

# Cheshire East Council

## Strategic Planning Board

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**Date of Meeting:** 25 April 2018

**Report of:** Head of Planning Strategy

**Subject/Title:** Draft National Planning Policy Framework

**Portfolio Holder:** Cllr Ainsley Arnold

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### 1. Report Summary

- 1.1. This report explains the significance of the Consultation Draft National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) launched by the Government in March 2018 and sets out the Council's proposed response to the current consultation. It also considers the parallel consultation on developer contributions.

### 2. Recommendation

- 2.1. That the Board consider and comment on the key issues for Council's proposed response as set out in Appendix 3.

### 3. Reasons for Recommendation

- 3.1. The NPPF sets out the Government's guidance on plan making and planning decisions. It is important that the Council is aware of the draft advice and responds to the consultation where appropriate.

### 4. Other Options Considered

- 4.1. The Council could choose not to respond to the current consultation. Given the critical importance of the NPPF to planning and development in this Borough, such an insouciant approach is not considered appropriate.

### 5. Background

- 5.1. The NPPF was introduced in March 2012 as the Government's definitive guidance on nearly all aspects of planning. It was intended to be simple and succinct guidance – that replaced over 1000 pages of planning policy statements. In 2014 the NPPF was supplemented by the online 'Planning Practice Guidance'. This expands on the practical application of the NPPF guidance; it does not of itself set out national policy.

- 5.2. In February 2017 the Government published a Housing White Paper – ‘Fixing our broken housing market’ which signalled a number of potential reforms to planning and housing policy. In March 2018 the Prime Minister launched revisions to national planning policy - a summary of which is attached at Appendix 1. The draft amendments to the NPPF and PPG reflect many of these policy changes – and have a strong focus on speeding up the provision and building of new homes.
- 5.3. At the same time the Government is also consulting on changes to the regime of developer contributions. This consultation deals with the main principles rather than being specific guidance at this stage. Following the current consultation it is envisaged that further regulation and guidance would be prepared. A summary of the proposals is attached as Appendix 2.
- 5.4. The consultation period on the draft NPPF & PPG guidance, along with the Developer contributions runs until 10 May 2018. All parties are encouraged to use a standard proforma in their response. The proposed key issues that merit a response are attached as Appendix 3. The Council’s final response will be made by the Director of Planning & Environment in consultation with the Cabinet Portfolio Holder and Chair & Vice Chair of Strategic Planning Board.

## **6. Wards Affected and Local Ward Members**

- 6.1. All Wards are affected

## **7. Implications of Recommendation**

### **7.1. Policy Implications**

7.1.1. Revisions to the NPPF will have a significant impact on the way the Council conducts its planning functions. The Council is a sizeable planning authority with significant responsibilities. In the past 12 months the Council handled 6,201 planning & related applications – and determined 135 Major and 623 minor residential planning applications. This is the second and third highest number in England.

7.1.2. In terms of plan making, alongside the adopted Local Plan Strategy, the Council is also committed to preparing a Site Allocations and development Policies Plan, a Minerals & Waste Plan and the implementation of the Community Infrastructure Levy. The Council currently has 15 completed (‘made’) Neighbourhood Plans and some 50 Neighbourhood areas.

### **7.2. Legal Implications**

7.2.1. In February 2017 the Council took a landmark case to the Supreme Court over the interpretation of NPPF guidance as it related to policies for the supply of housing. Whilst the Supreme Court granted planning permission for the site in question, it supported the interpretation of

NPPF guidance adocated by the Council. The current Consultation Draft is reworded to take account of that decision

7.2.2. This serves to underline the legal significance of the NPPF and the importance of ensuring that the new guidance is as clear and precise as possible.

7.2.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material considerations and must be taken into account in Plan-making and in decision taking.

### **7.3. Financial Implications**

7.3.1. There are no direct financial implications arising from the draft NPPF. However, the new guidance will almost certainly lead to further costly litigation and planning appeals.

7.3.2. The proposals to reform developer contributions should make the funding of necessary infrastructure easier – either through changes to s.106 obligations or via the operation of CIL. However until detailed guidance and regulations are finalised, it is not possible to quantify the financial impacts of the proposed reforms.

### **7.4. Equality Implications**

7.4.1. Equality of access to good housing and improved social mobility through better housing are identified as one of the drivers behind the new NPPF.

### **7.5. Rural Community Implications**

7.5.1. As rural areas have the bulk of undeveloped land, the new planning guidance will have particular impact in these areas. There are also specific provisions for rural housing, business and environment.

### **7.6. Human Resources Implications**

7.6.1. None directly arising

### **7.7. Health and Wellbeing Implications**

7.7.1. There is a significant inter-relationship between the Council's planning and health responsibilities. Over the longer term, planning policies influence the shape and form of many settlements and aid in the creation of healthy communities.

### **7.8. Implications for Children and Young People**

7.8.1 Better housing, one of the principal objectives of the new NPPF, is a clear benefit in terms of child health and educational attainment.

## **7.9. Overview and Scrutiny Committee Implications**

7.9.1. None directly arising

## **7.10. Other Implications**

7.10.1. None directly arising

## **8. Risk Management**

8.1. It took over 5 years of litigation to clarify the wording of the existing NPPF, a process in which the Council was closely involved. With an adopted Local Plan now in place, the planning context in the Borough is more settled and less prone to rapid change. Never the less, by altering the wording of much of the existing NPPF, the new guidance risks provoking a fresh round of planning appeals and potential court cases. This risk is addressed in more detail below.

## **9. Access to Information**

9.1. Full details of the consultation can be found on the Ministry of Housing, Communities & Local Government [website](#).

9.2. A summary of the main points is attached at Appendix 1

## **10. Analysis**

10.1 The revised NPPF is a full revision of the current document. Whilst certain areas of policy remain unchanged, the draft introduces several new policy initiatives. Frustratingly, even where policy is broadly unchanged, the wording is sometimes subtly different. This opens up the possibility of extensive argument over meaning and interpretation.

10.2 Given that much of the national rhetoric is about speeding up the planning system and boosting the delivery of housing, it is regrettable that the new Guidance as drafted risks prompting further debate and argument – deflecting attention away from building new homes.

10.3 The summary in Appendix 1 provides an over view of the main points in the revised planning guidance, whilst Appendix 2 summaries the proposed changes to developer contributions. Appendix 3 sets out the key issues which are considered to merit a response. The government prescribes either a response online or using its standardised proforma.

10.4 There is much that the council could potentially comment on, as the NPPF touches on all areas of planning practice. However the key issues in Appendix 3 are focussed primarily on those areas of principal concern to planning in Cheshire East and where there are the greatest shifts in policy.

10.5 Particular attention is therefore paid to guidance around plan making, housing , green belt and minerals. There are several aspects of the new policy which are to be welcomed – such as greater clarity over housing needs and the housing buffer. However there are other changes in guidance – such as the changed definition of ‘deliverable’ housing and the relaxation of green belt policy on brownfield land which are of grave concern.

10.6 the proposals around developer contributions are at an earlier stage but have important implications for infrastructure planning. There is much here that is potentially welcome, although the detailed guidance and regulation is not yet drawn up.

10.7 It is proposed that detailed responses are prepared for each chapter of the new guidance and reforms, informed by the comments of the Board.

## **11. Contact Details**

Contact details for this report are as follows:

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## Appendix 1 – SUMMARY OF DRAFT NPPF

### 1. The Consultation Text

- 1.1. The following section sets out the proposed revisions to the national planning policy framework, by chapter.

#### Chapter 2 - Achieving Sustainable Development

- 1.2. The revised framework proposes to amend the reference to the three dimensions of sustainable development to three high-level **objectives** (rather than role) for planning, and confirms they are not criteria against which every decision can or should be judged.
- 1.3. The **presumption in favour of sustainable development** has been reordered to reflect the way that plan and decision-making should be approached and worded amended to reflect recent litigation (reference to refusal rather than restriction of development). There is also some additional text to on role of development plan policies. The definition of a deliverable site has been changed. This will have implications in respect of the implementation of the ‘tilted balance’.
- 1.4. The draft text also sets out an expectation for **objectively assessed needs to be accommodated** unless there are strong reasons not to, including any unmet needs from neighbouring areas. The footnote makes reference to **Statements of Common Ground** as evidence of ongoing Duty to Co-operation and a vehicle for confirming this.
- 1.5. Footnote 9 of the current Framework includes examples of policies which provide a specific reason for restricting development. This is proposed to be changed to a defined list (in a new footnote 7) and includes Ancient Woodland and aged or veteran trees. It also changes the role of development plan policies, potentially, in the implementation of the tilted balance.
- 1.6. Distinction has been made in the revised framework relating to **Local Plans** which set the strategic priorities of the area – such as the Local Plan Strategy (overall numbers, type, distribution and approach to development) and Local Plan documents, such as the Site Allocations and Development Policies document which contain locally relevant policies (these can include Local Plans and Neighbourhood Plans).
- 1.7. Additional text added re **neighbourhood plans** to reflect ministerial statement (12 Dec 2016) that neighbourhood plans which meet their identified housing requirement (through policies and allocations) will be subject to a further test of 3 year supply of deliverable housing (and its

housing delivery was at least 45% of that required over the previous 3 years (housing delivery test). Further details added re the application of this test (and what constitutes a neighbourhood plan coming recently into force)

- 1.8. The 'core planning principles' section in the existing Framework is proposed to be deleted, to remove duplication with other chapters

### **Chapter 3 Plan Making**

- 1.9. The chapter on Plan Making has been brought forward into a new and revised section of the framework. It sets out:

- a **new plan-making framework** which defines strategic priorities and allows authorities to plan for these in the most appropriate way.
- amendments to the **tests for a 'sound' plan**, to make clear that it should set out 'an' appropriate strategy rather than 'the most appropriate strategy'
- the new requirement for authorities to **review plan policies every five years** following the date of adoption
- Allow a more **proportionate approach to evidence** and engaging with **digital tools to assist consultation**
- That **statements of common ground** will need to be prepared and maintained as evidence of duty to co-operate
- Local Plans should be clearer about **contributions** expected in association with development. Additional work required to demonstrate **plan viability**

### **Chapter 4 Decision Taking**

- 1.10. Revisions to the decision taking chapter include:

- The policy makes clear that where a proposed development accords with all relevant policies in the plan there is no need for a **viability assessment** to accompany the planning application
- In support of the revised Framework, draft national planning guidance says that **plans should define circumstances in which viability assessment** is carried out at the decision making stage
- Non-statutory and statutory consultees have been included with reference to **pre-application advice** where appropriate. The importance of highlighting issues such as affordable housing and infrastructure has also been noted.
- Changes have been made to reflect the fact that local list requirements do not apply to applications for permission in principle, and that the local list of information requirements applicable to applications made on or after 31 July 2013 must have been published (or republished) during the **two years before the application is made**.

- New paragraphs 48 to 51 set out the weight that may be given to policies in emerging plans and puts **into policy the approach to ‘prematurity’** previously contained in national planning guidance.

## Chapter 5 Delivering a Wide Choice of High Quality Homes

1.11. This section covers a multitude of areas, revisions include:

- **new standard method** for the calculation of **local housing need**
- Policies for **addressing the housing requirements of groups with particular needs**. Students and travellers have been added to the list, as have people who rent their homes
- At least 10% of homes on major sites should be available for **affordable home ownership**, with certain exemptions.
- Limits on affordable home **contributions requested for smaller sites**
- Introduce an expectation that local authorities should provide a **housing requirement figure for designated neighbourhood areas**.
- Encourage **greater use of small sites**, proposes that local planning authorities should ensure that **at least 20% of the sites allocated for housing** in their plans are of half a hectare or less.
- **New housing delivery text**. Footnote 29 proposes that from 2020, the presumption in favour of sustainable development will apply where delivery is below 75% of the authority’s housing requirement. Additional guidance has been produced to supplement the consultation on the revised NPPF here.
- **5 year land supply position** should be capable of being **agreed for a one year period**. Demonstrated either through a recently adopted plan, or through a **subsequent annual position statement**. The minimum 10% buffer required in order for local authorities to take advantage of this policy is set out in paragraph 74(b). Definition of what constitutes a deliverable site has been amended.
- Paragraph 78 provides that authorities should consider imposing a **planning condition to bring forward development within two years**, except where a shorter timescale could hinder the viability or deliverability of a scheme. It also encourages local planning authorities to consider why major sites have not been built out when considering subsequent planning applications.
- Paragraph 72 reflects the announcement at Budget 2017 that the Government would consult on allowing the development of **exception sites to provide entry-level homes suitable for first-time buyers**, where a local need is identified.

1.12. The following changes are also proposed for the Chapters 6 – 10:

Chapter	Proposed Revisions
<b>Chapter 6:- Building a strong, competitive economy</b>	<ul style="list-style-type: none"> <li>Section makes more explicit the <b>importance of supporting business growth</b> and improved productivity, <b>linking to government's Industrial Strategy</b>.</li> <li>The rural economy section in the existing Framework has been brought within this chapter, with new policy on the potential <b>need for planning policies and decisions to accommodate sites for local business and community needs outside existing settlements</b></li> </ul>
<b>Chapter 7:- Ensuring the vitality of town centres</b>	<ul style="list-style-type: none"> <li>When reflecting on <b>need for town centre uses</b>, policies should look <b>at least ten years ahead</b>.</li> <li>Town centre <b>boundaries</b> should be <b>kept under review</b></li> <li>Where town centres are in decline, the text has been expanded to provide a clearer policy approach in terms of <b>supporting appropriate diversification of uses</b>.</li> <li>Amendments are proposed to the '<b>sequential approach</b>' to planning applications, so that out of centre sites should be considered <b>only if suitable town centre or edge of centre sites are unavailable or not expected to become available within a reasonable period</b>.</li> <li>Offices not proposed to be included in the 'Impact Test'</li> </ul>
<b>Chapter 8:- Promoting healthy and safe communities</b>	<ul style="list-style-type: none"> <li>Policies should <b>promote estate regeneration</b> to a high design standard</li> <li>Paragraph 96 introduces new policy requirements on security to help to counter malicious or natural threats, especially in crowded places and should take into account <b>wider defence and security requirement</b> including consultation with the police</li> </ul>
<b>Chapter 9:- Promoting Sustainable Transport</b>	<p>This chapter has been restructured to emphasise importance of transport issues:</p> <ul style="list-style-type: none"> <li>Authorities should be expected to identify <b>additional development opportunities arising from strategic infrastructure investment</b>.</li> <li><b>Parking standards</b> - only set when clear and compelling case</li> <li>New policy to recognise the importance of maintaining a national network of <b>general aviation facilities</b>.</li> <li>Policy on assessing <b>the transport impact of proposals</b> has been amended to refer <b>to highway safety as well as capacity and congestion</b> in order to make it clear that we expect that designs should prioritise pedestrian and cycle movements, followed by access to high quality public transport (so far as possible) as well as to reflect the importance of creating well-designed places.</li> </ul>

<b>Chapter 10:-</b> Supporting high quality communications	<ul style="list-style-type: none"> <li>Plan policies should set out expectations in relation to the delivery of high quality digital infrastructure, which provides access to services from a range of providers.</li> </ul>
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## Chapter 11:- Making Effective Use of Land

1.13. The following changes are also proposed for chapter 11

- expecting plans to have a clear strategy for using land effectively and efficiently (paragraph 117);
- making more intensive use of existing** land and buildings (paragraph 118de) including **building upwards and using empty space above shops**;
- avoiding building homes at low densities in areas of high demand**, and pursuing higher-density housing in accessible locations, while reflecting the character and infrastructure capacity of each area (paragraph 123);
- Taking a **flexible approach to policies or guidance that could inhibit making effective use of a site** – although the proposed policy now refers specifically to daylight and sunlight issues (paragraph 123c).
- reallocating land** where there **is no reasonable prospect** of an application coming forward for the allocated use – with the proposed policy also setting out how alternative uses should be considered ahead of a plan review taking place (paragraph 120);
- making it **easier to convert retail and employment land to housing** where this would be a more effective use (paragraph 121); and
- Potential for minimum density standards** to be used in town and city centres and around transport hubs and other locations
- Building on these changes, paragraph 123c also proposes that local planning authorities **should refuse applications which they consider fail to make effective use of land**, in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.

## Chapter 12:- Achieving Well-Designed Places

1.14. The following changes are also proposed for chapter 12

- Plans should, at the most appropriate level, set out a **clear design vision and expectations, supported by visual tools such as design guides and codes**. The revised text also reflects the White Paper proposal that widely accepted assessment frameworks such as Building for Life should form part of the ‘toolkit’ used by authorities in assessing design (paragraph 128).
- Additional emphasis has been placed on the importance of **pre-application discussions** in securing good design (paragraph 127).

- The text also implements the White Paper proposal that **design should not be used as a reason to object to development where the scheme complies with local policies** (paragraph 129).
- the text at paragraph 130 has been revised to make clear that “outstanding or innovative designs” should not be given great weight where they are in conflict with local design policies, or would not be sensitive to their surroundings.
- Policy on **advertisements has been shortened**; the text from the existing Framework which has been deleted will be moved to guidance.

## Chapter 13 :- Protecting the Green Belt

1.15. The revised Framework maintains the strong protections of the Green Belt:-

- Paragraphs 136-137 implement the housing White Paper proposals that **certain criteria should be satisfied before ‘exceptional circumstances’ are used to change Green Belt** boundaries, and that where Green Belt is released first consideration should be given to land which has been previously-developed or which is well-served by public transport.
- **neighbourhood plans may amend detailed Green Belt boundaries, once the need for a Green Belt change has been demonstrated** (paragraph 135);
- expect policies to set out how **the impact of removing land from the Green Belt can be offset** (paragraph 137);
- provide that facilities for **existing cemeteries, and development brought forward under a Neighbourhood Development Order**, should **not be regarded as ‘inappropriate development’** (paragraphs 144b and 145f).
- Paragraph 144g reflects the proposal to allow brownfield land in the Green Belt to be used for affordable housing, where there is no substantial harm to openness.
- Paragraph 145e provides that **material changes of use that preserve openness are not inappropriate development in the Green Belt**.
- In addition, **paragraphs 144b and 144f make clear that facilities for burial grounds and allotments, and rural exception sites, are not inappropriate development**.

1.16. In respect of the remaining chapters:-

Chapter	Proposed Revisions
<b>Chapter 14:-</b> Meeting the challenge of climate change, flooding and coastal change	<ul style="list-style-type: none"> <li>• planning policies should support measures to <b>ensure the future resilience of communities and infrastructure</b> to climate change (paragraph 148);</li> <li>• clarify that plans should have regard to <b>the cumulative impacts of flood risk</b>, rather than just to or from individual development sites (paragraph 155); and</li> <li>• clarify policy on the <b>exception test that may need to be</b></li> </ul>

	<p><b>applied when considering development in locations at risk of flooding</b> (paragraphs 158-162).</p> <ul style="list-style-type: none"> <li>• A new paragraph (163) has been added to incorporate the Written Ministerial Statement of 18 December 2014 on <b>sustainable drainage systems (SuDS) in major developments</b>.</li> </ul>
<b>Chapter 15:-</b> Conserving and enhancing the natural environment	<ul style="list-style-type: none"> <li>• This chapter has been updated to align with the 25 Year Environment Plan. It includes additional policy on <b>strengthening existing networks of habitats (paragraph 169) and taking air quality fully into account (paragraph 180)</b></li> <li>• Paragraph 173c of the revised Framework <b>strengthens protection for ancient woodland and other irreplaceable habitats</b></li> </ul>
<b>Chapter 16:</b> Conserving and enhancing the historic environment	<ul style="list-style-type: none"> <li>• Paragraph 182 has been revised to <b>clarify that World Heritage Sites are recognised internationally for their Outstanding Universal Value</b> and that this forms part of their significance and should be taken into account.</li> <li>• Paragraph 189 has been revised to clarify that when considering the <b>impact of a proposed development on a designated heritage asset, decision-makers should give great weight to the asset's conservation</b> irrespective of whether the potential harm to its significance amounts to 'less than substantial harm' or 'substantial harm or total loss' of significance .</li> </ul>
<b>Chapter 17:</b> Facilitating the sustainable use of minerals	<ul style="list-style-type: none"> <li>• This chapter has been shortened slightly, the intention being to incorporate the deleted text in guidance.</li> <li>• Additional text on on-shore oil and gas development is included</li> <li>• As planning for minerals is the responsibility of minerals planning authorities, the Government is interested in views on whether the revised planning policy for minerals would sit better in a separate document, alongside the Government's planning policy for waste.</li> </ul>

## Glossary

- 1.17. There have been proposed definition changes to affordable housing and the meaning of a deliverable and developable site. The latter is significantly more restrictive than current definitions and case law suggest. Accordingly this change has major implications for housing supply inquiries. There have also been additions to the glossary including irreplaceable habitat, local housing need, permission in principal, outstanding universal value, amongst others

## **Appendix 2 Supporting Housing Delivery Through Developer Contributions - Summary**

The Government has published a consultation document titled *Supporting Housing Delivery Through Developer Contributions – Reforming developer contributions to affordable housing and infrastructure*. This sets out the Government's intended reform of the system of developer contributions with the broad objective of ensuring there is adequate funding for the infrastructure necessary to support housing delivery

The proposals follow many of the changes to the operation of the Community Infrastructure Levy (CIL) and S106 contributions that were outlined within the Autumn Budget in 2017, including:

- Indexation on CIL for residential schemes to reflect the House Prices Index (creating the potential for greater divergence in areas of lower demand compared to those of higher demand);
- Removal of S106 pooling restrictions in some circumstances including when developing across several strategic sites;
- Streamlining the process of adopting and amending a CIL Charging Schedule (which could mean new CILs being prepared within 12 months);
- Setting CIL rates based on the existing use of land. This would enable a distinction to be made between brownfield and greenfield developments – taking account in the different uplifts in land values connected with each kind of use.
- Replacement of the 'Regulation 123' List for CIL spending with a broader Infrastructure Funding Statement (meaning a clearer link to infrastructure delivery);
- The introduction of a Strategic Infrastructure Tariff for combined authorities to deliver cross-boundary infrastructure (necessary for the delivery of larger projects).

If adopted following consultation, these changes confirm that CIL remains the Government's preferred instrument of developer funding. Updated Regulations would potentially be made in summer 2018.

For viability, an emphasis on transparency and openness is clear. In an attempt to reduce viability issues arising at the application stage, far greater emphasis will be placed on getting viability right during Local Plan production.

## **APPENDIX 3 - KEY ISSUES FOR RESPONSE**

### **DRAFT NPPF**

#### **General**

By re-writing the whole NPPF the government invites years of debate & litigation. Unless a significant policy change is proposed the NPPF should remain unchanged.

#### **Favourable Presumption**

The list of restrictive policies listed in the favourable presumption should be extended to include safeguarded land as well as green belt. NPPF policy states that this should only be developed following a local plan update. The current wording risks early release of safeguarded land.

#### **Plan Making**

The test of soundness for local plans has been relaxed to refer to devising 'an appropriate strategy' as opposed to making "the most appropriate strategy". This will lower the burden on plan makers and should be supported

The guidance suggests that plans should set out in more detail the development contributions necessary on allocated sites. Whilst this has certain benefits, it will also slow down the production of development plans

#### **Decision Taking**

The revised NPPF suggests that viability assessments should be made public in all circumstances. This is to be welcomed, provided there is provision in exceptional cases for assessments to remain confidential where there is a clear and overriding reason to do so. This might include cases involving the care of vulnerable individuals or the education / safeguarding of children, where there are severe implications for commercial confidentiality or where there is some other significant public interest.

#### **Delivering new homes**

The objective to secure a proportion of small sites within Local Plans is welcomed, but the term 'small sites' needs to be defined. Furthermore, the obligation should relate to 20% of sites, not 20% of housing provision

There should be no linkage between the housing delivery test and the operation of the favourable presumption. The suggestion that the tilted balance should apply when councils fall below 75% of delivery (as well as when there is no 5 year supply) is illogical. If you have enough land to satisfy the 5 year test and yet homes aren't being built, how will releasing yet more land help delivery?

The suggestion that strategic plans should identify housing numbers for neighbourhood plans is good in principle, but unfortunately fraught with practical difficulties as parishes seldom coincide with functional settlements.

The proposal for an exception policy to allow for 'entry level' homes on the edge of settlements should be opposed. The guidance as worded is vague and a recipe for speculative developments eroding the countryside.

There should be greater clarity for the proposed exemption of specialist housing from affordable housing obligations. As worded, anyone proposing anything in connection with older people will now claim exemption, reducing the opportunity to provide affordable homes.

The obligation remains for Councils to provide 5 years of deliverable housing land is retained. However the glossary changes the definition of 'deliverable'. Under current guidance sites with planning consent and local plan allocations are considered deliverable unless proven otherwise. As proposed, only detailed planning consents and 'small sites' (not defined) are deliverable as of right; – outline consents and allocations are only deliverable where the Council can demonstrate the case. This reverses the current burden of proof regarding deliverability, to the Council's disadvantage. Potentially it removes significant sections from all Councils' 5 year supply. The current definition should be retained.

The linkage of the 5 or 20% buffer to the housing delivery test is to be welcomed. It provides numerical certainty to what has been a matter of conjecture and debate.

### **Making effective Use of Land**

The more explicit support for the development of brownfield land is supported. However, the guidance needs to take sufficient account of the balance of need between housing and employment. A good supply of employment land is necessary for a healthy economy – and so some land may need to be reserved for this (generally) lower value use.

The move toward setting minimum density standards is also welcomed as it allows better use to be made of the finite land resource.

### **Protecting Green Belt**

The new NPPF proposes to weaken the protection that applies to brownfield land in the green belt, if it developed for housing. This is potentially a recipe for sporadic and urbanising development blighting the openness and integrity of the green belt.

The new guidance includes changes of use within the definition of appropriate development within the green belt, subject to the use preserving openness and avoiding conflict with green belt purposes. This is a sensible revision, filling a gap in policy within the current NPPF.

The revised guidance permitting Neighbourhood Plans to amend green belt boundaries where strategic plans identify a need for revision is welcomed as it empowers local communities to properly shape their area.

The guidance indicates that where green belt is amended, there should be compensatory measures employed to enhance the remaining green belt. Whilst this aligns with the Council's quality of place agenda, it should be made clear that the obligation should fall on site promoters.

### **Conserving & enhancing the natural environment**

The greater protection proposed for ancient woodland and veteran trees is welcomed.

### **Mineral planning**

Clarification is required over the guidance on stockpiling and safeguarding minerals. The National and Regional Guidelines for Aggregates Provision in England should be retained and updated. The concept of statements of common ground for minerals is supported as is further bespoke guidance on this specialist issue.

## **REFORM OF DEVELOPER CONTRIBUTIONS**

**Streamlining CIL**

It is intended that the infrastructure requirements of plan making and CIL become aligned. This is sensible in principle as it reduces duplication, but it does risk increasing the complexity of plan preparation.

**Pooling of CIL Contributions**

At the moment 'pooling restrictions' limit the number of section 106 contributions that can be combined to support a single project. This is currently set at 5 contributions. The government proposes that such restrictions be removed where either CIL is in place, CIL is not feasible or development is planned over several strategic sites.

The removal of these restrictions would be very beneficial to the provision of new infrastructure. A number of major projects have been severely impacted by the current arbitrary limit of 5 contributions – and so any reform will be of significant assistance.

**The Existing use of Land**

At present CIL tariffs can be made for different geographic part of the Borough but these cannot differentiate between different types of development in any given area. This means that there is a tendency for CIL to reflect the lowest value sites in a locality. The change in policy could mean in future that the Council could distinguish between greenfield and brownfield sites and set different tariffs for each according to their values. This reform could enable a greater proportion of the uplift in land value to be used to pay for local infrastructure provision.

**Indexation of CIL rates**

Currently CIL is linked to the indexation of build costs. In future it could be linked to house prices where it involves residential development. Other development could be linked to the consumer price index. This reform could ensure that CIL is better reflective of changes in market conditions.

**Improving Transparency**

The Government intends increasing Councils' obligations around publishing how much money is collected and from where; - and also how it is spent. This has the benefit of greater transparency and of boosting public confidence in the process – but it may also increase the bureaucratic burden on Councils.