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## Chelmsford Policy Board

28 February 2023

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### Levelling-Up and Regeneration Bill: Reforms to National Planning Policy – Proposed Consultation Responses

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Report by:

Director of Sustainable Communities

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#### Purpose

To set out the government's proposals for changes to the National Planning Policy Framework and wider planning policy reform and provide responses to the consultation questions for consideration by the Board.

#### Recommendations

That the Board note the report and approve the consultation responses set out in Appendix 1.

##### 1. Introduction

1.1. The government is consulting on a proposed approach to update the current National Planning Policy Framework (NPPF). The consultation began on 22 December 2022 and closes on 2 March 2023 and is available at the following web link:

[www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy)

1.2. A tracked changed amended NPPF accompanies this consultation to reflect the immediate updates being proposed. This precedes a fuller review of the NPPF programmed for late 2023/ early 2024, the contents of which will depend on the implementation of wider changes to the planning system, including the outcomes of the passage of the Levelling-up and Regeneration Bill through Parliament.

## 2. Background

- 2.1 The government consulted on reforms to the national planning system in a White Paper in Autumn 2020. The responses informed the Levelling-Up and Regeneration Bill which is currently be considered by Parliament.
- 2.2 The City Council has previously responded to the consultation on the Planning White Paper and subsequent changes to the NPPF with those responses agreed at meetings of the Board on 1 October 2020 and 15 March 2021.
- 2.3 This latest consultation is seeking changes to the NPPF which can be brought forward first to cover the following areas:
  - make clear how housing figures should be derived and applied so that communities can respond to local circumstances;
  - address issues in the operation of the housing delivery and land supply tests;
  - tackle problems of slow build out;
  - encourage local planning authorities to support the role of community-led groups in delivering affordable housing on exception sites;
  - set clearer expectations around planning for older peoples' housing;
  - promote more beautiful homes, including through gentle density;
  - make sure that food security considerations are factored into planning decisions that affect farmland;
  - and enable new methods for demonstrating local support for onshore wind development.
- 2.4 The consultation also seeks responses on future changes to the plan-making system, the introduction of National Development Management Policies, enabling levelling-up and other wider changes to national planning policy.

## 3. Proposed Changes to the NPPF

### **Providing certainty through Local and Neighbourhood Plans**

- 3.1. The consultation reaffirms the primacy of local and neighbourhood plans in planning decision making. To increase the certainty attributed to these plans, it is proposed to remove the requirement to demonstrate a 5-year supply of housing where local authorities have an up-to-date local plan.
- 3.2. This will ensure that authorities and communities that have spent significant time and resources bringing forward their local plans do not find themselves quickly open to speculative development if they cannot continuously demonstrate a 5-year supply of housing.
- 3.3. For plan-making and instances where local plans are more than 5 years old, the consultation also proposes to remove the need buffer of either 5%, 10% or 20% in the calculation of the 5-year supply of housing. The buffer currently increases to address levels of underperformance. Proposals are also included to allow historic oversupply of housing to be included in the 5-year supply of housing calculation.
- 3.4. The consultation proposes to align the definition for Neighbourhood Plans being out of date for 5-year housing supply purposes from the current 2 years to 5 years to align with local plans.

### **Planning for Housing**

- 3.5 The government introduced the 'standard method' for assessing local housing need in 2018. This is a formula that uses projected household growth and affordability ratios, using national datasets, to derive a housing number for each local authority area. There has been concern that this process does not address recognised constraints such as Green Belt which has also led to local authorities requesting adjoining geographic areas to take some of their housing need.
- 3.6 Currently, local authorities can only depart from the standard method where exceptional circumstances justify an alternative approach. In practice, this is applied as 'high bar' and it is rare for local authorities, by definition, to be successful in demonstrating exceptional circumstances.
- 3.7 The consultation states that although local authorities are advised to continue to use the 'standard method' it will not be mandatory. The consultation proposed changes that would identify more explicit indications of exceptional circumstances where an alternative method of deriving a local housing need number could be used. These circumstances are:
- To meet housing need it results in building at densities which would be significantly out of character with the existing area
  - To meet housing need it requires changes to Green Belt boundaries
  - There has been an oversupply of housing during the preceding plan period.
- 3.8 There are also proposals to amend the current urban uplift to the 'standard method' for 20 specified urban local authorities. These are confined to the main cities and urban areas across England and do not include Chelmsford.
- 3.9 Where emerging local plans are coming forward through the existing plan system, the consultation proposes the requirement to demonstrate a housing supply is reduced from 5 to 4 years. Changes are also proposed to the Housing Delivery Test to limit the penalties given to local authorities where slow housing delivery results from developer behaviour.

### **A Planning System for Communities**

- 3.10 The consultation states that greater emphasis should be given to the delivery of social rented homes through the planning system. Securing social rent homes is already a priority for many local planning authorities, and the consultation is seeking feedback on how national planning policy can support this. The proposals are also seeking feedback to update the NPPF to support the supply of specialist older people's housing.
- 3.11 Consultation feedback is also sought on the role of small sites for small builders and whether the existing 10% target in local plans should be increased, particularly in urban areas. Proposals for more community-led developments are also set out, in particular for their role in providing locally led affordable homes. At present, affordable housing for rent is defined in the NPPF as that let by Registered Provider (apart from Build to Rent). The consultation is seeking feedback as to whether that should be extended to community-led developers and almshouses who are not Registered Providers.
- 3.12 The Levelling-Up and Regeneration Bill seeks to speed up the build-out of new development once planning permission has been granted. The Bill will place new obligations on developers to keep local authorities better informed of commencements and completions. The consultation is seeking to strengthen this approach by publishing data on developer's performance, explain how proposals diversify housing tenures and

allow local authorities to take into account past build-out performance when considering further planning applications.

- 3.13 The Levelling-Up and Regeneration Bill will remove the existing legal Duty to Co-operate. To ensure cross-boundary strategic planning matters are still considered, a new “alignment policy” is proposed which will be subject to further consultation.

### **Asking for Beauty**

- 3.14 Following on from update to the NPPF made in 2021, further changes are proposed to emphasise the role of beauty and placemaking in strategic policies. The primary means of assessing and improving the design of new development will be through the preparation of local design codes in line with the current National Model Design Code (NMDC). The consultation also seeks greater visual clarity on design requirements set out in planning conditions.
- 3.15 The consultation is seeking all local authorities to take a more positive approach to upward extensions of existing buildings, in particular the use of mansard roofs.

### **Protecting the Environment and Tackling Climate Change**

- 3.16 The Environment Act (2021) has strengthened the role of the planning system through mandatory Biodiversity Net Gain (BNG) and Local Nature Recovery Strategies (LNRS). The consultation is seeking feedback on how these will be implemented, addressing the concern that developers will clear sites before applying for planning permission in order to lower the baseline from which BNG is assessed. Views are also sought on how policy and guidance can be strengthened to promote small-scale changes that can enhance biodiversity and support wildlife recovery. Particular reference is made to the negative impacts from the use of artificial grass and how future planning policy and guidance could restrict its use.
- 3.17 There is a commitment to provide further guidance on how plan and decision making in the planning system can complement the objectives of the LNRSs. The Essex Local Nature Partnership, formed in 2021, will take a key role in this process. Further protection of Ancient Woodlands and veteran trees are also being considered.
- 3.18 The food production value of farmland is also recognised. Feedback is sought on improving the recognition of the Best and Most Versatile (BMV) land in the planning process.
- 3.19 The consultation identifies calls to embed a broad form of carbon assessment in planning policy. These could apply at the local plan-level or could cover emissions that result from locational, design, travel and development choices. Feedback is sought on how these assessments could be implemented.
- 3.20 Following updates in August 2022 that significantly revise the flood risk section of the Planning Practice Guidance, this consultation is seeking feedback on the use of further nature-based solutions with multi-functional benefits to address increased climate risks.

### **Onshore Wind and Energy Efficiency**

- 3.21 Following a Ministerial Statement on 6 December 2022, the government has committed to consulting on changes to planning policy for power generation from onshore wind to deliver a more localist approach that provide local authorities more flexibility to respond to the views of their communities.

- 3.22 The existing paragraphs in the NPPF do not consider onshore wind turbines acceptable in principle unless they are identified in area deemed suitable in a local plan and proposals can demonstrate the support of the local community. The proposed changes to the NPPF remove the need for proposals to be in a designated area in the local Plan, rather, using Local Development Orders (LDOs), Neighbourhood Development Orders (NDOs) or Community Right to Build Orders (CRBOs) to grant permission. They would continue to be required to demonstrate community support for the proposals.
- 3.23 Changes to the NPPF are also proposed to give significant weight to proposals which allow the adaption of existing buildings to improve energy efficiency, whilst ensuring local amenity and heritage matters continue to be protected.

## 4 Other Future Proposed Changes

### **Preparing for the New System of Plan-Making**

- 4.1 The Levelling-Up and Regeneration Bill sets out reforms to the local plan-making system. This is aimed to ensure plans can be produced more quickly and their content simplified. Subject to parliamentary approval, we expect these plan-making reforms to be implemented from late 2024. The consultation is seeking feedback on the proposed timeline to move to the new system.
- 4.2 Transitional arrangements are proposed which allow plan-makers until 30 June 2025 to submit their plans for independent examination under the existing legal framework, which includes the Duty to Co-operate.
- 4.3 The new system of plan-making is expected to go live in late 2024. There will be a requirement for all local planning authorities to start work on new plans by, at the latest, 5 years after adoption of their previous plan and to adopt that plan within 30 months. Where authorities have a plan that is less than 5 years old when the new system goes live, it will not be required to prepare a new-style plan until their existing plan is 5 years old.
- 4.4 Where plans become out-of-date (over five years old) shortly after the new system is introduced, it is proposed they will still be considered up to date for decision making purposes for a further 30 months after the new system goes live which the expected earliest date is November 2024. In Chelmsford's case that would mean preparation of a new-style local plan would be required to start by 27 May 2025, however the existing adopted Local Plan would not be considered out of date for planning decisions until 27 November 2027.
- 4.5 The proposed new plan-making system would remove Supplementary Planning Documents (SPDs) and replace them with the new Supplementary Plans which could be afforded the same weight as local plans. Existing SPDs would remain in force until a local planning authority is required to adopt a new-style plan, as set out above.
- 4.6 Officers are currently assessing the implications for the review of Chelmsford's Local Plan. However, it is important that any consultation results and evidence prepared at the early stages of plan-making made under the existing system should be allowed to be used for the preparation of a new-style plan if that route is chosen for authorities with existing up-to-date plans. Comments have been made to this effect as part of the consultation feedback.

## **National Development Management Policies**

- 4.7 The Levelling-Up and Regeneration Bill allows for a set of National Development Management Policies to be developed. These would have the same legal weight as policies within plans. They would cover policy objectives which are similar across the country such as the Green Belt, flooding, net-zero or heritage matters. Separate Development Management policies would remain in local plans where they address distinctly local issues. Feedback is sought within the consultation on the scope and principles for National Development Management Policies.

## **Levelling-Up and Boosting Economic Growth**

- 4.8 The consultation seeks to ensure local plans support new business development, including SMEs. Feedback is sought on how the NPPF could better support development that drives economic growth and productivity and unlocking development on brownfield land within city and town centres.

## **5 Conclusion**

- 5.1 This is the first stage of consultation on detailed changes to national planning policy arising from the Levelling-Up and Regeneration Bill. It contains some initial proposals to change the NPPF to come into force in the Spring of 2023. It will be followed by further consultation and changes following the Levelling-Up and Regeneration Bill receiving royal assent which is subject to parliamentary approval.

- 5.2 The proposed responses to the consultation questions are set out at Appendix 1 of this report.

## **List of Appendices:**

Appendix 1 – Proposed Responses to Reforms to National Policy Consultation

## **Background Papers:**

[Levelling-Up and Regeneration Bill – Reforms to National Planning Policy](#) - 22 December 2022

[National Planning Policy Framework: Draft Text for Consultation](#) – 22 December 2022

Chelmsford Policy Board Reports: [1 October 2020 Agenda Item 5](#) : [15 March 2021 Agenda Item 6](#)

## **Corporate Implications**

### **Legal/Constitutional:**

The consultation is proposing a new legal framework for plan-making

### **Financial:**

There are no immediate financial implications awaiting more detailed proposals in further consultations.

### **Potential Impact on Climate Change and the Environment:**

Consultation proposals are seeking to address national planning policy responses to address the implications of climate change and implement positive policy objectives of the Environment Act.

**Contribution toward Achieving a Net Zero Carbon Position by 2030:**

There are no immediate net zero carbon contributions arising from the consultation, however positive impacts are envisaged if the proposals are introduced.

**Personnel:**

There are no immediate direct staffing implications arising from this report.

**Risk Management:**

The consultation proposals could affect the route for reviewing and updating the Council's Local Plan which will need to be monitored.

**Equality and Diversity:**

The consultation seeks feedback on any potential impacts that might arise under the Public Sector Equality Duty as a result of the government proposals.

**Health and Safety:**

There are no direct health and safety implications arising from this report

**Digital:**

There are no immediate direct digital implications arising from this report. The Government has indicated increased use of digital communication in the planning system

**Other:**

None

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**Consultees:**

CCC - Development Management, Economic Development and Implementation, Strategic Housing Services, Building Services, Parks and Greenspaces.

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**Relevant Policies and Strategies:**

The report takes account of the following policies and strategies of the City Council:

Chelmsford Local Plan 2013-2036

Our Chelmsford, Our Plan, January 2020

Chelmsford Climate and Ecological Emergency Action Plan

## Chelmsford City Council

### Proposed Responses to Reforms to National Policy Consultation Published December 2022

#### 5-year housing land supply

**Q1. Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?**

Yes, but the proposed change, along with other measures on build-out rates and ability to take account of oversupply in assessing housing need, need to represent a careful balancing act between reducing levels of inappropriate development but ensuring up-to-date Local Plans are in place that meet housing needs.

**Q2. Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?**

Yes. Buffers/contingencies are better applied in an overall housing target across a plan period.

**Q3. Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?**

Yes, an oversupply of homes early in a plan period should be taken into consideration when calculating a 5YHLS later on.

**Q4. What should any planning guidance dealing with oversupply and undersupply say?**

It should be treated the same in principle as undersupply when calculating a 5-year housing land supply i.e. rather than be added to the housing requirement, it is deducted.

#### Neighbourhood Plans

**Q5. Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?**

The proposed changes to paragraph 14 are supported. We do not have direct experience of this issue, as we benefit from having an up-to-date Local Plan and from meeting our 5-year housing land supply. However, the current wording implies that a Neighbourhood Plan which may have taken, for example, 5 years to reach made status is out of date after only two years. Given the time often taken to

achieve a made Neighbourhood Plan, providing protection for 5 years seems to be more appropriate.

The Council welcomes the opportunity to work with Neighbourhood Plan groups to provide housing numbers for site allocations and on ensuring that policies are meaningful to the decision-making process.

### Planning for housing

**Q6. Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?**

Yes, the changes emphasis the need to provide new housing and other development communities need in a sustainable manner.

### Housing need and standard method

**Q7. What are your views on the implications these changes may have on plan-making and housing supply?**

Some of the observations will reduce the opposition to plan-making however constraints cannot completely exempt Green Belt authorities from prioritising housing delivery and exporting their housing need to surrounding areas, creating greater opposition in these areas. In entirely Green Belt authorities, this will reduce the choice and size and type of new homes coming forward.

**Q8. Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?**

Yes, policy and guidance should be very clear on what may constitute an exceptional circumstance to avoid a situation whereby there are disproportionate bureaucratic requirements to evidence support for the standard approach and potentially undermining those authorities that do prioritise housing delivery.

**Q9. Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?**

Partially, they need to be recognised as constraints although Green Belt and density considerations cannot completely exempt areas from prioritising housing delivery in particular affordable housing.

**Q10. Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?**

More applicable for the local authorities with uplifts to respond.

**Q11. Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?**

Yes, but where this helps to simplify and speed up the plan preparation and examination process, and reducing Local Planning Authority costs. However, any changes should be clear what evidence is required for the examination and not create a situation where plans struggle to withstand scrutiny at the examination due to a lack of evidence - especially as third party objectors can submit their own evidence under the existing system.

**Q12. Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?**

Yes, transitional arrangements are supported. It would be helpful to clarify what is meant by reaching the pre-submission consultation stage, for example, it is for plans that have been subject to Regulation 19 consultation or published for consultation?

**Q13. Do you agree that we should make a change to the Framework on the application of the urban uplift?**

Yes, so long as the appropriate size, type and tenure of housing needed for different groups in the community can still be accommodated.

**Q14. What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?**

More applicable for the local authorities with uplifts to respond.

**Q15. How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?**

This should be agreed through a joint Local Plan or spatial development strategy.

### **Transitional arrangements**

**Q16. Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?**

Yes, agree.

**Q17. Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?**

No, introducing additional guidance on constraints could slow down plan making especially for those plans at an advanced stage of preparation during the transitional arrangements.

### **Housing Delivery Test**

**Q18. Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?**

Yes, this is supported.

**Q19. Do you consider that the 115% ‘switch-off’ figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?**

The 15% is not evidenced but the consultation document relates this percentage to the proportion of planning permissions that are not progressed or are revised. There are likely to be good reasons why a planning permission is not progressed or needs to be revised relating to the standards of development set out in a Local Plan. This percentage could then penalise authorities that are seeking a good standard of design and should be reduced to reflect other aims to ensure sustainable and well-designed development is secured.

**Q20. Do you have views on a robust method for counting deliverable homes permissioned for these purposes?**

Authorities will still maintain housing supply figures for a minimum 4-year period even if there is no requirement to publish them so should be able to calculate and evidence this information for deliverable sites on an annual basis.

**Q21. What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?**

Given changes are proposed, the consequences should be suspended until the publication of the 2022 Housing Delivery Test.

### **Delivering a diverse range of homes**

**Q22. Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?**

Yes, social rented housing is more affordable as historically it has delivered rents at around 50% of market rates. This is especially important for larger households,

particularly given the cost-of-living crisis. A national planning policy target for delivery of social rented housing would help to improve and harmonise delivery but it is the high value areas which particularly need greater supply of this form of housing. Even in high value areas this is only likely to be achieved at the expense of the overall delivery of affordable housing unless there is acknowledgement that commensurate increases in, and wider access to, grant support will be required. Alternatively, the requirement to provide 10% home ownership and/or 25% First Homes may need to be revisited to ensure the social rented homes can be prioritised in high value areas.

**Q23. Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?**

Not if this could be interpreted to imply that this type of specialist housing should be given more weight than housing needed for other groups in the community. More weight, or at least a greater distinction, should be made to those who are living in unsuitable accommodation e.g., category 1 hazards, temporary accommodation due to homelessness and the number of older persons that might require specialist housing, when established solely through demographic data. Demographic forecasts don't always reflect housing aspirations or demand from older persons household therefore caution should be applied to the interpretation of both the demand and need for this type of specialist housing.

**Q24. Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?**

Including a National Development Management Policy supporting windfall sites where appropriate could be effective. In urban areas, greater forward funding of infrastructure required to access and assemble land would give more confidence of the deliverability of small sites.

**Q25. How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?**

In terms of affordable housing in rural areas, changing the definition of a 'designated rural area' to include all parishes of 3,000 or fewer population and allowing LPAs to seek affordable housing contributions from sites of less than 10 dwellings in these communities at levels that are economically viable would be effective. Costs are already higher because these types of development cannot achieve economies of scale therefore removing the existing barrier to take affordable housing contributions from sites of less than 10 dwellings in most rural parishes will enable more affordable housing through cross subsidy from market housing.

**Q26. Should the definition of "affordable housing for rent" in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?**

Changing the definition of affordable rented housing to include provision by a wider range of organisations could be helpful. However, this should not compromise the quality of social housing or the transparency and fairness of services to residents, including the allocation and management of these homes. As the consultation suggests, it would be helpful if any changes align with the government's drive to achieve these goals, including through the Social Housing Regulation Bill. The financial stability of any organisation managing affordable housing for rent also needs to be regulated to ensure long-term security of tenure for residents. Local authority nomination rights would ensure dwellings are provided to those that cannot afford to rent a home in the local housing market.

**Q27. Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?**

It is welcome that the consultation is seeking views on how to bring forward affordable housing in rural areas. Community Led Development (CLD) does have a role to play and including a definition of what CLD in the NPPF would allow LPAs to support this form of development more actively. However, this should not be at the exclusion of other providers, especially given that these schemes are only a small proportion of rural exception site (RES) delivery. Most are provided by Registered Providers with close engagement of the community. This pattern reflects that many rural communities want to meet local housing needs, but do not have the appetite, skills, capacity, or resources to develop and manage affordable homes in the long term.

CLD requires national funding to ensure communities who want to own or manage affordable homes themselves can access the required technical skills and project management support CLD requires.

Government funding would also help to consolidate (in financial terms) the role of Rural Housing Enablers that also act as Community Led Housing advisors so that they can continue to ensure full community engagement in delivery of rural exceptions sites and maximise the co-coordination of all stakeholders to work positively to deliver affordable housing.

National planning policy should seek to resolve the tension between First Homes Exception Sites and RES.

**Q28. Is there anything else that you think would help community groups in delivering affordable housing on exception sites?**

See response to Q27.

**Q29. Is there anything else national planning policy could do to support community-led developments?**

Embed the Garden City Principles of community ownership of land and long-term stewardship of assets more widely in the NPPF.

## Developer accountability

### **Q30. Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?**

The Council agrees that public confidence in the planning system is undermined if planning rules are deliberately ignored and that it can be frustrating when local communities see applicants securing planning permission again despite disregarding the rules. Any changes in the NPPF to address this issue must be clearly set out including defining what 'previous irresponsible behaviours' would be relevant. This will be essential to ensure that changes are manageable in practice and avoid Local Planning Authorities becoming embroiled in the legal arguments that could result, and for which they do not have the necessary resources to undertake.

### **Q31. Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?**

See response to Q30.

## More build-out

### **Q32. Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?**

The Council supports the prompt build-out of permitted housing sites. Any changes in the NPPF to address this issue must be clearly set out to ensure that they are manageable in practice and avoid Local Planning Authorities becoming embroiled in the legal arguments that could result, and for which they do not have the resources.

## Beauty

### **Q33. Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?**

The cornerstone of planning policy is evidence. Delivering beauty is a laudable aim, but one which is to very difficult to achieve, not least as any meaningful and workable explanation is almost impossible to define. If renewed emphasis is needed, it would be better to focus on placemaking. Here policies and the resulting decisions can be based on evidence and as such design excellence is far more achievable.

### **Q34. Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?**

Please see response to Q33.

**Q35. Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?**

Yes, the Council agrees that all plans and drawings should be clear, accurate and enable the design of the proposed development to be easily understood. This could support enforcement action where the design quality of the built development has materially diminished when compared against the approved plans, and in the consideration of planning appeals by the Planning Inspectorate.

### **Density**

**Q36. Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?**

No, this is considered to be an unnecessary level of detail to include within National policy and could in practice encourage poor design.

Further consideration should be given in the NPPF to requiring minimum densities standards to help deliver more housing.

### **Biodiversity**

**Q37. How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?**

The Council supports opportunities to promote more small scale nature interventions such as bat and bird boxes through its adopted Making Places Supplementary Planning Document. It is not considered necessary to add this level of detail to include within National policy as it will depend on local circumstances. Although artificial grass should be discouraged generally given it has no value for wildlife, we agree that national policy should recognise that it is important for some uses such as on sports pitches.

### **Food production**

**Q38. Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?**

No. It is considered that the current Footnote 58 provides adequate guidance on the consideration of development on agricultural land. The term 'food production' is not defined in the proposed amendment, which could lead to difficulty in interpretation and implementation. Not all farming is arable, with various other types of food production such as animal and poultry raising, and viticulture, which may or may not

be carried out on agricultural land grades 1-3a but which are equally important to food production.

We suggest that instead, reference could be made to the Guide for Assessing Development Proposals on Agricultural Land

<https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land> . This provides clear and up to date guidance which does not need to be repeated in the NPPF.

### Carbon assessment

**Q39. What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?**

Whilst efforts to minimise carbon emissions are supported, it is considered that rather than undertaking carbon impact assessments for which Local Planning Authorities do not have the resources to undertake, that the focus should be on:

- Upskilling planning and other Local Authority staff and improving carbon literacy generally across organisations to better understand the carbon impact of decisions
- Embedding and implementing existing principles of achieving net zero carbon via existing initiatives such as biodiversity net gain and future homes standard working, and
- Working with stakeholders to improve the outcomes on these existing standards
- Strengthening requirements through Building Regulations and other legislation outside the planning system, and in providing clear Government guidance.

Sustainability is already considered in many different forms throughout the planning process and carbon would just be a proxy metric for the wider sustainability areas already covered by the Local Plan process.

Several Local Authorities have introduced requirements to carry out Carbon Impact Assessments of key decisions. This is where weighing the impact against “specifics” can help embed a culture change in considering carbon emissions in decision making. A carbon impact assessment on something as “strategic” as a Local Plan risks becoming a commissioned report rather than an embedded way of thinking about the long term sustainability of new “places” as we all head towards a net zero carbon future.

### Climate adaptation and flood-risk management

**Q40. Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?**

- (1) Development should seek to improve flood risk and not simply have a neutral impact.
- (2) All operational development (both minor and major) should incorporate SUDS.
- (3) DLUHC guidance on the process to be undertaken when preparing strategic and site specific flood risk assessments is clear and well understood. What is less straight forward, as specifications are spread across numerous technical papers at government, agency and industry level, is advice and standards on how to achieve nature based solutions. Akin to the approach we see in LTN 1/20 and Design Coding, practical guidance is needed to demonstrate how nature based solutions such as SUDS could be designed and implemented within development schemes.

### **Onshore wind and energy efficiency**

#### **Q41. Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?**

Yes, inclusion of text relating to future re-powering and maintenance of renewable and low carbon energy and heat is sensible in order to support an increase in its use and supply.

#### **Q42. Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?**

See response to Q41.

#### **Q43. Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?**

More applicable for the local authorities with onshore wind deployment potential to respond. There appears to be an error with the ordering of the footnotes.

#### **Q44. Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?**

Agree. The Council also considers that Building Regulations should be strengthened to require energy efficiency improvements through the adaptation of existing buildings.

### **Plan-making system**

#### **Q45. Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?**

If the reformed system goes live in late 2024, having until 30 June 2025 to submit plans for independent examination under the existing system seems reasonable. The length of the independent examination, and the date of plan adoption, will be

dictated primarily by the Planning Inspectorate and the receipt of the Inspector's Report. As such, 31 December 2026 should be an aim but not a requirement for concluding independent examinations and adopting plans under the existing system. Careful consideration also needs to be given to ensuring that the Planning Inspectorate are equipped to meet the proposed examination timelines.

In instances where reviews of adopted and up-to-date Local Plans have commenced, it should be made clear that consultation and evidence base already undertaken and assembled at Regulation 18 can either be used to proceed towards submission under the existing legal framework by 30 June 2025 or can be used to produce a new-style local plan under the new arrangements. In Chelmsford's case we adopted our Local Plan on 27 May 2020 and commenced consultation on a review of the plan in the summer of 2022. It needs to be explicit that consultation undertaken at the early stages of plan preparation can be legally used for the preparation of a new-style plan.

**Q46. Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?**

Proposals to allow plans that will become more than 5 years old during the first 30 months of the new system to continue to be considered 'up-to-date' for decision-making purposes for 30 months after the new system starts are supported. This should help to reduce the risk of LPAs being exposed to speculative applications while preparing a new-style plan. It is necessary to clarify what would constitute commencing plan preparation.

**Q47. Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?**

Yes. The proposed timetable aligns with that for preparation of Local Plans, and is considered appropriate.

**Q48. Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?**

Whilst the transitional period appears to be logical, the practical application of this may have an impact on staff resources. LPAs may find themselves, alongside preparation of a Local Plan in a defined timeframe, struggling to update or produce and engage/consult on new Supplementary Plans which can provide important detail and interpretation of strategic Local Plan policies. We suggest arrangements are included to enable LPAs to assess existing SPDs and continue to use 'saved content' which remains in conformity with the NPPF and the new/updated Local Plan, until they are able to produce new Supplementary Plans.

### **National DM Policies**

**Q49. Do you agree with the suggested scope and principles for guiding National Development Management Policies?**

The proposed scope and principles which include covering only matters that have a direct bearing on the determination of planning applications seem appropriate and comprehensive. However, further clarity about how these relate to city centres/town centres would be welcomed. The desire to make sure that the National Development Management Policies are clearly, concisely and consistently drafted is also supported.

**Q50. What other principles, if any, do you believe should inform the scope of National Development Management Policies?**

See response to Q49. No further principles are suggested by the Council.

**Q51. Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?**

Yes, the proposed additional decision-making issues that the National Development Management Policies could address including allotments seem appropriate. The Council would also like to see Electric Vehicle (EV) roadside charging infrastructure included.

**Q52. Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?**

Yes, a definition of roadside infrastructure as there is too much appeal ambiguity at the moment, and encouraging/promoting roadside EV charging infrastructure.

### Levelling Up

**Q53. What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?**

*The 12 missions are:*

- 1. By 2030, pay, employment and productivity will have risen in every area of the UK, with each containing a globally competitive city, with the gap between the top-performing and other areas closing.*
- 2. By 2030, domestic public investment in Research & Development outside the Greater South East will increase by at least 40% and at least one third over the Spending Review period, with that additional government funding seeking to leverage at least twice as much private sector investment over the long term to stimulate innovation and productivity growth.*
- 3. By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing.*
- 4. By 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.*
- 5. By 2030, the number of primary school children achieving the expected standard in reading, writing and maths will have significantly increased. In*

*England, this will mean 90% of children will achieve the expected standard, and the percentage of children meeting the expected standard in the worst-performing areas will have increased by over a third.*

6. *By 2030, the number of people successfully completing high-quality skills training will have significantly increased in every area of the UK. In England, this will lead to 200,000 more people successfully completing high-quality skills training annually, driven by 80,000 more people completing courses in the lowest skilled areas.*
7. *By 2030, the gap in Healthy Life Expectancy (HLE) between local areas where it is highest and lowest will have narrowed, and by 2035 HLE will rise by 5 years.*
8. *By 2030, well-being will have improved in every area of the UK, with the gap between top-performing and other areas closing.*
9. *By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top-performing and other areas closing.*
10. *By 2030, renters will have a secure path to ownership with the number of first-time buyers increasing in all areas; and the government's ambition is for the number of non-decent rented homes to have fallen by 50%, with the biggest improvements in the lowest-performing areas.*
11. *By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.*
12. *By 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution and a simplified, long-term funding settlement.*

The NPPF should set out through a high-level spatial policy, the transport, infrastructure, health, 'green' and economic growth priorities within each of the regions to provide a regional spatial portrait to make the levelling-up missions tangible and for a focus for Local Plans Strategic Priorities.

**Q54. How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?**

Consideration should be given to tools such as Simplified Planning Zone designations where the planning process is relaxed for specific areas of land and types of development.

**Q55. Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?**

The existing NPPF is already considered adequate. It will be important that any areas for gentle densification are identified by Local Planning Authorities through their proposed new Local Design Codes.

**Q56. Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more**

**emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?**

No. It is considered that this would be more effective within the National Model Design Code, LPA design codes, and Secured by Design guidance. Using the example of lighting, proposals may not necessarily require planning permission, may not be in the control of the LPA such as where the County Council is the lighting provider, or may not be appropriate such as in a Conservation Area or rural setting. In relation to the proposal for increased emphasis in the NPPF, Paragraphs 92 and 97 are already considered to be effective.

**Q57. Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?**

There are two particularly helpful resources which we consider to provide best practice:

- The Planning Portal is a widely known practical resource for homeowners, giving project level advice which does not necessarily list policy, but demonstrates how it is applied. There are links to LPAs and to national policy, which could be further developed to provide information and explanations of national policy. <https://www.planningportal.co.uk/>
- The Essex Design Guide remains the pioneering web resource for planning policy matters with interpretation and case studies to demonstrate their application. <https://www.essexdesignguide.co.uk/>

**Equality**

**Q58. We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.**

No comment.