plan-led' planning system, as the NPPF also claims in the introduction in paragraph 2. Reading national decision-making policies 'alongside' a development plan does not accord to the statutory status of the development plan as the starting point for decision-making, as was clearly recognised in the former NPPF. To conform to a plan-led system, paragraph 3 should be amended as follows: 'national decision-making policies should be read *as an addition to the policies in the development plan, as indicating relevant material considerations.*' (Italics added).
- 2.3. Apart from undermining the development plan, the format of the draft NPPF will encourage uncertainties in application. The typical format in the draft NPPF is to announce a general principle and then to specify a series of qualifications or exceptions that are open to interpretation and to time-consuming debates and arguments as to their precise meaning in any setting. For example, the draft NPPF wishes to extend the presumption in favour of sustainable development and does so by saying that such a presumption applies to development within settlements. However, the NPPF then goes on to qualify the presumption with reference to a series of exceptions that define 'unacceptable impact'. Outside of settlements there is no presumption in favour of development, but development may still be permitted if it falls within a series of predefined categories and where 'the benefits of approving development proposals are likely to be substantially outweighed by adverse effects'. The format of the NPPF involves, in other words, multiple subjective interpretations and complex balancing before any specific decision can be made.
- 2.4. The uncertainties are increased, moreover, by the repeated use of phrases such as 'where possible' or 'where necessary' or similar that indicate flexibility rather than rules. In some cases, such as the chapters dealing with pollution and heritage the same phrases

undermine the logic of the policy. Planning in the UK commonly involves adversarial confrontations between developers, local residents and LPAs, for example at public inquiries. The format of the draft NPPF will only serve to strengthen that adversarial tendency.

- 2.5. The words used in national planning guidance and in the policy documents help define the bureaucratic tools that govern the relation between government, citizens and economic actors. The draft NPPF has sought a radical rewrite, without however changing the main legislative basis of practice. The accompanying explanatory document talks about a 'seismic regearing'. Seismic activities, such as earthquakes, can have damaging, destructive consequences that take much time and effort to correct. The draft guidance would benefit from a more pragmatic and clearer reflection on existing good practice.

**3) Do you agree with the proposed set of annexes to be incorporated into the draft Framework?**

partly disagree,

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

The annexes are fine as far as they go. However, the proposed NPPF would benefit from additional annexes that would strengthen the test of soundness in plan-making and ensure, in addition, that planning is evidence-based. The additional annexes would deal with:

- the extent of consultation with, and involvement of the public and amenity groups in the preparation of plans and in decision making;
- the identification and use of appropriate qualitative and quantitative evidence in plan-making, especially about the housing needs of particular groups;
- the identification and setting of recreational and sports standards.

**4) Do you agree with incorporating Planning Policy for Traveller Sites within the draft Framework?**

Partly agree

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

- 4.1. Civic Voice is agnostic on the case for involving traveller sites within the draft framework. Traveller sites are an aspect of urban development and a particular an aspect of housing need. So they should be included in the development plan and national policy. However, travellers sites raise issues of social inclusion that need more detailed assessment. Civic Voice is not suggesting a change in wording or in policy, but does ask that the long-term implications are given more thought.

**5) Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied?**

Strongly disagree

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

- 5.1. The revised NPPF cannot be described as an exercise in simplification. It may not be possible to simplify the planning system. However, it would be possible to secure more accessible and simple explanations of the terminology.
- 5.2. The question of weighting is an example of a lack of clarity. The accompanying explanatory document (p.18) states  
'The current Framework uses a number of terms where the government expects weight to be given to particular matters (great, significant, substantial). In general, these are not intended to imply any sort of 'weighting' hierarchy, so we are proposing that 'substantial' is used throughout the document where positive weighting of this sort is intended.'  
The use of a single term is a superficial means of dealing with complexity. A single term does not clarify the weight given to any consideration in any specific circumstances. Weight needs to be explained pragmatically with reference to the harm or benefit of any proposal.
- 5.3. Within the proposed NPPF, there is an example of good practice in relation to weighting. Policy HE5 (paragraph 2) is an example of how to specify a graduation of impact. The question of harm to designated heritage assets is now split into four categories: 'no harm', 'harm', 'substantial harm', and 'total loss'. A similar differentiated approach should be used elsewhere in the document.

**6) Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1?**

Partly disagree

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

- 6.1. Spatial development strategies will fill a gap in what might be termed an intermediate, county-wide or city region wide level of local governance. Whilst the scope of spatial development is broadly comparable to strategic planning as used in the past in the UK and continues to be used in other countries, there are omissions and oddities.
- 6.2. Draft Policy PM1 assumes that every city and every local district will grow. Clause PM1.2a states explicitly that the strategy is intended to manage growth. While it is government policy and credo that growth is the priority, the formulation as expressed in the NPPF oversimplifies the aims of planning and overstates the extent to which growth management is applicable to all areas.
- 6.3. The aims of planning are about the promotion of sustainable development, in which the promotion of growth is part. Further, even if growth is adopted as a key policy aim, growth may not always be realistic in terms of likely trends. The term 'growth' should, in any case, be refined to distinguish between population change, change in the numbers of households and change in the value of economic activity. The NPPF is overwhelmingly about housing, saying very little about using land to stimulate job creation and improve productivity.
- 6.4. There have been many examples of towns and cities in England, for example older industrial towns and cities where population and economic activities have declined, sometimes for decades. Elsewhere in the world, in parts of central and eastern Europe and Japan, for example, urban shrinkage remains common. Even in growing areas in

- England, there may be neighbourhoods or small towns that have experienced a loss of population or of industry or where there is a risk of decline in the near future.
- 6.5. Places with a decline in population and economic activities or at risk of decline should not be ignored. Growth cannot be assumed and the spatial development strategy should be defined in such a way that is relevant to all towns, cities and neighbourhoods, not just those that have experienced growth or where growth is expected. As part of this, the spatial development strategy should include an economic strategy and should identify places, such as town centres or older neighbourhoods, in need of regeneration. The spatial development strategy would therefore provide a framework for local master plans or advisory plans that indicate how an area might be improved, both for the benefit of local residents and as a tool to attract private finance and investment. Regional spatial strategies had exactly this function of promoting regeneration until they were abolished in 2010 and 2011. The new city-regional and county-wide plans should have a similar function.
  - 6.6. In particular, the spatial development strategy should identify sites and neighbourhoods where a mayoral or national development corporation should be or has been established, stating the broad aim of the development corporation and its main implications. Further, in the context of a spatial development strategy, a development corporation should not be reduced to a means of providing housing units. A development corporation may be designated to regenerate derelict sites or to create jobs or for a combination of reasons.
  - 6.7. The unquestioned assumption of growth means that a key function of a spatial strategy is ignored. A spatial strategy should involve a survey and analysis of local trends (of growth and decline in their various forms) and of local distributions, for example of unemployment that would justify strategic intervention. The strategy should then respond to problems and opportunities as revealed. Policy PM8 deals with evidence for plan-making but is more suited to a local plan rather than strategic issues and the need for strategic intervention.
  - 6.8. Policy PM1 makes no reference either to the spatial co-ordination of infrastructure investment or to the spatial co-ordination of housing and infrastructure. Without co-ordination, there is no effective strategy and no planning. Without co-ordinating housing, employment and infrastructure, for example the result will be increased traffic congestion, increased journey to work times and, in the short or medium term until the universal adoption of electric vehicles, an increase in carbon emission. Co-ordination is also necessary for the phasing (or sequencing) of development, enabling development to proceed more or less quickly as circumstances allow. Phasing is already used for transport projects. It should be extended to urban development in general.
  - 6.9. Spatial co-ordination also means dealing with any mismatch between the distribution of potential development sites and the distribution of housing and urban development requirements. Some urban districts, including London Boroughs, contain either no unused development sites or an insufficient number. The spatial development strategy should have an explicit role in assessing whether all housing requirements can be met within each constituent local authority area and if not how and where these unmet needs can be met.
  - 6.10. In paragraph c), policy PM1 refers to the spatial development strategy as applying local growth plans and the national industrial strategy. The reference to local growth plans needs more explanation. There are many different types of neighbourhood and town centre regeneration strategies. In the longer term, spatial development strategies should be constructed around a national spatial strategy. The preparation of a national spatial

strategy has been a repeated element of a reformed planning system as conceived by Civic Voice. Such a national spatial strategy, as envisaged by Civic Voice, would indicate the main lines of investment and avoid the huge amount of detail in a document such as the present draft NPPF.

- 7) ***Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area?***

Partly disagree

- a) ***If not, do you think there should be a different approach, for example, that alterations should only be made to spatial development strategies every five years where there are significant changes to housing need in the strategy area?***

Survey, analysis and plan monitoring should be undertaken on a continuous process, with the publication of annual reports. Strategic policies should ideally have more than 5 years stability. But if local housing requirements are recalculated, or the standard method is amended, or there are other significant changes this needs to be reflected in the strategy reasonably promptly. Housing is not the only consideration. Changes in employment patterns, in industrial land demands or in planned public investment might also trigger revision.

- 8) ***If spatial development strategies are not altered every five years, should related policy on the requirements used in five year housing land supply and housing delivery test policies, set out in Annex D of the draft Framework, be updated to allow housing requirement figures from spatial development strategies to continue to be applied after 5 years, so long as there has not been a significant change in that area's local housing need?***

Strongly disagree

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

The question is unclear. As stated, the spatial development strategy will last a minimum of 20 years, with the possibility of revision every five years. The revision would be based on the preferred methodology in use at the time. The standard method set out in Annex D might itself be modified in five, ten or fifteen years. In any case, a co-ordinated spatial strategy should include a phasing (or sequencing) plan that would allow housing and other types of development to proceed more quickly than expected. Phasing of housing must, for example, be co-ordinated with changes in local road and rail capacity.

- 9) ***Do you agree with the role, purpose and content of local plans set out in policy PM2?***

Partly disagree

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

- 9.1. The role, purpose and content of a local plan should be to apply the principles of sustainable development as already stated in the section entitled 'Purpose of the planning system'. Otherwise, all assessments of the validity and soundness will become muddled by a mismatch between different statements in the NPPF. The draft needs to be better

aligned in its different sections. As part of the process of alignment, a reference should be made to environmental protection- itself an aspect of the environmental strand of sustainable development.

- 9.2. The relation between local plans and minerals plans requires more clarity. As currently phrased in policy PM3, minerals plans may or may not be part of a local plan and may or may not be prepared by a consortium of LPAs.
- 9.3. For Civic Voice a specific issue concerns community engagement. It is simply not practical to have three episodes of community engagement for three types of development plan. Residents and LPAs will become hopelessly confused. How for example will the results of community engagement be carried over from one plan to the other? How will the interests of minerals companies and waste disposal companies be weighed against the interests of other businesses and nearby communities?
- 9.4. The availability of housing sites and the determination of suitable forms of development are, in some areas, dependent on the location of minerals extraction and waste disposal activities or on the remediation of former mining and waste disposal sites. In some suburbs and smaller towns, surface minerals extraction and waste disposal are the most sensitive aspects of planning. The draft NPPF assumes, wrongly, that minerals and waste plans and policies can be prepared and implemented in isolation without externalities of the type that impact on local residents or patterns of urban development. The local plan and the minerals plan should normally be prepared together in a single process by the same planning authority. The NPPF should say this explicitly.

**10) Do you think that local plans should cover a period of at least 15 years from the point of adoption of the plan?**

Yes

**11) Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies?**

Strongly disagree

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

- 11.1. Policy PM6.1c is a requirement that local planning authorities should 'Not duplicate, substantively restate or modify the content of national decision-making policies unless directed by other policies in this Framework.' The policy and in particular the provision against duplication is about the style in which plans are written. Style is apparently a trivial issue, but the specification of writing style rules is notoriously difficult and can have perverse consequences. There is no way that a local planning authority or inspector could explain or justify local policies without referring to, citing and therefore duplicating the wording of national policy. The draft NPPF itself falls into the trap of repetition, if not outright duplication through the repeated and excessively rigid distinction between plan-making and decision-making policy.
- 11.2. Banning duplication is an extreme response. Policy PM6.1c should instead be about the minimisation of duplication. The policy should warn against the duplication of long policy statements and also require that any duplication should be placed within inverted commas with an acknowledgment of the source. The meaning of Policy PM6.1c is also opaque. What is meant, for example, by 'substantively restate'. Taken literally that phrase would

make local authority planning, whether at the level of spatial strategies or local plans, untenable and impossible without violating national guidance. Good practice in planning must of necessity involve a degree of restating, reworking or adapting national policy to the needs, aspiration and characteristics of communities. The draft NPPF does not seek to define good practice, however. The tone of this policy is wholly negative and unhelpful.

- 11.3. To explain the relation between local and national policy, the existing NPPF uses clearer and more familiar language and uses that language in the context of the examination in public and tests of the soundness of a plan. Policy PM6(1c) should be removed and national planning guidance should revert to existing practice. For the future, good practice needs to be defined through research and examples.
- 11.4. PM6.1d states that plan makers should 'Engage positively with communities'. The draft NPPF does not do this. LPAs should be required to state explicitly how community involvement and public engagement will be undertaken.

**12) Do you agree with the approach to initiating plan-making in PM7?**

Partly disagree

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

- 12.1 The draft guidance specifies that a local plan should be prepared and updated within 30 months. The guidance does not say, however, whether the 30 months timetable is a requirement or an aspiration or what happens if the timetable is not met. There are many factors that can affect plan preparation and adoption. Councils can wait, for example, for months for an inspector to become available. Sometimes government policy changes in the midst of plan preparation. The guidance would be more realistic if it states that the 30 months timetable is an aspiration.
- 12.2 The draft guidance refers to a project initiation document which is a non-statutory management device. The draft makes no reference to the Statement of Community Involvement (SCI), first introduced in the Planning and Compulsory Purchase Act, 2004 and intended to express how an LPA will engage with the public in all the elements of local planning in England. The SCI is not the only way a programme and timetable of community engagement and involvement might be organised. The crucial issue is to ensure that a detailed programme and timetable exists and that local communities are not presented with a *fait accompli*. The draft NPPF should state explicitly that the initiation of plan-making must include a consideration of the programme of community engagement and involvement.
- 12.3 In 2025 in the published guide to the Planning and Infrastructure Bill (<https://www.gov.uk/government/publications/the-planning-and-infrastructure-bill/guide-to-the-planning-and-infrastructure-bill#part-2-planning>), the government stated 'The best way for councillors and communities to engage in the development proposed for their areas is through the local plan process.'  
The Planning and Infrastructure Act, as the Bill is now, has reduced or eliminated the role of elected councillors in planning decisions. To compensate for the reduced role of elected councillors, the draft NPPF should protect and enhance the role of public and voluntary groups.

**13) Do you agree with the approach to the preparation of plan evidence set out in policy PM8?**

Partly disagree

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

Clause PM8.2 requires the use of existing evidence sources. However, the spatial development strategy is a new type of plan that has not previously been prepared. As phrased, the clause suggests that the spatial development plan will use the same information sources as LPAs have already used in local plan-making and its associated activities. That is wrong. Planning guidance should recognise the range of information appropriate for strategic planning at a city-regional or county scale.

**14) Do you agree with the approach to identifying land for development in PM9?**

Partly disagree

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

Local planning authorities should be encouraged to use modern techniques of Geospatial Information Systems to identify an initial statement of sites and areas of development opportunity and constraints. The results of the GIS analysis would then be subject to detailed review. The methods typically used in local plan preparation are slow, unsystematic and often unclear. They are in need of modernisation.

**15) Do you agree with the policies on maintaining and demonstrating crossboundary cooperation set out in policy PM10 and policy PM11?**

Strongly agree

**16) Do you agree that policy PM12 increases certainty at plan-making stage regarding the contributions expected from development proposals?**

neither agree nor disagree,

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

16.1 Complete certainty in relation to development contributions is an impossible aspiration at the plan preparation stage and especially if the intention is to specify the scale of contribution. Development contributions are not a form of taxation that is laid out in advance. They are negotiated and vary in accordance with market conditions. However, a development plan can indicate where and when a developer might face a charge and provide a degree of stability in the face of local political disputes. Such disputes may lead to stalled negotiations in the hope of a more receptive response later.

16.2 The draft guidance should be clearer as to what is expected. If complete certainty is required, the basis of contributions will need to be changed, probably through legislation.

**17) Do you agree that plans should set out the circumstances in which review mechanisms will be used, or should national policy set clearer expectations?**

neither agree nor disagree,

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

In relation to developers' contributions, national policy is key. If plans are reviewed every five years, as is the intention, further local reviews are unnecessary.

**18) Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015?**

Partly disagree

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

18.1 Paragraph PM13 should be amended with additional examples of acceptable quantitative standards. Local planning authorities should be allowed to prepare and enforce standards for the conversion of properties into houses in multiple occupation (HMOs), much as is already the case. The poor quality of HMOs is a real problem in many town centres and inner city areas. The planning system in conjunction with the Housing Acts has a legitimate and continuing role in controlling the number and quality of HMOs.

18.2 Further, local planning authorities should be encouraged and required to formulate community standards for open space, recreational facilities and sports. Otherwise, there is no yardstick to measure local variations and local deficiencies. The failure to specify quantitative standards for open space, recreation and sports is particularly concerning given other proposals to remove the status of Sport England as a statutory consultee. Local councils have little experience in planning for sports and unless they encouraged and required to use appropriate standards, there is a real risk that sports facilities, including playing fields will be lost to the detriment of children and young people.

18.3 The development of higher density housing, as recommended in policy L2 'Making effective use of land' requires closer regulation than the suburban development of the post-war era. The design of higher density low rise housing, say above 40 or 45 dwellings per hectare, as well as the design of high rise schemes, requires quantitative standards covering such matters as sunlight, daylight and access to green spaces. Deregulation of design in housing and urban development is, for this reason, unlikely and impractical. The NPPF should recognise that higher density and high rise housing and mixed use schemes require a different, more regulated approach.

18.4 The inclusion of climate change policies, while necessary and welcome, also go against any deregulation proposals.

18.5 The question is not whether aspects of the planning system should be deregulated, but how they should be reformed to achieve sustainable development through a transparent plan and decision-making process. The scope of quantitative standards should be reviewed at both a national level and locally as part of the development plan and its associated design codes and design guidance. The provision of a national functional framework of design and planning standards is, moreover, helpful to developers, so long as the framework is stable. A functional framework means specifying minimum standards for sunlight, daylight and amenity whilst permitting architectural innovation and regional diversity. Linking the review of standards to deregulation will raise false expectations and may also lead to a neglect of serious issues, such as multi-occupation.

**19) Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination?**

Strongly disagree

**a) If not, please explain how this could be improved to ensure a proportionate assessment, making it clear which type of plan you are commenting on?**

- 19.1. The test of soundness is mostly unchanged, with one significant exception. Paragraph d contains the additional requirement that a spatial development strategy 'does not duplicate, substantively restate or modify the content of national policies for decision-making'. That requirement is objectionable as has been explained in response to question 11.
- 19.2. Otherwise, the test of soundness is narrowly drawn. Amendments are required, for all types of development plan.
- Before an Inspector assesses the content of a plan, the local planning authority should demonstrate that it has fulfilled all the requirements for public engagement as for example specified in a Statement of Community Involvement. To recognise the importance of public engagement and community engagement, additional guidance should be included in the form of an annex.
  - The clarity of the methodology, the justification for that methodology and the appropriateness of evidence should be incorporated as tests in plan-making, together with the appropriate use of analytical tests. The statistical quality of local planning needs to be greatly improved, with the use of more graphical material showing population and other trends and the performance of localities against national standards covering amenities, green space, pollution and environmental risks. It would help in this context if an additional annex were included in the proposed NPPF to indicate the range of appropriate evidence for specific purposes.

**20) Do you have any specific comments on the content of the plan-making chapter which are not already captured by the other questions in this section?**

No

**21) Do you agree with the principles set out in policy DM1?**

partly disagree

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

- 21.1 DM1 distinguishes between the information and consultation requirements of major and other types of development. The definition of major development is included in an annex and is likely to cover most proposals, other than small projects such as housing schemes of less than 10 dwellings.
- 21.2 The NPPF should add that, whatever the size, the information requirements are likely to be more stringent if the proposals do not conform to the development plan.
- 21.3 Civic Voice welcomes the reaffirmation of a requirement for developers to undertake pre-application community engagement for major developments and for schemes raising 'complex planning matters'. Developer-led community engagement has its limitations, however as the developer will want to sell the proposal to those attending an event. Guidance should require developers and the LPA to respond to points raised by the public.

**22) Do you agree with the policy DM2 on information requirements for planning applications?**

Strongly agree

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

- 22.1 The number and variety of reports that accompany planning applications have started to cause problems for voluntary groups such as local civic societies. A tendency for the various reports to be listed on a planning portal without explanation of their importance is a further issue. There is also a tendency for the number of reports to grow over time and for some reports to disappear, only to be replaced by others. It would help if the LPA could provide an initial summary before a decision is made and before the deadline for public comments.
- 22.2 The inclusion in the draft NPPF of an annexe dealing with information requirements is most welcome. Equally welcome is the reference in the annexe to setting out the implications of pre-application engagement. Local civic and amenity societies are commonly concerned that the implications of pre-application engagement is not disclosed. The treatment of sports, open space and recreational facilities would benefit from more precision. The assessment of 'surplus' provision requires a national and local set of community standards and this is missing from the draft.

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

The information requirements of planning applications are too diverse and complex to be covered by regulation.

**24) Do you agree with the principles set out in DM3?**

Partly disagree

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

- 24.1 Policy DM3 is about the process of development control and the administration of the relation between developers, the public and consultees. The policy is a mixture of common sense and other, undesirable statements that will encourage either secrecy or a poor quality of decision-making or a combination of secrecy and poor decision-making. To counter secrecy and encourage the disclosure of all relevant consideration, LPAs must be required to publish any correspondence that they send to applicants. LPAs must not make private commitments that undermine subsequent public policy discussions.
- 24.2 Clause DM3.1b states that LPAs should 'Consult statutory or internal consultees only where it is necessary to do so.' That is wrong. LPAs should be encouraged, as at present, to seek expert advice where they lack expertise. In addition, they should consult expert and community groups if this is likely to improve the quality of their policies and decisions, and ultimately of the development taking place. Policy DM3.1d is phrased in such a way that LPAs are discouraged from seeking expert advice even when they know this may lead to poor quality and unsafe outcomes. LPAs are, in any case, be required to consider the comments of all groups.
- 24.3 Another unfortunate sentence in clause DM3.1b is that 'Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision or more detailed advice may enable an

approval rather than a refusal.’

The sentence assumes the LPA knows the outcome of consultation before the consultation is undertaken. Clause DM3.1b needs either a major modification or its removal.

- 24.4 Expert advice, whether from statutory consultees or other bodies, should be published on the local planning portal. The comments of members of the public and of local amenity groups, including civic societies, should likewise be published, subject to redactions covering personal privacy. Civic Voice has elsewhere expressed a concern about a tendency for LPAs to conceal the comments of the public and, in some cases, conceal the comments of expert bodies. The concerns of Civic Voice are published on its website in a document entitled ‘Concealment of public comments on planning portals’ and dated 6 October 2025. The motives for concealment include a concern about the costs of redaction and the exclusion of inappropriate language. Concealment is also the unintended product of poor administrative practice or inadequate staffing levels.
- 24.5 Concealment is, in the view of Civic Voice, in breach of ‘The Openness of Local Government Bodies Regulations 2014, (UK Statutory Instruments, 2014 No. 2095 PART 3 Regulation 8 [as currently amended]. National planning guidance should clearly advise LPAs of their responsibilities for openness in decision-making. An additional clause should be included in the NPPF.

- 25) Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed?**

Partly agree

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

The policy statement, as applied to specific sites, is liable to interpretation. Civic Voice welcomes clause DM5.3 that neither the price paid for land, nor the price intended to be paid in a contract is a legitimate consideration in negotiating down social housing or other planning requirements. To do otherwise would encourage over payment and penalise the prudent developer.

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

No

- 27) Do you have any views on how the process of modifying planning obligations under S106A, where needed once a section 106 agreement has been entered into, could be improved?**

No

- 28) Do you have any views on how the process of modifying planning obligations could be improved in advance of any legislative change, noting the government’s commitment to boosting the supply of affordable housing.**

No

**29) Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations?**

Strongly agree

Policy DM6 restates existing policy and draws attention to considerations that may be ignored when complex conditions and S106 agreements are imposed.

**30) Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes?**

No comment.

**31) Do you agree with the new intentional unauthorised development policy in policy DM8?**

Partly agree

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

The impact of unauthorised development is, as the draft NPPF recognises, of real importance. However, LPAs should avoid becoming entangled in unauthorised small-scale building extensions or back garden developments where there is little or no impact and no demonstrable harm. Intentionality should only count against an applicant if the failure to seek permission was because the applicant was aware that the development was unlikely to be granted permission and was a likely cause of harm to neighbours or the environment.

**32) Are there any specific types of harm arising from intentional unauthorised development, and any specific impacts from the proposed policy, which we should consider?**

It is not the type of harm that is relevant but the extent of harm and the irreversibility or otherwise of that harm. Unauthorised demolition of listed buildings is, for example, particularly serious because it destroys a heritage asset and not easily reversed. Destruction of wildlife sites is likewise very serious.

**33) Do you agree with the new Article 4 direction policy in policy DM10?**

Partly disagree

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

Policy DM10 limits the use of Article 4 directions to a set of circumstances. In addition to the cited circumstances, LPAs should be allowed to use Article 4 directions,

- where they are already in force, to support the implementation of policies within and in the immediate vicinity of designated conservation areas;
- in exceptional cases, but not yet in force, to support conservation area policy;
- in exceptional cases, to prevent the demolition of buildings that are of local importance for historical or townscape reasons.

Councils can be too keen to impose article 4's primarily so they have power to control. However, the selective and exceptional use of article 4 directions should still be permitted for conservation reasons. The treatment of buildings of local but not national significance

is of particular concern, as Article 4 directions provide an effective way, probably the only effective way, of preventing demolition.

**34) Do you agree with the proposed approach to setting a spatial strategy in development plans?**

Partly disagree

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

Policy S1 covers all types of development plan. Policy S2 only covers spatial strategies. This part of the draft NPPF is not clearly structured.

**35) Do you agree with the proposed definition of settlements in the glossary?**

No comment.

**36) Do you agree with the revised approach to the presumption in favour of sustainable development?**

Strongly disagree

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

In its present form, the presumption in favour of sustainable development amounts to an attempt to replace local development plans with a national decision-making policy. The rights of owners to develop land should be articulated through a plan that shows the permissible use of different sites. That can only be done at the local level. The so-called presumption in favour of sustainable development is, in any case, so heavily qualified by exceptions and conditions that it is almost meaningless.

**37) Do you agree to the proposed approach to development within settlements?**

Partly disagree

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

37.1. Policy S4.1 should be amended to read 'when assessed against the development plan and the national decision-making policies in this Framework'. Under planning legislation, the development plan remains the first consideration when determining a proposal. The presumption in favour of development within settlements is not a new policy. Planning practice has long operated on that principle.

37.2. The other policy paragraphs provide little additional material content and are mostly superfluous. The proposed NPPF does not recognise that the area within a settlement is mostly built-up and that undeveloped areas are commonly necessary for reasons of health and well-being (public parks and playing fields) or because they have proved very difficult to develop in the past. The potential for new housing is not large unless backed by public intervention and adequate funding for the task.

37.3. Clause S4.2ai is a safeguarding clause, but does not go far enough. It should make an explicit reference to 'Parks and parkland'. Neither policy HC7 (open space and sport) nor

HC8 (local green space) capture the significance of the large urban parks that exist in London and many other large cities and that serve a non-local green space function.

**38) Do you agree to the proposed approach to development outside settlements?**

Strongly disagree

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

Outside settlements, the draft NPPF proposes a presumption exists against development. The list of qualifications and exceptions is so long that the policy loses any coherence or meaning. There are real conflicts between competing priorities in the development of land outside settlements, for example between policies to promote a choice of transport mode, including public transport and policies to allow the development of warehousing parks close to motorway junctions. Those conflicts should be resolved in a development plan, not through the piecemeal application of national policies.

**39) Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria?**

Partly disagree

**a) Please provide your reasons.**

- 39.1. Civic Voice agrees with many of the categories listed. However, the list assumes *a priori* that it is possible to identify in advance all the possible reasons in all parts of England for denying the presumption against development. There may be other cases where development should go ahead, but subject to conditions and subject to design guidance. Conversely, there may be other, unexpected cases where allowed development should be subject to controls.
- 39.2. Clause S5.1d treats the redevelopment of previously developed land as approved unless outweighed by significant adverse effects. The clause should be amended to ensure that development cannot proceed automatically in a way that would greatly expand the area covered by buildings or hard surfaces. A simple amendment would be to say that the presumption in favour of development should not apply to major developments, using the definition of 'major' in the Annex. Some previously developed sites such as former airfields, coal mines or industrial sites would amount to new towns were they developed to the limits of their boundaries.
- 39.3. Clause S5.1j is qualitatively different as it allows development to proceed if there is an 'unmet need' for housing. Clause S5ji permits edge of settlement development if there is under 75% of the planned housing delivery numbers in a LPA area. It is obviously undesirable if house building falls behind planning needs. However, before clause S5ji is used, the government should appoint an independent person or consultancy to inquire the reasons for the failure to meet housing needs and to determine whether and to what extent the failure is due to planning policy. In addition, LPAs should be encouraged to use interim masterplans or advisory plans to coordinate development and to determine which deliverable sites are best released for development to address any delays in meeting housing land requirements. It should very much be a last resort to permit developments on sites selected by developers. Moreover, further safeguards are necessary to ensure

that where Clause S5ji comes into force the resulting schemes involve high quality housing and are developed according to the principles of good design.

39.4. Clause S5jii permits major development for storage and distribution purposes which accords with policy E3. Policy E3 is broadly acceptable. However, the juxtaposition of clause S5jii permitting storage and distribution development and policy E3 restricting its development is likely to cause confusion.

**40) Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?**

Partly disagree

**a) Please provide your reasons, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers and other groups with protected characteristics.**

40.1. The density requirements in chapter 12, at least those covering 'well connected stations' are too high. The minimum density should be 40 dph for well connected and other stations in urban areas so as to encourage the development and retention of family housing.

40.2. If a local authority has a defined area for travellers, we do not see any adverse impact from policies to promote development around transport hubs. Otherwise, Civic Voice is unable to comment on the impact on travellers.

**41) Do you agree that neighbourhood plans should contain allocations to meet their identified housing requirement in order to qualify for this policy?**

neither agree nor disagree

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

Neighbourhood plans should be subject to the same cycle of five years revision as other local development plans. If revisions do not take place, the neighbourhood plan should be given less weight in comparison to the policies of the local plan or of national decision-making policies, whichever is the most recent.

**42) Do you agree with the approach to planning for climate change in policy CC2?**

Strongly agree

**43) Do you agree with the approach to mitigating climate change through planning decisions in policy CC2?**

Partly agree

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

43.1. Policies CC1 and CC2 amount to a welcome shift in practice. The implications need to be publicised and explained.

43.2. The wording of CC2 should be strengthened.

- Clause CC2d should be revised as follows: Take advantage of opportunities *and give*

*priority* to re-use existing structures and materials. (Italics added)

Further, guidance should state explicitly that LPAs

- may include a condition in all planning permissions requiring a connection to a district heating or energy network where one exists and is in good working order.

- can require the inclusion of photovoltaic panels on the roofs of all new and converted buildings and require in addition that the facility exists for these panels to be connected to the electricity supply network.

**44) Do you agree with the approach to climate change adaptation through planning decisions in policy CC3?**

Strongly agree

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

There are no obvious additional measures

**45) Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated?**

No comment

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

No comment

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

In policy CC1, local plans should show the flood risk prevention measures planned over the plan period and should in particular, indicate areas of existing urban development that will be protected through relevant investments. Flood risk mitigation measures should be shown as infrastructure much in the same way as investment in public transport.

**48) Do you agree the requirements for spatial development strategies and local plans in policy HO1 and policy HO2 are appropriate?**

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

48.1. Setting the requirement figures for homes is a theoretical and largely unimplementable exercise if, as in some urban areas, there is no 'spare' land and therefore no development sites or an insufficiency of sites. Equally, it is theoretical and largely unimplementable if there are no funds, public or private, for the purpose. The statement of housing requirements must be realistic in terms of the physical capacity of an area and the economic capacity of developers and the needs for realism should be stated explicitly.

48.2. Clause HO1.1c says that plan preparation should be based on an 'understanding of any accommodation needs that cannot be met within neighbouring areas.' The phrase is vague. The spatial development strategy can deal to an extent with any mismatch between the distribution of potential development sites and the overall housing and urban

development requirements in each district or borough. However, the stated role of spatial development plans in policy PM1 does not do this, as the NPPF is currently phrased. An amendment has been proposed elsewhere in this Consultation response to cover the omission. In any case, in some cases, the spatial development strategy covers too small an area and the satisfaction of local needs will have to be resolved through cross-boundary co-operation.

- 48.3. Affordability is defined in the Annex B, “for rental housing as at least 20% below local market rent and for home ownership as “a price equivalent to at least 20% below local market value”. In many parts of the country, 20% below market levels does not help provide affordable homes for rent or sale.
- 48.4. It is good that spatial development strategies will assess the housing needs of different groups. A development plan should distinguish between needs that can be met through public investment, for example by Councils and housing associations, needs that can be met by land allocations within the planning system and needs that can be met through a combination of planning measures, for example section 106 agreements and public investment. To fulfil its function as a strategy, the housing chapter of the spatial development strategy should therefore be an advisory document for Homes England and other bodies that provide public investment for housing and this should be explicitly recognised in national guidance. Separate chapters will be needed in the spatial development strategy. The planning system has a limited ability to make up for a lack of public investment, mostly through the use of Section 106 agreements. These latter may, however, reduce site viability. The NPPF should therefore avoid giving the impression that the planning system and the mere promotion of house building will resolve issues of housing affordability.
- 48.5. As has been indicated in responding question 6, the spatial development strategy should also address the need for regeneration and the role of housing investment in promoting regeneration.
- 48.6. Paragraph HO2 includes a confusing reference to ‘a housing requirement, and set pitch and plot requirements where a need has been identified.’ Presumably the reference to pitch and plot requirements is a reference to accommodation for travellers. But this is not stated. Paragraph HO2 should contain a separate clause dealing with travellers. A further source of confusion is that pitches and plots could also refer to caravans and mobile homes used by a wide variety of users for holidays, for permanent accommodation and for short-term stays, for example by contract workers. Mobile home and caravan sites are not discussed in the draft guidance, except in relation to flood risk. The NPPF would benefit from a separate policy paragraph dealing with the allocation of sites for caravans and mobile homes.
- 48.7. There is no mention of community-led housing development, including housing co-ops and self-build housing, anywhere in the housing chapter, other than in relation to rural exception housing. Community-led housing provides a way of diversifying the housing stock and of drawing on the enthusiasm of volunteers. HO1.2j encourages LPAs to consider ‘People wishing to commission or build their own homes’, but this reads like policies to encourage single, large architect-designed home and is different from the wording for rural exception sites. The draft NPPF should encourage LPAs to find sites for community-led housing in all types of area, urban and rural, and should use a standardised terminology.

**49) Is further guidance required on assessing the needs of different groups, including older people, disabled people, and those who require social and affordable housing?**

Strongly agree

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

A varied set of needs, tied to a diverse range of groups, is included in the draft. Guidance needs to cover information sources and the use of qualitative, as well as quantitative data. Links should also be made with other housing policies such as the 'national plan to end homelessness',

**50) Do you agree with the approach to incorporating relevant policies of Planning Policy for Traveller Sites within this chapter?**

Partly agree

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

4.2. This question duplicates question 4. Traveller sites are an aspect of urban development and a particular an aspect of housing need.

**51) Is further guidance needed on how authorities should assess the need for traveller sites and set requirement figures?.**

No comment

**52) Do you agree the new Annex D to the draft Framework is sufficiently clear on how local planning authorities should set the appropriate buffer for their local plan 5-year housing land supply?**

Partly disagree

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

52.1. With some reservations Civic Voice agrees that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations. The government's estimates of need are, however, high in relation both to previous estimates and actual house building and recent completion rates.

52.2. The buffer should therefore be based on the actual behaviour of developers rather than just a theoretical or hypothetical projection of housing land need. Land availability and planning policies are not the only factor determining housebuilding. In low demand areas (for example isolated rural areas in the north of England and former industrial towns), the use of buffers in excess of 5% can have perverse consequences. Housing markets and housebuilding starts may also be highly volatile and variable from year to year. Paragraph 12 of the Housing Delivery Test should be amended to allow for housing market studies to determine the causes of under delivery against targets. If the main cause of under delivery stems from economic factors outside the control of the LPA, the 5-year housing land supply and buffer should be adjusted accordingly. Paragraph 12a is unrealistic in assuming that local councils can always identify and implement actions to increased delivery.

- 53) ***Do you agree the new Annex D to the draft Framework is sufficiently clear on the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision-making?***

Neither agree nor disagree. The question is insufficiently precise to allow a comment.

- 54) ***Do you agree the requirements to establish a 5 year supply of deliverable traveller sites and monitor delivery are sufficiently clear?***

Strongly disagree

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

Annex D is too brief to provide guidance. Statistical data on the required number of traveller sites is likely to be scarce. LPAs need to be guided in the use of qualitative materials. A separate research project will be necessary.

- 55) ***Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear?***

Partly disagree

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

Policy HO4 states a 'development plan should identify suitable locations for large scale development.' It is wrong to assume, however, that a development should always identify sites for large-scale development. LPAs should be encouraged, in the first instance, to assess the case for large-scale development, without any presumption that this is necessary.

- 56) ***Do you agree our proposed changes to the definition of designated rural areas will better support rural social and affordable housing?***

Partly agree

The definition of designated areas has two parts. The first part is clear enough as it comprises 'National Parks, National Landscapes, areas designated as rural under Section 157 of the Housing Act 1985'. The second part comprises 'other areas with a population of 3,000 or less and a population density of two persons or less per hectare'. This second part would only be workable at the level of civil parishes, that is to say 'civil parishes with a population of 3,000 or less and a population density of two persons or less per hectare.' If the intention of the rural housing policy is only to add selected parishes to the list of designated rural areas, the point should be made explicit. If not the policy should define the spatial area that is the basis of the maximum population criteria.

- 57) ***Do you agree with our proposals to ask authorities to set out the proportion of new housing that should be delivered to M4(2) and M4(3) standards?***

Strongly agree

**58) Do you agree 40% of new housing delivered to M4(2) standards over the plan period is the right minimum proportion?**

No comment

**59) Do you agree the proposals to support the needs of different groups, through requiring authorities to identify sites or set requirements for parts of allocated sites are proportionate?**

Partly disagree

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

The development plan can specify the needs of different groups for broadly defined neighbourhoods. The allocation of sites is a more detailed, design-oriented exercise that should be part of a master planning exercise undertaken within or adjoining those neighbourhoods. Paragraph HO5.1c should start 'Identifying sites, or setting requirements for masterplanning exercises ....' Travellers sites are partial exception as they are commonly separate from developer's housing, but the wording can be made sufficiently flexible to allow this.

**60) Do you agree with our proposals to ask authorities to set out requirements for a broader mix of tenures to be provided on sites of 150 homes or more?**

Partly disagree

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

The aim of policy should be to encourage a mix of tenures and to ensure that large and small schemes have a tenure mix. A lower size threshold such as 75 homes is appropriate.

**61) Do you agree with proposals for authorities to allocate land to accommodate 10% of the housing requirement on sites of between 1 and 2.5 hectares?**

Partly agree

**a) Please provide your reasons**

Developers should be encouraged to use small sites. LPAs should be encouraged to find suitable small sites for developers, partly because this favours small builders and self-builders and partly as a means of promoting the efficient use of land. The question as asked is not an accurate reflection of relevant policy HO6. This latter states that local plans should 'allocate land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, and a further 10% on sites of between one and two and a half hectares, unless there are strong reasons why these targets cannot be achieved.' The wording is appropriate

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

Meeting housing needs depends crucially on the availability of public housing finance. To meet housing needs, the NPPF should consider in detail how development plans relate to the targets, policies statement and funding programmes of Homes England.

**63) Do you agree that proposals to add military affordable housing to the definition of affordable housing, and allow military housing to be delivered as part of affordable housing requirements, will successfully enable the provision of military homes?**

Strongly agree

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

63.1. Subject to the availability of funding, either from military authorities or other source, the planning system should respond to the requests and requirements of all housing providers.

63.2. Policy HO8 repeats the omission of the plan-making policies of saying nothing about of community-led housing development, including housing co-ops and self-build housing.

**64) Do you agree flexibility relating to the size of market homes provided will better enable developments providing affordable housing?**

Strongly disagree

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

Developers and other housing providers should not be encouraged or allowed to provide smaller homes, below existing floorspace standards. Existing standards are already not generous.

**65) Would requiring a minimum proportion of social rent, unless otherwise specified in development plans, support the delivery of greater number of social rent homes?**

neither agree nor disagree,

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

The question is poorly phrased as outcomes are likely to be variable. The proportion and number of social rent homes in any new estate or neighbourhood is determined by the willingness and ability of social housing providers to build or acquire homes. The planning system is a crude policy instrument.

**66) Are changes to planning policy needed to ensure that affordable temporary accommodation, such as stepping stone housing, is appropriately supported, including flexibilities around space standards?**

There are many types of temporary accommodation. Most types involve the older housing stock. Temporary accommodation is commonly shared, otherwise known as houses in multi-occupation (HMOs) and is regulated by the Housing Acts as well as the town planning system. A growth in the number of poor quality HMOs has been a problem in town and city centres and some inner city areas. The existence of adequate management

systems for shared accommodation is a relevant consideration as to whether permission should be granted. Otherwise, draft policy HO9 mostly amounts to a restatement of existing good practice

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

The draft NPPF should recognise the importance of working with environmental health officers in determining the suitability of proposals for shared accommodation and HMOs.

**67) *Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites?***

Neither agree nor disagree

**a) *If so, would it be desirable to limit the circumstances in which cash contributions in lieu of on-site delivery can be provided – for example, should it not be permitted on land released from the Green Belt where the Golden Rules apply? Please explain your answer.***

67.1. The use of 'Golden Rules' is likely to be common in relation to green belt development, given that they apply to so-called 'major development' of 10 homes or more. Whether or not the proposal is on green belt land is irrelevant. A judgement needs to be made as to whether the use of a cash payment facilitates or limits the achievement of a socially mixed community. The potential circumstances are so varied as to preclude the use of 'agree'/'disagree' responses.

67.2. The use of cash payments in lieu of social housing raises numerous issues and risks and requires the highest standards of accountability. A cash payment should be subject to rules covering the source, the amount and the date of collection, the intended use as any payment, whether the cash has actually been used and for what purpose. The extent to which and how the proposals meet the rules should be shown by the publication of relevant information in a publicly accessible register.

**b) *If you do not believe applicants should have blanket discretion to discharge social and affordable housing requirements through commuted sums, do you think cash contributions in lieu of on-site delivery should be permitted in certain circumstances – for example where it could be evidenced that onsite delivery would prevent a scheme from being delivered? Please explain your answer.***

67.3. Building targets are not the only consideration. The quality of the scheme and its social sustainability is also crucial. It would be wholly undesirable to accept cash payments simply because a developer wants to keep out lower income households. Schemes should involve a mix of tenures. To mention the possibility of cash payments in lieu of social housing is an admission that housing policy is failing and needs to be reformed.

**68) What risks and benefits would you expect this policy to have? Please explain your answer. The government is particularly interested in views on the potential impact on SME housing delivery, overall housing delivery, land values, build out rates, overall social and affordable housing delivery, and Registered Providers (including SME providers).**

67.4. This is a research question that needs to be answered through case studies and interviews. The question is inappropriate for a general consultation on the planning system.

**69) What guidance or wider changes would be needed to enable Local Planning Authorities to spend commuted sums more effectively and more quickly? Please explain your answer.**

Spending commuted sums in the context of housing delivery depends on the ability of social housing providers to provide accommodation to persons in need, in the right place at the right time. This is a housing policy question that cannot be resolved by changes to the wording of national planning guidance. National policy should, however, encourage local councils and other housing agencies to build affordable social housing.

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

**a) If so, what elements and principles should this guidance set out? Please explain your answer. For example, guidance could make clear that contributions in lieu should be an amount which is the equivalent value of providing affordable housing on site, based on a comparison of the Gross Development Value of the proposed scheme with the Gross Development Value of the scheme assuming affordable housing was provided onsite.**

The calculation of cash contributions should be based on a realistic assessment of the cost of acquiring sites in the near locality and building the same number of new homes as is required in relevant planning policy statements.

**71) Do you support proposals to enable off site delivery where affordable housing delivery can be optimised to produce better outcomes in terms of quality or quantity?**

Neither agree nor disagree

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

This is a hypothetical question that cannot be answered in the abstract. A LPA would have to be certain that a better quality and larger scheme will be built elsewhere. The possibility of building good quality schemes off-site is not sufficient. The land has to be available at the time of any payment and a housing provider has to be contracted to do the work.

**72) Do you agree the with the criteria set out regarding the locations of specialist housing for older people?**

Strong disagree

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

- 72.1 The treatment of specialist housing in policy HO9 would benefit from a more imaginative approach, an approach that recognises the possible development of forms of accommodation that cut across the specialisms identified here. The treatment of specialist housing in the NPPF is, in effect, an invitation for and an endorsement of age-related segregation and so conventional in its description that it is likely to discourage innovation. To give some examples of the type of accommodation not covered, one possibility might be to provide free housing for students in homes for the elderly providing they provide a minimum of 30 hours social care a month. Another alternative might be to include a nursery within a care home so the generations can intermingle. Yet another alternative might for a home for the elderly to provide a restaurant open to the local community. All such innovations should be encouraged.
- 72.2 Innovative specialist housing will most likely work best in urban areas. For homes devoted wholly to the elderly, flat sites, away from hills, are usually considered more suitable for older people than a site on a steep slope. Care homes for older people may also be located in countryside locations simply because the residents rarely leave the building.
- 72.3 However, the question remains as to whether policy HO9 should, in the first case, be included in a national decision-making policy and whether it assumes that planning as a regulatory system has more power and influence than is realistic. The location of elderly accommodation schemes can be stated in a development plan, if this has proved an issue. There are some towns with a concentration of retirement homes and this places additional costs on local councils. A council may therefore be justified to place limits on the numbers of retirement homes in specific communities. Otherwise housing providers including the market providers have the main responsibility in determining whether sites are suitable. Local planning officers are not best placed to make a relevant judgement.

**73) Do you agree with the criteria set out regarding the locations of community-based specialist accommodation, including changes to the glossary?**

No comment

**74) Do you agree with the criteria set out regarding the locations of purpose-built student accommodation and large-scale shared living accommodation, including changes to the glossary?**

Neither agree nor disagree

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

- 74.1 The locational criteria for student housing are relatively simple. Student housing is usually located in a university campus or on sites that are close to a university or college campuses or one sites with a good bus or tram route to a university or college. It is unclear as to what a national decision-making policy statement would add to either national or local knowledge, however. The developers of student housing, including colleges and universities are likely to know, already, which areas students prefer.
- 74.2 In urban neighbourhood around colleges and universities, student housing is commonly in competition with employment sites or windfall sites needed for social housing. The NPPF should not suggest that the preferences of students should be given priority and certainly not in a statement of national decision-making policies. Instead, the development plan should seek to resolve competition for urban sites and so offer a way that the LPA can clearly formulate a strategy in favour of one group or activity rather than another.

74.3 Further, planning policy should encourage forms and locations of housing that allow or encourage different age groups to mix and support each other. The NPPF must not endorse the universal development of student housing as residential monoculture.

**75) Do you agree the proposals provide adequate additional support for rural exception sites?**

Partly disagree

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

To secure local acceptance, for example from Parish Councils and local landowners, rural exception sites should only be developed if the occupation is subject to a local occupancy condition.

**76) Do you agree with proposals to remove First Homes exception sites as a discrete form of exception site?**

Partly agree

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

A simplification of 'exceptional sites' is desirable. However, the policy rationale for the change is not explained in any detail.

**77) Do you agree proposals for a benchmark land value for rural exception sites will help to bring forward more rural affordable homes?**

Neither agree nor disagree

**a) If so, which approach and value as set out in the narrative for policy HO10 of the consultation document is the most beneficial for government to set out?**

There is no reference in policy HO10 for benchmark land values. Tinkering with the planning system or valuation rules will not increase the provision of affordable accommodation for groups in need. Increased investment in social housing of all types is required.

**78) Do you agree the proposals to set out requirements for traveller sites at policy HO12 adequately capture relevant aspects from Planning Policy for Traveller Sites, whilst ensuring fair treatment for traveller sites in the planning system?**

Neither agree nor disagree

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

Finding appropriate sites is still likely to prove difficult. The identification of sites should start in the local plan, as this is subject to an examination in public where an inspector can insist on fair treatment for travellers. It is misleading to include the policy under the heading of decision-making.

**80) Do you agree the proposals in policy HO13 will help to ensure development proposals are built out in a reasonable period?**

Partly disagree

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

The measure may help and is welcome for that reason but they will not guarantee the avoidance of delays. If a developer does not follow a timetable, the LPA may be reluctant to take further action knowing that enforcement and finding an alternative developer will cause even further delays. In any case, once building work has started, enforcement against further delays is impossible. The existence of short build out periods is, in any case, unlikely to have a widespread impact on the take-up and implementation of planning permissions for housing.

**81) Do you agree the requirements to take a flexible approach to the consenting framework for large scale residential and mixed-use development is sufficient to ensure the opportunities of large scale development are supported?**

Neither agree nor disagree

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

Calls for flexibility have to recognise the reality of interdependencies in planned development. Changes to a large-scale development project cannot be automatic and should also not be so great that they undermine the initial scheme rationale as stated in a masterplan or other planning policy statement.

**82) Are any more specific approaches or definitions needed to support the delivery of very large (super strategic) sites, including new towns?**

Yes

**a) Please provide your reasons.**

- 82.1 Civic Voice cannot comment on the location of new towns, as the proposed designated areas are very varied. Our comments are confined to the principle of new towns, including 'in-town, new towns' and their implementation.
- 82.2 The New Towns Taskforce has been clear in arguing for the establishment of development corporations as a delivery mechanism in large scale urban development. The corporations will need a board, staff and a masterplan. The first step is to fix the boundary of new towns and designate a development area. The best way to fix a boundary is through an adopted spatial development strategy. If a development corporation area is designated un advance of a spatial development strategy, the process of designation should be accompanied by consultations with the LPA and local residents.
- 82.3 Some caution is required, however. In a report entitled 'New Towns in 2025: a promise for the future without a strategy for the present' and available on the Civic Voice website, Civic Voice argued that new towns were a cumbersome and slow method of providing new homes. The report notes that even in the postwar heyday of new towns, these only accounted for 2.8 per cent of the total housing programme in England and Wales, with a further 1.1 per cent in expanded town schemes under legislation that gave local councils the power to develop local communities. The public sector funding context is, moreover, less favourable now than in the postwar years.

- 82.4 The experience of the post-war new towns as well as the Urban Development Corporations of the 1980s suggests the following:
- a) Because progress is likely to be slow, the government should anticipate that development corporations are long-term projects- at least 10 years for a full-scale new town or complex urban regeneration project. The development corporations will require both funding and funding guarantees for the duration. Premature closure will mean that they will not realise their full potential and will probably have negative consequences in terms of the range of community facilities provided.
  - b) The NPPF and government policy should avoid a false choice between 'super strategic' and other sites. A graduation of sites, large and small is necessary. The New Towns Task Force did not recommend a specific type of development corporation. Mayoral authorities should be encouraged to establish community development corporations to deal with smaller sites and generate quicker results, for example around rail hubs. Existing provisions for Mayoral Development Corporations give these the power to prepare local plans, assemble land, provide infrastructure, undertake local improvement work, including in the case of development around stations and tram stops, facilitate pedestrian access.
  - c) The draft NPPF should recognise development corporations as agencies for job creation and job upskilling, not just the provision of housing units. For this reason, their role should be recognised in PM1, dealing with spatial development strategies.
- 82.5 Whatever the model used for a development corporations, its operations should be subject to the highest standards of financial accountability and should seek to engage local communities in decision-making and place making.

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

No comment

**84) Do you agree that more emphasis should be placed on relevant national strategies and the need for flexibility in planning for economic growth, as drafted in policy E1?**

Partly disagree

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

- 84.1 The Planning and Infrastructure Act missed the chance to prepare a national spatial strategy that would indicate growth areas, growth zones and growth clusters. There is no national spatial strategy for economic growth. Civic Voice supports the creation of a national spatial strategy that would simplify the application of multiple national policies, not just for economic growth as such, but for the supporting infrastructure and for new towns. Without a national spatial strategy, the scope of a local economic vision will prove limited.
- 84.2 The policies included in E1 are appropriate to a city-region or county wide spatial development strategy, rather than a local development plan mostly concerned with land allocations. A city region or county level is better suited to working out the various priorities of regeneration, market-led growth and environmental protection. Business clusters, networks and sites for knowledge-based industries are in any case likely to serve an extensive labour market that goes beyond the local. Much depends therefore on the shape of local government in the immediate future. There is a risk that in two-tier authorities, different Councils will work against each other. The draft guide needs to

articulate with greater clarity the relation between the spatial development strategy and local plans in promoting and implementing economic strategies.

- 84.3 Civic Voice welcomes the inclusion in paragraph E1.1a of a recognition that strategic and local strategies for economic development and regeneration are relevant to employment and industrial land allocation. Short-term market signals are not the only consideration.
- 84.4 The encouragement of business land provision in the draft NPPF is so unqualified that it ignores questions of competition for sites in inner city and other areas. The allocation of land housing should seek a balance between different claims on land and also a balance between the requirements of the labour market and those of housing. Depending on the balance in local areas, employment areas should be protected from housing development and this should be shown clearly in a development plan.

**85) Do you agree with the approach to meeting the need for business land and premises in policy E2?**

Neither agree nor disagree

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

The reference in clause E2.1a to supporting 'the economic vision and strategy for the area' is welcome. Local councils should possess economic strategies, especially for lower income areas and communities. The repeated separation of local plan-making policies and national decision-making policies is confusing, however. The decision-making policies for business land should apply the economic strategies stated in a Spatial Development Strategy. Elsewhere this response has stated that the NPPF description of a Spatial Development Strategy should include an economic dimension and should not assume that all communities and all towns and cities are experiencing growth.

**86) Do you agree with the proposed new decision-making policy supporting freight and logistics development in policy E3?**

Neither agree nor disagree

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

- 86.1 Freight and logistical development is commonly on a very large scale and involves imposingly large structures that dominate local landscapes. The provisions in paragraph E3.1b are welcome. It is good that freight and freight and logistics should 'be sited and designed to limit environmental impacts (such as through the co-location or intensification of facilities to limit vehicle movements, and sensitive building design and landscaping). The impact on local residents or other neighbouring uses should be acceptable',
- 86.2 However, exactly because freight and logistic schemes are so large, the location of such development should surely be fixed in the first instance in a development plan, together with a statement of the conditions in which development might proceed. It would be undesirable if large-scale development with multiple implications were encouraged outside the framework of a development plan. The repeated separation in the draft NPPF of plan-making and decision-making policies is not helpful.

**87) Do you agree with the approach to rural business development in policy E4?**

Neither agree nor disagree

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

The policy presupposes the definition of a 'rural area' and the consistent application of that definition throughout England. Please clarify where and under what circumstances the policy will apply and whether this policy applies only to designated rural areas.

**88) Do you agree with the proposed changes to policy for planning for town centres?**

Partly agree

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

88.1 The policy has aspects that are currently good practice- for example broadening the mix of uses and using design guides, design codes and masterplans to support a vision for town centres. It would also be desirable to include a reference to the use of advisory plans that go beyond specific projects, as is the usual meaning of a masterplan. It is no longer necessary to specify a local hierarchy of centres. Retail patterns are too volatile to identify a stable hierarchy.

88.2 Policy TC1.1d is problematic and should be removed. The policy states 'Where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre.' Unique town centre uses no longer exist. Everything can be done in suburban or out-of-town locations. Retailing is the type of use most closely associated with centres in the past. Given current retail trends, the provision of additional retail on the edge of a centre is likely to promote further decline and increase vacancies elsewhere.

**89) Do you agree with the approach to development in town centres in policy TC2?**

Partly agree

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

There is nothing objectionable in policy TC2, but planning policy is not the main cause of town centre decline.

**90) What impacts, if any, have you observed on the operation of planning policy for town centres since the introduction of Use class E?**

90.1 The additional flexibility given by Use Class E has assisted in reducing vacancy rates in town centres that are prospering. Here, the existence of Class E facilitates easier adaptation of occupiers to changing consumer demand. Its impact is much less in centres in serious decline, where no business wants to relocate or start up.

90.2 In addition, since the introductions of use class E, the control of take-aways has become more difficult. Strictly speaking, class E does not include take-aways. However, once a restaurant (included in Class E) is in business, it is impossible to prevent customers taking out hot food. Concentrations of take-aways damage the image of town centres.

**91) Do you believe the sequential test in policy TC3 should be retained?**

Strongly disagree

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

The sequential test has become overtaken by events. Suburban and out-of-town centres are also experiencing increased difficulties in maintaining a trade. In addition, the

provision of local centres, with supermarkets, food stores, restaurants and perhaps a chemist is a necessary part of the equipment of residential suburbs, even if those facilities are in competition with a town centre.

**92) Do you agree with the approach to town centre impact assessments in policy TC4?**

Partly agree

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

The term 'town centre impact' should be changed to 'retail impact'. Some form of impact assessment is necessary for any proposal for large out-of-town centres.

**93) Do you agree that the updated policies provide clearer and stronger support for the rollout of 5G and gigabit broadband?**

No comment.

**94) Do you agree the requirements for minimising visual impact and reusing existing structures are practical for applicants and local planning authorities?**

No comment.

**95) Do you agree the supporting information requirements are proportionate and sufficient without creating unnecessary burdens? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

No comment

**96) Do you agree with the approach to planning for energy and water infrastructure in policy W1?**

No comment

**97) Do you agree with the amendments to current Framework policy on planning for renewable and low-carbon energy development and electricity network infrastructure in policy W2?**

No comment.

**98) Do you agree with the proposed approach to supporting development for renewable and low carbon development and electricity network infrastructure in policy W3?**

Partly disagree

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

98.1. There are multiple overlaps with the plan making section and also with policies for climate change mitigation. In the response to question 43, Civic Voice has stated that national guidance should state explicitly that LPAs

- 'may include a condition in all planning permissions requiring a connection to a district heating or energy network where one exists and is in good working order.
- 'can require the inclusion of photovoltaic panels on the roofs of all new and converted buildings and require in addition that the facility exists for these panels to be connected to the electricity supply network'.

98.2. Policy W3.2 is obscure and risks damaging discussion of the right location for renewable and low carbon infrastructure. It is legitimate to argue against the need for the relevant infrastructure in a particular location, whilst accepting the general need for a low carbon transition. It is also legitimate to require a developer to demonstrate that a particular project will actually benefit a low carbon transition and is therefore needed for that transition. Civic Voice fears, in any case, that this provision if implemented will be challenged in the courts.

**99) Do you agree with the proposed approach to supporting development for water infrastructure in policy W4?**

Partly disagree

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

The policy covers development where 'it is not already covered by permitted development rights and does not require approval through the Nationally Significant Infrastructure Projects regime'. As a result, the policy is likely to involve relatively small, but controversial projects. Clause W4.2 repeats the fault of Policy W3.2. It is legitimate to argue against the need for the relevant infrastructure in a particular location, whilst accepting the general need for a low carbon transition. It is also legitimate to require a developer to demonstrate that a particular project will actually benefit a low carbon transition and is therefore needed for that transition. Civic Voice fears that this provision in the proposed NPPF will be challenged in the courts.No comment.

**100) Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance?**

No comment

**101) Do you agree with how policy M1 sets out how the development plan should consider oil and gas?**

No comment

**102) Do you agree with the proposed addition of critical and growth minerals to the glossary definition of 'minerals of national and local importance'?**

No comment

**103) Do you agree criteria b of policy M2 strikes the right balance between preventing minerals sterilisation and facilitating non minerals development?**

No comment

**104) Do you agree policy M3 appropriately reflects the importance of critical and growth minerals? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

No comment

**105) Do you agree with the exclusion of development involving onshore oil and gas extraction from policy M3?**

No Comment

**107) Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply?**

No Comment

**109) Do you agree with approach to coal, oil and gas in policy M5?**

No Comment

**110) Are there any other exceptional circumstances in which coal extraction should be permitted?**

No Comment

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

No Comment

**112) Do you agree policy M6 strikes the right balance between preventing the sterilisation of minerals reserves and minerals-related activities, and facilitating non-minerals development?**

No Comment

**113) Does policy M6 provide sufficient clarity on the role of Minerals Consultation Areas?**

No Comment

**114) Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land?**

Partly agree

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

115.1 The efficient use of land is an important policy aim and leads directly to related policies that seek to raise urban densities. It is important to increase densities to promote walkable

and accessible urban areas as well as efficiency in land take. However, it is also important to increase densities in a careful and considerate way so as to avoid opposition from residents who wish to retain the character of their cities, towns and villages.

- 115.2 Policy L1 is merely a starting point and will take years to have any impact. Policy L1.1 essentially asks the LPA to review existing policies and the existing built fabric to determine the possibilities for higher densities. This is a major task that will require the allocation of skilled staff for the purpose and also requires close coordination with local design guides. Elsewhere, this consultation response has called for the testing of methodologies in the plan examination in public. The assessment of density levels is an example where the methodology is a critical but as yet neglected aspect of plan making.
- 115.3 Local plans, or possibly design guides and codes associated with a local plan, should also indicate the mix and form of house types appropriate to different density levels and locations. High density/ low rise (terraces and flats up to three or four storeys) should be commended as the most usual form of development for residential densities in the range from about 40 to 50 dwellings per hectare. In addition, local plans should indicate where high rise housing and high rise mixed use schemes may be considered, for example in and around central areas. High rise is a potentially sensitive issue and local planning authorities may avoid discussing the subject so as to minimise controversy. High rise is, nevertheless, becoming more common in almost every large and medium sized city.
- 115.4 Local plans should also state that, at all density levels, schemes will involve mixed use, possess a social mix of different tenures and dwelling sizes and will be accompanied by landscaping and green space requirements. It would be undesirable if high density and/ or high rise became associated only with social housing as occurred in the 1960s. It would be equally undesirable if developers provided entire neighbourhoods of small one and sometimes two person flats as is a current risk.
- 115.5 Local plan policies for tall buildings should also contain safeguards in the form of a list of protected views, for example of local landmarks, that should not be blocked by upward extensions.
- 115.6 Measures of residential density are an unreliable indicator of either the quality or the character of small-scale schemes, say under 5 dwellings. The problem lies in varying interpretations of the net residential area (or net developable area) and in particular in varying interpretations of the area devoted to access roads. Minimum density standards should not be applied to schemes of less than 5 dwellings and certainly not to the development of single dwellings. The NPPF and Local Plans should therefore specify a scheme size below which the policy will not apply.
- 115.7 Mixed use schemes are another form of development where residential density measures are unreliable. Mixed use is likely to be concentrated in town and city centres. For this reason, clause L1.1iii requires either amendment or deletion. To an extent, the NPPF and local plans should specify an appropriate minimum residential level or a band of appropriate density levels, but should add the phrase 'or its equivalent for mixed use schemes.' However, it is impossible to say how an equivalent might be expressed in a plan. Given other policies encouraging higher densities, it may be simpler to delete clause L1.1iii.
- 115.8 The policy to increase densities may be in contradiction to policy PM13 concerned with limiting the use of quantitative standards. High density/ low rise schemes, say more than 40 dph, are commonly more difficult to design, whilst higher density low rise and high rise schemes generally require close and careful regulation of external space requirements. The NPPF statement of design principles should state that the form and type of design regulation will vary with the planned density of development.

**116) Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land?**

Partly agree

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

- 116.1 The policy is, in principle, sound. However, the policy is not just a 'national decision-making policy', as is suggested by the heading. 'Remediating despoiled, degraded, derelict, contaminated or unstable land' is, for example, also a sound and desirable principle in the allocation of sites in a local plan. Other aspects of policy L2 would be suitable for inclusion in a design guide or code that is itself part of a local plan. Civic Voice has argued elsewhere in this consultation that the draft NPPF has formulated the plan/decision-making (or control) distinction in a rigid and unhelpful manner.
- 116.2 Clause L2.1c begs a series of questions. The clause is about 'Making effective use of previously developed land and buildings through temporary uses'. 40 years has been accepted by planning inspectors as 'temporary' for electric battery storage units. 40 years is far too long. 'Temporary' needs defining. Further, even if the planning permission lasts five years, there is a risk that it will be continued over and over again until it becomes permanent. The clause should add the qualification 'so long as the temporary use has to be acceptable in its own right'.

**117) Do you agree policy L2 identifies appropriate typologies of development to support intensification?**

Strongly agree

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

The term typology is probably exhaustive of all possibilities. It is not necessary to go into more detail. However, if more detail is considered appropriate, mention might be made of the conversion of unused or underused industrial buildings such as the mills of the north of England.

**118) Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy?**

Partly agree

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

- 118.1 The building of additional floors to an existing building should not block significant local views that are an essential part of the local townscape. The Local Plan should list significant views that need protection. An additional safeguard should be specified in policies L2.1d and L1, the latter dealing with the scope of the Local Plan.
- 118.2 The NPPF should state that the conversion of buildings into houses in multiple occupation is subject to additional controls as to the suitability of the facilities, the safety and suitability of the internal layout and the adequacy of the methods of refuse disposal.

**119) Do you agree policy L2 (d)(i) achieves its intent to enable appropriate development that may differ from the existing street scene, particularly in cases such as corner plot redevelopment and upwards extensions.**

Strongly disagree

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

Clause L2.di. states that proposals should be consistent with the overall street scene other than a series of exceptions. The policy is acceptable. However, the policy should say that any proposals should be consistent with national design guidance policies and with a local design guide where one exists.

**120) Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages?**

Partly disagree

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

- 120.1 Clause L2.diii is about controlling development in residential curtilages, in practice nearly always in back gardens. Such development is inevitable and already underway in many places. However, Civic Voice is also aware that back garden development can also prove contentious and has sensitive implications for neighbours and the character of the area.
- 120.2 As currently phrased, the policy is to prevent development occupying more than twice the footprint of the existing building on the site, whilst retaining at least 50% of the non-developed area within the building curtilage. Some safeguarding is necessary to protect garden spaces. The policy looks very rigid, however and raises multiple uncertainties. How would outbuildings and other structures such as garages, garden sheds, saunas or swimming pools be treated? Is a garden shed part of the non-developed area, for example? What about the new style of detached homeworking offices? Would, in addition, the creation of new access point and parking areas count as part of the developed or non-developed area?
- 120.3 In curtilage garden development needs to be controlled by more precise measures and, in addition, by measures that deal with the consequences. The relevant clause should state that garden development should not be permitted if the proposal has any of the following characteristics:
- a) is contrary to sunlight and daylight standards that impact of adjoining properties and their gardens;
  - b) adversely affects the privacy and enjoyment of adjoining properties and their gardens;
  - c) causes problems in the placing of refuse bins or other problems in refuse disposal;
  - d) causes a significant increase in street carparking in residential areas where street carparking is already inadequate;
  - e) involves the felling or removal of trees or large bushes.
- 120.4 A further issue, of a more general character, is that planning control is not the only regulatory framework affecting development in a residential curtilage. The building regulations and the Party Walls Act are also relevant. Householders may read the NPPF or more likely a local council summary and assume wrongly that conformity to planning rules is sufficient, when it is not.

**121) Do you agree policy L3 provides clear guidance on achieving appropriate densities for residential and mixed-use schemes?**

Partly disagree

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

- 121.1 The achievement of appropriate densities is, in the first instance, the product of a well-prepared local plan and should be discussed under the heading of plan preparation. Planning practice in England should look to practice in other European countries where densification policies are already in place. The policies are varied locally and given detailed substance in local plans. A national policy such as L3 is likely to prove vague and open to different interpretations. In any case, as stated in the draft NPPF, the impact of policy L3 will be diminished by policy S4 that gives a presumption in favour of 'sustainable development' within settlements. Resolving the conflict between policies L3 and S4 will delay decision-making and is a consequence of a general tendency in the draft to underplay and undermine the role of the development plan.
- 121.2 Clause L3.2 states 'The existing character of an area should be taken into account, in accordance with policy DP3, but should not preclude development which makes the most of an area's potential.' Given the proposed presumption in favour of development in existing settlements, the clause will result in schemes that ignore local character and will be out of scale. Instead clause L3.2 should be revised as follows; 'Existing local character, where it is well regarded, should be a major planning consideration, and in conservation areas, heritage assets and listed buildings it should be awarded very significant weight in planning decisions'.

**122) Do you agree with the minimum density requirements set out within policy L3?**

Partly disagree

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

- 122.1 Paragraph L3.3 specifies a minimum density of 50 dwellings per hectare in the vicinity of a 'well-connected' station or stop, that is a station or tram stop in an urban journey-to-work area with two trains or trams in each direction during daytime. A minimum density of 50dph is too high and too prescriptive. The provision of conventional two storey family housing, even as terraces, becomes difficult once net densities exceed about 45 dph. There are, almost certainly, areas, where it is desirable to provide or retain conventional family houses around train and tram stops. In addition new housing should be encouraged in urban and travel work areas around stations with only one service every hour in each direction.
- 122.2 The frequency of rail services varies during the day. An average of one service in the daytime may conceal a more frequent service at peak commuting hours. The clause does not cover a situation in which the average service during the day is 1.5 or 1.7 in each direction. In any case, one service an hour can still support commuting and other forms of travel. Paragraph L33 should specify a minimum density of 40 dph in the vicinity of all stations and tram stops.
- 122.3 In addition, the potential around stations and tram stops will only be fully realised by interventions to improve pedestrian access and resolve land constraints. Pedestrian access may be hindered by busy roads or by the existence of access points on only one side of the railway line.

- b) Could these minimum density requirements lead to adverse impacts on Gypsies and Travellers and other groups with protected characteristics? Please provide your reasons, including any evidence.**

There is no obvious or established way to measure the density of existing travellers' sites in a way that is comparable to other forms of housing. The impact of minimum density requirements on travellers' sites is therefore impossible to assess without further, empirical studies.

- 123) Do you agree that using dwellings per hectare is an appropriate metric for setting minimum density requirements? Additionally, is our definition of 'net developable area' within the NPPF suitable for this policy?**

Partly agree

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

- 123.1 If the planning guidance could start with a clean slate, the number of habitable rooms or possibly bedspaces per hectare would provide a more accurate measure of conventional housing, though not the intensity of development on travellers' sites. Dwellings per hectare is the established measure and is familiar to developers and other practitioners. The measure should not be changed. However, the use of dwellings per hectare as a density measure rather than habitable rooms encourages developers to achieve high density targets through the use of small flats. As a result countervailing policies are required to encourage higher density schemes with a mix of unit size.
- 123.2 The draft definition of net developable area includes 'access roads within the site'. A more accurate definition is to include access roads within the site and half the width of adjoining access roads.

- 124) Do you agree with the proposed definition of a 'well-connected' station used to help set higher minimum density standards in targeted growth locations? In particular, are the parameters we're using for the number of Travel to Work Areas and service frequency appropriate for defining a 'wellconnected' station?**

Partly disagree

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

Within an urban journey to work area, an average frequency of one service per hour is sufficient to permit and encourage development.

- 125) Are there other types of location (such as urban core, or other types of public transport node) where minimum density standards should be set nationally?**

No. Density variations between English cities are too variable.

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

Not applicable

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

No. Some urban design textbooks define a range of residential densities around stations. The US concept of 'transit-oriented development' is an example. These are theoretical constructs and should not be included in national policy, certainly not in the diversity of urban environments found in England.

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

Not applicable

**128) Do you agree policy L4 provides clear high-level guidance on good design for residential extensions?**

Partly disagree

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

Though apparently intended to complement locally produced design guidance and codes, the draft clause L4.1a does not say this. Instead, through a reference to 'blend', the draft clause would damage the prospects for building extensions using innovative architecture. Good design can involve the use of a contrasting style, rather than a pastiche that results in a superficial blend with the original. Clause L4.1b risks damaging the amenity of nearby residents. Extensions to existing buildings are best assessed on functional criteria of whether they adversely affect the sunlight, daylight and other amenities of neighbouring properties, including gardens.

**130) Do you agree that policy GB1 provides appropriate criteria for establishing new Green Belts?**

Partly agree

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

Small green belt extensions should be permitted in the preparation of local plans if they result in a more compact form of development or provide compensation for the loss of green belts around stations and elsewhere.

**132) Do you agree policy GB2 gives sufficient detail on the expected roles spatial development strategies and local plans play in assessing Green belt land?**

Strongly agree

**133) Do you agree with proposals to better enable development opportunities around suitable stations to be brought forward?**

Partly disagree

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

The question is not obviously related to any clause in green belt policy. The term 'development opportunities' needs to be defined. The potential gains in housing numbers

may, in any case, not prove substantial around stations and tram stops without public intervention.

**134) Do you agree the expectations set out in policy GB5 are appropriate and deliverable in Local Plans?**

Strongly agree

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

The uplift in land values consequent on planning permission are so high that a requirement for community benefits is feasible.

**136) Do you agree policies GB6 and GB7 set out appropriate tests for considering development on Green Belt land?**

neither agree nor disagree,

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

The tests should certainly not be relaxed further, but this is another example of a very wordy policy subject to interpretation.

**137) Do you agree policy GB7(1h) successfully targets appropriate development types and locations in the Green Belt, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?**

Partly disagree

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

138.1 Mixed use needs to be defined. If predominantly housing is intended this should be made clear. The term could include a mix of warehouses, shops and a petrol station.

138.2 The definition of 'well-connected' is irrelevant in urban travel to work areas. The policy statement is very detailed but does not add anything that would help a qualified planning officer or team of officers. The impact on travellers would have to be assessed pragmatically on the specifics of each case.

**139) Do you agree that site-specific viability assessment should be permitted on development proposals subject to the Golden Rules in these three circumstances?**

neither agree nor disagree

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

In general, public bodies should not become involved in viability assessments, certainly not on green belt sites. The release of green belt sites for development releases a huge uplift in land values. The viability of a project is likely to depend crucially on the price paid by a developer for the relevant parcel of land. The price should reflect its value after all planning obligations are included.

**140) With regards to previously developed land, are there further changes to policy or guidance that could be made to help ensure site-specific viability assessments are used only for genuinely previously developed land, and not predominantly greenfield sites?**

If this is the view of government, LPAs and developers should be told that site-specific viability assessments will only be undertaken for brownfield and previously developed sites.

**141) Do you agree with setting an affordable housing 'floor' for schemes subject to the Golden Rules accompanied by a viability assessment subject to the terms set out?**

Strongly disagree.

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

If planning obligations risk damaging the viability on proposed development on greenbelt land, the schemes should not go ahead.

**143) Do you agree with local planning authorities testing viability at the planmaking stage using a standardised Benchmark Land Values scenario of 10 times Existing Use Value for greenfield, Green Belt land?**

Partly agree

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

10 times existing use value is already very generous. As suggested in the explanatory document, a higher ratio should not generally be acceptable.

**144) Do you have any other comments on the use of nationally standardised Benchmark Land Values for local planning authorities to test viability at the plan-making stage?**

No

**145) Do you agree that proposed changes to the grey belt definition will improve the operability of the grey belt definition, without undermining the general protections given to other footnote 7 areas?**

strongly disagree.

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

145.1 The draft NPPF removes protection for Footnote 7 area. In existing guidance, footnote 7 allows full green belt protection to

- heritage assets, including listed buildings of all grades, ancient monuments, historic landscapes and the sites of battles, whose significance depends on their site being in an open setting.

- recreational areas, including informal recreational areas and local open space.

145.2 The definition of grey belt should be amended to state that land designated as green belt should not be classed as grey belt where the green belt status protects the setting of heritage assets or equally where the greenbelt helps protect recreational areas of all types. Footnote 7 offers a necessary layer of protection and, contrary to the rationale

given in the explanatory document 'Proposed reforms to the National Planning Policy Framework' the implications are not difficult to interpret.

- 145.3 The change in definition is itself unsettling. When the announcement of grey belts was announced in late 2024 it seemed reasonable to some people. However, the proposals now go well beyond that and in some LPA areas have effectively undermined local development plans, even if recently adopted. The draft NPPF now proposes yet another expansion of the grey belt. National planning guidance should seek to promote stability and avoid introduce repeated shifts in the definition of key planning concepts.

**146) Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes?**

Partly disagree

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

- 146.1 It was always doubtful whether all LPAs had sufficient capacity to prepare design guides, codes and place-making devices for all their area. The draft NPPF adopts a more selective and realistic approach, focusing on priority themes and areas. Civic Voice welcomes are renewed focus on specific local design guides and codes. However, the policy statement requires some modification.
- 146.2 LPAs should be encouraged to use and update district-wide design guides if they already exist.
- 146.3 Clause DP1.1b gives examples of where 'design guides, design codes and masterplans are necessary to deliver design and placemaking outcomes.' The phrase means that place making devices are optional and this is correct given scarce staff resources. However, the list of examples is too narrow. A revised list should read 'town and city centres, regeneration areas, suburban areas where there is scope for intensification, areas within or close to designated conservation areas and areas containing or adjoining lakes, rivers and other features of importance for landscape, drainage or ecological reasons.'

**147) Do you agree with the approach to design tools set out in policy DP2?**

Partly agree

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

- 147.1 Given the need for urban intensification and urban densification, an additional clause needs to be inserted requiring the content of place making devices to be consistent with the densities envisaged in the development plan or in national decision-making policy.
- 147.2 Civic Voice welcomes the reference to community engagement in policy DP2.1b.

**148) Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places?**

Partly disagree

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

- 148.1 Policy DP3 goes over much of the material included in the introduction to another policy document currently under consultation and entitled 'Design and Placemaking: Planning Practice Guidance'. Repetition and duplication should be kept to a minimum for stylistic reasons. The list of principles is long and extensive, but it remains too general to be, in

- itself, of direct application when assessing or producing proposals. It is surely possible to provide a concise summary and then refer to the specific guidance given elsewhere.
- 148.2 In addition, the list gives the impression of being applicable mainly to large new build projects. A clarification should be given that the same principles are applicable to urban and estate regeneration.
- 148.3 Given public concern, more attention in DP3 should be given to the principles of 'Secure by design' and more broadly to the issues of addressing crime and anti-social behaviour through design. A word search has found no reference to secure by design in the draft NPPF. Anti-social behaviour is mentioned once in the context of controlling take-away food sales. Reference to security through design would, moreover, be more appropriate in the design and place-making chapter than in the policy clauses dealing with public security,
- 148.4 The fear and the reality of crime and of anti-social behaviour is a recurrent problem in town and city centres and also in some run-down housing estates. Lack of security is commonly the main complaint in unpopular housing estates and a major cause of declining footfall in towns and city centres. Measures to improve security are therefore central to urban and estate regeneration schemes and should be explicitly mentioned.
- 148.5 Clause DP3 states 'Development proposals that are not well designed should be refused, when assessed against this policy and local design policies, guides, codes and masterplans set out in the development plan.' The last words 'set out in the development plan' should be removed. LPAs sometimes prepare masterplans outside the development plan cycle to deal with urgent problems. Town and city centre regeneration, together with applications for significant suburban extensions are examples. A masterplan adopted outside the development plans counts as a material consideration.

**149) Do you agree with the proposed approach to using design review and other design processes in policy DP4?**

Partly agree

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

Civic Voice welcomes the encouragement for LPAs to establish and use design review panels.

**150) Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through planmaking?**

partly agree,

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

Civic Voice agrees with the principle of vision-based, rather than the trend-based, motor vehicle oriented transport planning of the pasts. The main concern is whether the NPPF will provide the basis for an integrated transport vision and go beyond considerations of site specific connectivity analysis. In some cities, especially in the north of England, the credibility of vision-based transport planning has unfortunately been damaged by delays to rail and tramway projects. Development plans, above all the spatial development strategy should contain a mix of short-term and long-term measures, including a credible and realistic timetable.

**151) Do you agree that policy TR2 strikes an appropriate balance between supporting maximum parking standards where they can deliver planning benefits, and requiring a degree of flexibility and consideration of business requirements in setting those standards?**

Partly agree

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

The policy may be interpreted as saying that all development requires parking and a parking standard. The use of a zero standard should also be allowed, explicitly. A zero or no parking standard would be used for locations with a high level of public transport connectivity and where parking is not a necessary aspect of the use. Housing in town and city centres is an example.

**152) Do you agree with the changes proposed in policy TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool?**

Strongly agree, there have been too many large-scale, out-of-town motor traffic generating schemes.

**153) Do you agree that proposed policy TR4 provides a sufficient basis for the effective integration of transport considerations in creating well-designed places?**

Partly agree

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

153.1 Policy TR4 is aspirational and is not easily accomplished.

153.2 One of the major design elements in streets is the 'street furniture' that is mostly generated by highway needs, but also by statutory bodies and commercial advertisers. Uncoordinated and installed ad hoc, these elements usually contribute to clutter, inconvenience and detract from local character. Additionally, many streets have surfaces and materials that are a valuable part of local character – granite kerbs and setts, York stone etc, which are often ignored or become damaged by piecemeal road works and excavations

153.3 Clause TR4.2 should state 'The principles set out in national design guidance *and in adopted local design and design codes* should be used to inform how this policy is applied. The words in italics are additional. In addition, a further policy clause should be inserted to encourage a more holistic and creative design approach to works and signage on the public highway.

**154) Do you agree with policy TR5 as a basis for supporting the provision and retention of roadside facilities where there is an identified need?**

partly disagree,

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

Development proposals for roadside facilities should not be allowed if they pose an additional risk to road safety.

**155) Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and travel plans will be required, and for considering impacts on the transport network?**

Strongly agree, nothing to add.

**156) Do you agree the proposed text in policy TR7 provide an effective basis for assessing proposals for marine ports, airports and general aviation facilities?**

No comment.

**157) Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8?**

Strongly agree, nothing to add.

**158) Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards?**

Partly agree

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

- 158.1 The sharp and recurrent distinction between plan-making and national decision-making again offers a poor and confusing framework. It is most unclear as to why policy HC1 is not a decision-making policy, as well as a plan-making policy. For example, local standards as expressed in HC1.1d, a plan-making policy, are equally relevant to decisions about development applications. There is, moreover, no discussion of how planning for healthy communities relates to the distinction between a spatial strategy and a local plan. Elsewhere in this response, Civic Voice has argued that the spatial development strategy should offer a strategy for urban regeneration, with priorities for investment. Further, if the policy is to have a degree of public credibility, the promotion of healthy communities must apply to existing settlements as well as new development and should be tied into urban and estate regeneration. In separating out plan-making and national decision-making the significance of regeneration has been forgotten,
- 158.2 Local plans should indicate standards of recreational provision, as is suggested and required. However, this is a new and potentially heavy responsibility for LPAs. Clause HC1.2 should add 'sports organisations' to the list of bodies and groups. Clause HC1.2 should start  
'In planning for community facilities and public service infrastructure, authorities should engage proactively with local communities, sports organisations and service providers'.
- 158.3 The technical aspects of setting community and sports standards should be covered in a new annex to the NPPF. Government should prepare that annex after consultation with national bodies. Such an annex would simplify and reduce the task of local consultation, so speeding up both plan-making and decision-making.
- 158.4 Setting standards also requires LPAs to identify and survey every parcel of land used for recreation, including informal recreation and sport. The current generation of local plans do not always do this, at least not on a consistent basis. If existing recreation and sports sites are not mapped, the application of local standards showing a surplus or deficiency becomes impossible. If the same sites are not mapped and included in a local plan

policies map, they will be lost under the proposed presumption for development in existing settlements.

**159) Do you agree that Local Green Space should be 'close' to the community it serves?**

Strongly disagree

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

- 159.1 The draft NPPF assumes that the only green space is local green space. That is simply wrong. Towns and cities in England contain parks that are intended for the enjoyment of all. The central and inner city areas of large English cities, notably London but also Sheffield, Leeds, Manchester and Liverpool are deficient in greenspace so that residents have to travel out to suburban areas where the large parks are located. Most of these older parks are likely to be protected by their heritage status, but not all have a sufficiently high listed status to merit protection. Under the policy that establishes a presumption for development in existing settlements, urban parks may be vulnerable to development in a way that is unacceptable. Urban areas also contain green spaces in the form of playing fields that have a very wide catchment area.
- 159.2 To ensure protection of even local green space, LPAs will need to map local and other green space and show this in the development plan. The proposed NPPF should state this explicitly.

**160) Do you agree that the proposed policies at HC3 and HC4 will support the provision of community facilities and public service infrastructure serving new development?**

Partly agree

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

The sentiments are praiseworthy. Implementation may prove difficult.

**161) Do you have any views on whether further clarity is required to improve the application of this policy, including the term 'fast food outlets', and the types of uses to which it applies?**

No

**162) Do you agree with the proposed approach to retaining key community facilities and public service infrastructure in policy HC6?**

Strongly agree

**163) Do you agree with the approach taken to recreational facilities in policy HC7, including the addition of 'and/or' with reference to quantity and quality of replacement provision?**

Partly agree

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

LPAs have little experience in assessing proposals that adversely affect playing fields and sports facilities as they have relied on Sport England to do the work. They may also be

tempted to accept development proposals on sports facilities for financial reasons or to minimise pressures to use other development sites. The draft NPPF should indicate that playing fields and sports facilities should not be included in sites used to calculate available land for housing. The community engagement requirements should also be strengthened. Pre-engagement by developers may be insufficient to cover sports organisations, as well as the local community.

**164) Do you agree with the clarification that Local Green Space should not fall into areas regarded as grey belt or where Green Belt policy on previously developed land apply?**

Partly disagree

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

Policy HC8 is in need of clarification. Land used for local green space and meeting the definition of meeting community needs should be shown on a policies map in a local plan. Where a local plan does not do this, local green spaces should still protected, whether located in green belt, grey belt or elsewhere.

**165) Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans?**

Partly disagree

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

- 165.1 The relevant policies do not deal with the risks of plan preparation, but with the risks of human activities and natural hazards. The pollution chapter is yet another example of how the separation of plan-making from national decision-making overcomplicates guidance and leads to effective duplication of policy aims, even if the wording varies.
- 165.2 Policy P1.1a should encourage LPAs to identify those areas where ground conditions and/or the need for environmental improvements require the preparation of a masterplan to facilitate development in an acceptable manner.
- 165.3 To clarify the implications for all parties, Policy P1.1b should define 'unacceptable' with reference to other national sources of guidance and should also state how the policies apply to temporary or time limited pollution. Policy M4 in the draft guidance refers to 'noise, dust and particle emissions' as well as vibration. It would be helpful if the definition of pollution were the same throughout. Policy P3 also uses a slightly different and more detailed definition of pollution. The NPPF should be consistent in its treatment of pollution.

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

A reference to master planning needs to be incorporated into either the plan-making or the decision-making sections of the NPPF or both.

**167) Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution?**

Partly disagree

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

Policy P3.1a should be amended as follows: 'Mitigate the effect of existing pollution on the site to secure acceptable conditions for occupiers and users and take opportunities to reduce pollution affecting the wider area.' Where a site is polluted a developers should always mitigate site pollution, not just 'where necessary'. Developers should always reduce pollution affecting a wider area, not just 'where possible'. As phrased, policy P3.1a undermines other policies in favour of clean, healthy urban environments, including those specified in development plans.

**168) Do you agree policy P4 makes sufficiently clear how decision-makers should apply the agent of change principle?**

Partly disagree

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

Policy P4 is about the impact of development on existing users of all types (businesses, residents, public services) where, as a consequence of that development, they may face restrictions on their activities or a reduced quality of environment. The policy should recognise the necessity of public consultations in such circumstances. Clause P4.2a mentions the necessity of 'early discussions between the applicant (i.e. the 'agent of change') and those existing uses which could be affected by the proposal'. The clause does not recognise the necessity of the LPA considering the views and comments of businesses or the public. In addition, the reference in the same clause to 'use' is inappropriate. A 'use' is not a person or a group. Only a user can hold a discussion.

**169) Do you agree policy P5 provides sufficient basis for addressing possible malicious threats and other hazards when considering development proposals?**

Neither agree nor disagree.

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

The question asked does not match the heading of policy 5. The title of policy P5 is 'Maintaining public safety and security'. Most people would expect that to mean safety in public places and spaces- an issue that is touched on but not examined in detail in policy DP3. Either the title should be changed or the public security aspects of design should be included here. The treatment of such a major issue of public concern is inadequate.

**170) Do you agree that substantial weight should be given to the benefits of development for defence and public protection purposes?**

No comment.

**171) Do you agree with the proposed changes set out in policy F3 to improve how Coastal Change Management Areas are identified and taken into account in development plans?**

No comment

**172) Do you agree with the proposed clarifications to the sequential test set out in policy F5?**

Partly agree

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

There is no obvious reason why mobile home parks or caravan sites should be encouraged in areas at risk of flooding (policy F5.2ciii).

**F6: Development in Areas at Risk of Flooding from Rivers or the Sea**

**173) Do you agree with the proposed approach to the exception test set out in policy F6?**

neither agree nor disagree

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

Clause F6.1biii is not suited to a agree/ disagree answer. The clause states that development will be permitted in the floodplain if it does 'not increase flood risk elsewhere and, where possible, reduce flood risk overall'. That clause should be clarified as it looks like a contradiction in terms. Any development in the floodplain will reduce the space for water, unless compensatory floodplain space is created elsewhere. Too much development has taken place and is still taking place in floodplains. The NPPF should be unequivocal in stopping development on floodplains.

**174) Do you agree with the proposed requirement in policy F8 for sustainable drainage systems to be designed in accordance with the National Standards?**

Strongly agree

**175) Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels?**

Strongly agree

**176) Do you agree with the proposed changes to policy for managing development in areas affected by coastal change?**

No comment

**177) The National Coastal Erosion Risk Map sets out where areas may be vulnerable to coastal change based on different scenarios. Do you have views on how these scenarios should be applied to ensure a proportionate approach in applying this policy?**

The relevant coastal erosion risk map should be incorporated into the development plan. This is not simply a question of the decision made for specific applications.

**178) Do you agree with the proposed new additions to Table 2: Flood Risk Vulnerability Classifications? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

No comment.

**179) Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery?**

Strongly agree.

**180) In what circumstances would it be reasonable to seek more than 10% biodiversity net gain on sites being allocated in the development plan, especially where this could support meeting biodiversity net gain obligations on other neighbouring sites in a particular area?**

The policy as stated is acceptable.

**181) Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development?**

Partly agree

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

Where development involves the felling of mature trees, replacement trees should provide trees with at least half the biomass of those that have been felled. That means the use of mature nursery trees or an increase in the number of trees. The biomass replacement of mature trees is additional to any biodiversity requirements.

**182) Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them?**

Strongly agree

**183) Do you agree policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the planning system?**

Strongly disagree

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

Sites of international importance and SSSIs should be protected even if they are subject to Environmental Delivery Plans. Clauses N6.1a(ii) and N6.1b(iii) should be removed.

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

Environmental Delivery Plans should be consistent with local development plans.

**185) Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act?**

Strongly agree

**a) Please provide your reasons.**

The duty of regard means that those who consider granting planning permission for the development of land should have a special regard to the setting of a specified class of heritage assets, including ancient monuments and historic parks and gardens. This provides an important additional layer of protection, requiring either preservation or enhancing the asset or its setting. The implementation of Section 102 will help compensate for the proposed removal of the Gardens Trust as a statutory consultee. Further, it will help clarify, to some extent, the case for the reclassification of green belts as grey belt. Green belt designation may serve to protect certain heritage assets whose significance depends on being sited in an open setting, with unobstructed views. Section 102 is mainly relevant to ancient monuments and historic gardens. As stated in response to question 145, the definition of grey belt should clearly state that land designated as green belt should not be classed as grey belt where the green belt status protects the setting of heritage assets.

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

The removal of the Gardens Trust as a statutory consultee will cause additional work for Historic England irrespective of whether Section 102 is implemented. Consultation on the draft NPPF is not the place to go into details about local planning controversies. There are many specific heritage assets, such as castles, historic houses and gardens, whose significance is at least partly dependent on its setting. Protecting the setting of heritage assets is a matter of principle.

**187) Do you agree with the approach to plan-making for the historic environment, including the specific requirements for World Heritage Sites and Conservation Areas, set out in policies H1 – H3?**

Partly agree

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

- 187.1 Civic Voice welcomes the emphasis on a positive pro-active strategy for conserving and enhancing the built environment heritage. LPAs are commonly just reactive to threats and this leads them to deal only with preservation rather than the enhancement and enjoyment of heritage. Civic Voice also welcomes the recognition that heritage is a potential component of economic strategies, encouraging visitors and investment. Encouraging LPAs to treat heritage as part of growth strategies is one of the few draft NPPF policies that will conserve and promote a unique sense of place.
- 187.2 In clause HE1.1a, the term 'heritage feature' should be explained and defined, possibly in the glossary. A heritage feature should be defined as a heritage asset, plus its setting. The draft NPPF should state that planning for the historic environment must, of necessity, including the setting of historic buildings and other assets.
- 187.3 Measures to improve the protection of World Heritage sites are long overdue.

**188) Do you agree with the approach to assessing the effects of development on heritage assets set out in policy H5?**

Partly agree

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

- 188.1 Policy HE5.2 is welcomed as a clarification of the assessment of heritage impacts.  
188.2 Policy HE5.4 reinforces the view that LPAs must consult expert bodies on heritage and other matters. LPAs do not always employ a properly qualified heritage officer.

**189) Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties?**

Partly disagree

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

- 189.1 Policy HE6 is not clear as to its intention and is, in part, repetitive. The reference to substantial weight in clause HE6.1 should be avoided, especially as this clause states that the definition of substantial is variable depending on the significance of a heritage asset.  
189.2 Clause HE6.5 envisages the loss of grade II listed buildings and grade II registered parks as being acceptable in 'exceptional circumstances' the character of which is undefined. That undermines the logic of heritage protection made under other clauses. While it is appreciated that grade II buildings and parks have a lower heritage value than grade II\* and grade 1 assets, they are still hugely valuable. There are towns and cities in England where the majority of historical buildings and the only parks are classified as grade II. Moreover, with the possible exception of grade II parks, it is difficult to conceive of circumstances in which the total loss of heritage could be justified. The loss of any registered park should not be permitted, without exception. The loss of grade II building should only permitted in exceptional circumstances after a developer has clearly demonstrated the impossibility of alternatives.

**190) Do you agree with the new policies in relation to world heritage, conservation areas and archaeological assets in policies HE8 – HE10?**

Partly disagree

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

- 190.1 Paragraph HE8.2 looks like a means of allowing inappropriate development in or close to a World Heritage site, The paragraph should be removed.  
190.2 Policy HE9, dealing with conservation areas talks about the granting of permission for proposals that have a 'positive effect'. Making judgements about 'positive' and 'negative' should be supported by a requirement for local consultation. Policies for conservation areas should seek to promote their positive use and enjoyment, as is the broad aim of Chapter 20. Contrary to the statement in paragraph 8 of the NPPF, plan-making policies are relevant when assessing development proposals.

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

No

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

Strongly disagree

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

- 192.1 The transition arrangements as expressed in Annex A are a dangerous precedent for the future. The arrangements provide a precedent that enables any government to come into power and make all existing development plans irrelevant and out-dated on policy grounds. The present government may feel very strongly that its policies should be implemented as a matter of urgency. However, a future government may come to power with very different policy priorities and again want their urgent implementation. Repeated and frequent changes in planning policies unsettle local residents, increase the administrative costs in local planning departments and give no additional certainty to developers. Local councils may ask: why spend a minimum of 30 months preparing and adopting a plan or spatial strategy, if after a further few months a new government arrives and, in effect, scraps the local plan that has been so expensively prepared. The transition policy in the draft NPPF, like the very oddly conceived distinction between plan-making and decision-making policies is a recipe for plan-less planning- a contradiction in terms.
- 192.2 There should be more continuity of local policy and the NPPF should support continuity. The transition arrangements should state that all plan-making exercises will conform to the new NPPF from the date of publication. The implementation of the decision-making and development sections of the new NPPF should come into effect for a LPA when either of the following conditions are met:
- a) A spatial development strategy has been prepared and adopted.
  - b) The relevant development plan is more than five years old, from the time of its adoption.
- 192.3 In addition, an adopted design guide or design code should remain in force unless demonstrably in contradiction with national design and placemaking statements. This is to save valuable staff resources.

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

- 193.1 The assumptions of and omissions from the proposed NPPF are of deep concern. The proposed revised NPPF, like its immediate predecessors, assumes that the promotion of sustainable development is the key aim of planning. The aim is not to promote 'growth', as is sometimes suggested, whatever growth might mean. However, the draft NPPF includes a subtle change to the definition of sustainable development, with an additional, problematic sentence included in paragraph 16 as follows:
- 'Achieving sustainable development means that the planning system has three overarching objectives in providing for the homes, commercial development, facilities and infrastructure which society needs.'
- The basic definition of sustainable development has not changed over the past few years. There is therefore no reason to try to change the wording in the NPPF, unless the aim is to shift policy away from one of the three overarching objectives.
- 193.2 As phrased in the draft NPPF, the aim of the planning system is stated as meeting the development needs of society, without recognising environmental protection as the third pillar of sustainable development. At the least, the revision is a source of confusion. Taken literally and incorporated into a statutory framework, the sentence would mean the end of all nature and landscape protection policies if they hindered the provision of homes etc. Government has previously issued assurances that the promotion of house building and development need not, and should not, come at the expense of the environment. The NPPF should reflect those assurances.

- 193.3 For local civic societies and amenity groups, the proposed NPPF raises another concern about their ability to comment on and influence proposals. The draft NPPF does not take the views of local groups seriously, as is evident in many specific passages that need amendment or additions. For example:
- Policy PM7 encourages authorities to prepare a timetable for the different stages of plan preparation, but without any reference to the statutory statement of community involvement. There is also no consideration of how the methods of community involvement are to be adapted to the new spatial development strategies.
  - The plan preparation timetable has been accelerated and shortened and this could easily lead to a neglect of community involvement and engagement.
  - The test of a sound plan at a public examination, as expressed in policies PM14 and PM15, makes no reference to the soundness of community involvement and engagement activities.
  - In decision-making, LPAs are encouraged to ‘consult statutory and internal consultees only where it is necessary to do so.’ (policy DM3.1d). It is unclear whether ‘internal consultees’ would cover local civic societies. Whether civic societies are covered or not, this draft guidance explicitly encourages officers to avoid consultation.
  - There is no recognition of the necessity of LPAs considering the views and comments of businesses and the public even when it is anticipated that a development could have a disruptive or damaging impact (policy P4).
  - There is no commitment to transparency in determining development proposals (policy DM3 or anywhere else) and no attempt to ensure that public comments as well as the comments of public bodies are published, as is a requirement of open government.
- 193.4 The draft NPPF comes after Royal Assent for the Planning and Infrastructure Bill (now Act) whose provisions reduce the involvement of elected local councillors in decision making. Local councillors offered another way in which local people could influence decisions, but this is now reduced in scope. The overall effect of the Planning and Infrastructure Act and the draft NPPF is to sideline local amenity groups and civic societies and hollow out local democracy in planning, leaving only a façade.
- 193.5 To explain the long-term implications, it is helpful to undertake a brief exercise in counterfactual thinking in imagining the characteristics of a city or town or district where local groups have no influence. Most likely, such a place would be somewhere local residents either do not care about the quality of the environment or are denied a voice in maintaining environmental quality. The urban environment, one might anticipate, would be commercialised, ugly and polluted. Local groups may have limitations, but they still serve to promote liveability and to counter neglect.

**194) Do you agree with the list of Written Ministerial Statements set out in Annex A to the draft Framework whose planning content would be superseded by the policies proposed in this consultation?**

No comment.

**195) Do you consider the planning regime, including reforms being delivered through the Planning and Infrastructure Act, provide sufficient flexibility for energy generation projects co-located with data centres to be consented under either the NSIP or TCPA regime?**

No comment.

**196) Would raising the Planning Act 2008 energy generation thresholds for renewable projects that are co-located with data centres in England (for the reason outlined above) be beneficial? Yes/No**

No comment.

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

**198) Do you think the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for other use types of projects should be increased, or should this be limited to projects co-located with data centres?**

No comment.

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

No comment

**200) Would you support the use of growth testing for strategic, multi-phase schemes?**

Strongly agree

**a) Please explain your answer.**

Accepted for the reasons stated in the accompanying explanation. There is a need to have a coherent testable approach to growth and provision to review the growth projections / actual growth through the development. An upfront contribution at the inception of the scheme to cover the first 5 years and then a review and a further upfront contribution for the next 5 years might be fairer and more logical. This could create a greater realism on costs and avoid lengthy negotiation and renegotiation.

**201) Would you support the optional use of growth testing for regeneration schemes?**

neither agree nor disagree.

**a) Please explain your answer.**

Tying the optional use of growth testing to regeneration is irrelevant. The crucial consideration is the complexity of the scheme and whether it is phased or not.

**202) Do you agree greater specificity, including single figures, which local planning authorities could choose to diverge from where there is evidence for doing so, would improve speed and certainty?**

Neither agree nor disagree

- a) ***Please explain your answer. If you agree, the government welcomes views on the appropriate figure – for example, whether 17.5% would be an appropriate reflection of the industry standard for most market-led development.***

Civic Voice cannot comment as to whether 17.5% is the industry standard. If the figure is accurate why should LPAs choose to diverge? The policy looks as though it requires more detail to be workable. In any case, the relationship between expected rates of return and the plan-making/ national decision-making distinction looks obscure. It is probably not practical to including any detailed site specific calculations in a development plan.

- 203) ***Are there any site types, tenures, or development models to which alternative, lower figures to 15-20% of Gross Development Value might reasonably apply?***

- a) ***Please explain your answer. The government is particularly interested in views on whether clarifying an appropriate profit of 6% on Gross Development Value for affordable housing tenures would make viability assessments more transparent and speed up decision-making.***

No comment

- 204) ***Are there further ways the government can bring greater specificity and certainty over profit expectations across landowners, site promoters and developers such that the system provides for the level of profit necessary for development to proceed, reducing the need for subjective expectations?***

No

- a) ***Please explain your answer.***

Rates of return are likely to be very variable, dependent on both national fluctuations in economic prosperity and regional variation. Rates of return are also difficult to predict with accuracy.

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

- 206) ***Do you agree there circumstances in which metrics other than profit on gross development value would support more or faster housing delivery, or help to maximise compliance with plan policy?***

No comment.

- 207) ***Are there types of development on which metrics other than profit on gross development value should be routinely accepted as a measure of return e.g. strategic sites large multi-phased schemes, or build to rent schemes?***

No comment.

**208) Do you agree that guidance should be updated to reflect the fact a premium may not be required in all circumstances?**

Neither agree nor disagree

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

While there may be circumstances where a premium might not be required, it is unlikely that an exhaustive list can be identified in advance.

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

If the guidance was poorly phrased or based on unrealistic figures, the effect would be to create additional uncertainty and prevent schemes coming forward.

**209) Do you agree that extant consents should not be assumed to be sufficient proof of alternative use value, unless other provisions relating to set out in plans are met?**

Strongly agree

**a) Please explain your answer.**

The question is poorly phrased. Unless the planning or other related consent predates a plan, the consent would not be valid, if other provisions in a development plan were not met. The granting of a planning permission or similar consent for an alternative use is seldom determined by an assessment of its viability. As a result, the existence of a consent is not of itself a demonstration of value.

**210) If extant consents were not to be assumed as sufficient proof of alternative use value, should this be at the discretion of the decision-maker, or should another metric (e.g. period of time since consent granted) be used?**

Another metric

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

210.1 The duration of a planning permission is three years before building works start. If the planning permission time limit is spent, the permission is irrelevant to valuation. If building work has started but is delayed, questions can be asked as to the reason for the delay. If there is some exception that enables the permission to last longer than three years, questions can again be asked as to why the scheme has not started. Failure to implement a planning permission is clear evidence of a lack of effective market demand.

210.2 The key test is not the date of planning permission but whether an alternative use is viable at the time that a valuation is being made. Any valuation should also ignore the impact of a proposed, public funded regeneration or redevelopment project as this would of itself raise values and change the character of the local property market.

210.3 Disputes about valuation delay regeneration projects. Government guidance should be clear about the basis of valuation.

**211) What further steps should the government take to ensure non-policy compliant schemes are not used to inform the determination of benchmark land values in the viability assessments that underpin plan-making?**

Guidance should be published stating that schemes must be compliant with local and national policies if they are to be considered for valuation. However, such schemes must also be demonstrably viable from a financial viewpoint

**212) Do you agree that the residual land value of the development proposal should be cross-checked with the residual land values of comparable schemes; to help set the viability assessment in context.**

Partly agree

**a) Please explain your answer.**

The choice of comparator is crucial. The comparator should, wherever possible, be based on nearby schemes that have been completed and where actual sales documents are available. Where there is no direct comparator, the closest equivalent should be used, with an explicit discussion of elements of uncertainty.

**213) Do you agree that a 2.5 hectare threshold is appropriate?**

Neither agree nor disagree

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

It is unclear from both the explanatory document as to what practical impact, the proposed change will have on planning policy. A word search shows that the only reference to medium development is a very brief mention in policy L1, a plan-making policy dealing with redevelopment.

**214) Do you agree that a unit threshold of between 10 and 49 units is appropriate? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Neither agree nor disagree

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

The relevance of all this needs clearer explanation and cross referencing.

**215) Do you foresee risks or operability issues anticipated with the proposed definition of medium development?**

No comment

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

**217) Do you have any views on whether the current small development exemption should be extended to cover a wider range of sites – indicatively to sites of fewer than 50 dwellings, or fewer than 120 bedspaces in purposebuilt student accommodation?**

No comment.

**218) If the exemption were to be extended, do you have any views on whether the development of 120 purpose-built student accommodation bedspaces is an appropriate equivalent to a development of 50 dwellings for the purposes of the levy exemption?**

No comment

**219) If the exemption were to be extended, do you have any views on whether the exemption should be based solely on the existing metrics (dwellings/bedspaces) or whether there should also be an area threshold.**

No comment

**220) If you do have views on possible changes to the small developments levy exemption, please specify the potential impact of the possible change of the levy exemption on people with protected characteristics as defined in section 149 of the Equality Act 2010.**

No comment

**221) What do you consider to be the potential economic, competitive, and behavioural impacts of possible changes to the levy exemption? Please provide any evidence or examples to support your response.**

No comment

**222) Do you agree with the proposal to extend the Permission in Principle application route to medium development? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

No comment.

**223) Do you have views about whether there should be changes to the regulatory procedures for these applications, including whether there should be a requirement for a short planning statement?**

No comment

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