



**OPEN REPORT
COMMUNITY AND ENVIRONMENT COMMITTEE**

Community and Environment Committee – 9 February 2023

LEVELLING AND REGENERATION BILL – CONSULTATION ON PROPOSED REFORMS TO NATIONAL PLANNING POLICY

Report of Director of Regeneration and Policy & Director of Regulatory Services

Report Author and Contact Details

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Wards Affected

All Outside the Peak District National Park

Report Summary

This report summarises for Members proposals published by the Government for updating the National Planning Policy Framework (NPPF) and potential further changes to national planning policy including the introduction of the National Development Management Policies. The report also sets out a proposed response to the consultation and allows a submission to be made to the Department for Levelling up, Housing and Communities by 2nd March 2023 deadline.

Recommendations

1. That the contents of the consultation be noted.
2. That the recommended Officers response to the consultation questions as set out in Appendix 3 form the basis of a submission to the Department for Levelling Up, Housing and Communities by the deadline of 2 March 2023.
3. That any additional comments from Members following consideration of this report be sent to the Policy Manager for inclusion in the submission to the Secretary of State by no later than Friday 24 February 2023.
4. That authority be delegated to the Director of Regeneration and Policy to make the final submission to the Secretary of State on behalf of the District Council.

List of Appendices

Appendix 1 Levelling and Regeneration Bill; Reforms to National Planning Policy

Appendix 2 NPPF – Draft Text for Consultation

Appendix 3 Draft Response to Consultation Questions

Background Papers

[Levelling Up and Regeneration Bill: Reforms to National Planning Policy \(HTML\)](#)

[National Planning Policy Framework - Draft Text for Consultation \(PDF\)](#)

Consideration of report by Council or other committee

None

Council Approval Required

No

Exempt from Press or Public

No

Levelling –Up and Regeneration Bill; Reforms to National Planning Policy Consultation

1. Background

- 1.1 In February 2022 the Government published the [Levelling Up White Paper](#) which set out that it was committed to making reforms to the planning system as part of its levelling up agenda, and as way of giving communities a greater say over where homes are built and what they look like.
- 1.2 The [Levelling-up and Regeneration Bill \(the Bill\)](#) which is currently before Parliament is intended to enable such reforms by mandating ‘beautiful’ new development that meets clear design standards and reflects community views.
- 1.3 However in order to ensure that any reforms to the planning system are effective the Government consider that it also requires changes to national planning policy that will provide support for local communities, local authorities and applicants.
- 1.4 The Government on 22nd December 2022 commenced a public consultation on its proposed approach to updating the National Planning Policy Framework (NPPF), as well as its proposed approach to preparing National Development Management Policies. A copy of the consultation text is set out in **Appendix 1**
- 1.5 The Government has indicated that the consultation sets out proposed changes it wishes to make to the current NPPF immediately after the completion of this consultation. A copy of the tracked changes version of the NPPF, which the Government intends to make following this consultation is set out in **Appendix 2**.
- 1.6 The deadline for the submission of representations is 11.45pm on 2nd March 2023. A copy of the consultation questions and the recommended Officers response to each one is set out in **Appendix 3**.
- 1.7 The Government has indicated that there will be further consultation on changes to National Planning Policy once consideration has been given to the proposals in this consultation and once the Levelling Up and Regeneration Bill has received Royal Assent.

2. Key Issues

Proposed Changes to NPPF

- 2.1 The proposed changes to the NPPF as set out in Appendix 2 are intended to deliver the following:
 - 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 farm land and;
 - enable new methods for demonstrating local support for onshore wind development.
- 2.2 The proposed immediate changes to the NPPF indicate that the Standard Methodology for assessing future housing needs is an advisory starting point, and that only in exceptional circumstances relating to local characteristics should an alternative model be used.
- 2.3 The aim being that local authorities should meet as much housing need as possible with an appropriate mix of housing types to meet community need. The proposed guidance suggests that strategic policy making planning authorities should establish a housing requirement for their whole area. A figure higher than the Standard Methodology can be identified where for example it reflects growth ambitions related to economic development or infrastructure investment.
- 2.4 The proposed changes to the NPPF would remove the requirement for a 5 year supply of deliverable land for housing for up to date plans (less than five years old) and as part of the calculation of five year supply remove the 5%, 10% and 20% buffers.
- 2.5 It also proposes changes to the implications of not delivering at the required rate using the Housing Delivery Test formula. The highest penalty being where the delivery rate falls below 75% and the presumption in favour of development being enacted.
- 2.6 In identifying how housing development is delivered it indicates that Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period.
- 2.7 The proposed revisions seeks to ensure that local planning authorities deliver 'beautiful' buildings and places. For buildings where an additional floor is being contemplated it is proposed that support is given for mansard roofs as part of the design solution where this is in keeping with surrounding buildings. It emphasises the use of the National Model Design Code and Local Design Codes as a means of setting the standard for improving the design of new development.
- 2.8 It also implies that local planning authorities should be much clearer about which plans are approved as part of a planning permission.
- 2.9 In terms of renewable energy the proposed changes support for the replacement of existing wind turbines even where that may involve them being slightly larger than existing. It suggests that new wind turbines can be brought forward in a number of ways, not just by way of planning permission – including Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders if the impacts are appropriately addressed and a proposal has community support. The proposed revisions

also supports proposals that deliver improvements in energy efficiency to buildings, especially large non-domestic properties.

- 2.10 The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development. This seems a reasonable revision to policy as it allows for land to be maintained for food security in the future. More details on how to assess the value of land for food production is however required.
- 2.11 The proposed revisions to the NPPF also seek to remove the requirement that a Local Plan has to be 'justified' rather it now has to be a strategy that meets the areas objectively assessed need so far as possible , taking account of the policies in the NPPF.

Officer Comments

- 2.12 Overall the revisions being proposed in the NPPF, and which would come into force upon completion and consideration of this implementation are to be welcomed.
- 2.13 In respects, however the changes in emphasis in regards to the Standard Methodology is not significantly different to the current approach, where alternative models can be used, and where figures higher than the derived Standard Methodology can be used as the assessment of housing need in appropriate circumstances.
- 2.14 However the emphasis on meeting 'as much as possible' of the housing need, rather than meeting the objectively assessed need in full is to be welcomed, although the circumstances where the numbers can be increased/decreased should be set out more clearly in the NPPF.
- 2.15 One area that the revised guidance suggests to be a constraint to not having to meet all future housing needs is the existence of a Green Belt. The circumstances that Derbyshire Dales faces with regards to the boundary of the Peak District National Park is not dissimilar to the existence of a Green Belt boundary. It is considered that the NPPF could be clearer in setting out that National Parks, and AONB's place a significant constraint on local planning authorities such as Derbyshire Dales meeting all its future housing needs. If this was able to be taken into account then District Council may be able to deliver housing needs that are proportionate to its jurisdiction as local planning authority.
- 2.16 In regards to the changes to the 5 year supply calculation, the removal of the buffers is to be welcomed as this can add 6-12 months extra requirements, often in circumstances that are beyond the control of the local planning authority.
- 2.17 In principle it is considered that removing the 5 year land supply requirement where Local Plans are up to date is a sensible change as it provides more certainty to the local authority and its residents about which sites in the Local Plan are likely to be brought forward. It will also mean that the pro-developer weighting inherent within the NPPF will be diluted. It is also important to ensure that the balance doesn't go too far

the other way as the housebuilding sector can contribute towards achieving growth within the economy both locally and nationally.

- 2.18 However it is considered that there should be some transition arrangements to the implementation of this in order to allow for Local Plans, such as the Derbyshire Dales Local Plan already under review not to be penalised for being more than 5 years old.
- 2.19 The emphasis on ‘beauty’ is to be welcomed, as this enables the District Council to seek improvements in the quality of developments across the plan area. Whilst local design codes will provide a standard for assessing the quality of new developments further work is required to decide how these will be prepared.
- 2.20 The suggested changes to support the replacement and life extending renewable development is to be welcomed as this allows the principle of existing development on the site to be taken into account when considering the future use of the site. Similar the revision to support improvements to make existing buildings more energy efficient is to be welcomed.
- 2.21 The revised approach to the examination of Local Plans will still require the production of evidence to justify the plan’s content, however the suggested removal of the need to justify a plan to the same extent will allow a simpler assessment to be undertaken that is proportionate to the policies and proposals within the plan.

Prospectus of Proposed Other Changes to National Planning Policy

- 2.22 The second aspect of the Government consultation is a prospectus of proposed changes that it considers will improve the operation of the planning system. Such changes would only come into effect once the appropriate statutory process and public consultation has been undertaken. Although there is no indication of the timetable for the introduction of the further changes, it is anticipated that the details of these will only emerge after the initial changes to the NPPF in Spring 2023. It is also possible that such further changes will also take some time before they are implemented. This includes a set of National Development Management Policies, which would be separated from the NPPF.
- 2.23 The Government makes a commitment to increase the amount of affordable housing and it indicates that it intends to amend the NPPF in the future to make clear that greater importance needs to be given to Social Rent Homes. It also sets out that it proposes to add into the NPPF an expectation that there is an adequate supply of housing to meet the needs of older people including retirement housing, housing-with-care and care homes to help support an ageing population.
- 2.24 The consultation acknowledges that small sites are an important part of housing supply. It seeks views on whether the NPPF should be strengthened (currently 10% requirement on sites of less than 1 hectare) to encourage greater use of small sites – particularly in urban areas to speed up the delivery of housing and give confidence to small SME builders.

- 2.25 It is proposed that the NPPF is strengthened to make sure there is more emphasis on the role that community-led development can have in supporting the provision of more locally-led affordable homes. It asks the question whether the definition of affordable housing to rent should be amended to make it easier for organisations that are not Registered Providers to develop affordable housing.
- 2.26 The suggestion is that changes should be made that seek to improve developer accountability, and that previous 'irresponsible' behaviour involving breaches of planning controls or failing to deliver legal commitments should be capable of being taken into account.
- 2.27 The Government is also keen to ensure that developments get built as soon as possible once planning permission has been granted. The Bill includes provisions that will require developers to report the delivery of housing across each local authority area they have a planning permission. To strengthen this it proposed that the following are also introduced:
- a) Publish data on developers of sites over a certain size in cases where they fail to build out according to their commitments.
 - b) Developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate (which is the rate at which homes are sold or occupied).
 - c) The National Planning Policy Framework will highlight that delivery can be a material consideration in planning applications. This could mean that applications with trajectories that propose a slow delivery rate may be refused in certain circumstances.
- 2.28 It is considered that the new emphasis on Social Rented housing is to be welcomed, as this is the affordable housing tenure most in need in Derbyshire Dales. It is suggested that in the response that the emphasis on First Homes should be diluted given the nature of the housing market across large parts of the country. Similarly support for more community led housing is to be welcomed.**
- 2.29 A lot of small sites come forward as windfall sites, where often the potential to deliver new housing is not immediately apparent. If more small sites are going to be included in the future mix, this may well create resource issues for local planning authorities trying to identify additional land and premises to achieve this. The advice in the NPPF should be made much clearer so that it is clear what and how the level of small sites can be calculated. Does this for example include just allocated sites in the Local Plan or does it include both commitments and allocations?**
- 2.30 Whilst developers may transgress current planning legislation, because it is there to regulate the use and development of land, taking into account developer behaviour has the potential to become a legal mine field. It is therefore considered that, whilst it is to be deplored, in practical terms a developer's behaviour should not be taken into account.**

- 2.31 Whilst publishing data by developers will allow all parties to view their intentions with regards to site development rates, in practical terms they may not always be capable of being achieved, and if introduced as material considerations may well delay the submission of planning applications until such times as developers have more certainty over development.**
- 2.32 The consultation continues to place an emphasis on delivering beautiful well-designed development which shape buildings, public spaces, streets and neighbourhoods.
- 2.33 We intend to consult on introducing secondary legislation so that existing permitted development rights with design or external appearance prior approvals will take into account design codes where they are in place locally.
- 2.34 The emphasis on quality and the use of design codes is to be welcomed as it will seek to ensure that over time there is an uplift in the built standard of development.**
- 2.35 The prospectus reiterates the Government's commitment to tackling climate change and leaving the environment in a better state. It indicates that the NPPF already sets environmental objectives for the planning system and that the Environment Act 2021 will further strengthen the role of the planning system through the introduction of mandatory Biodiversity Net Gain and Local Nature Recovery Strategies.
- 2.36 Views are sought on whether more can be done to support small-scale changes that provide opportunities to enhance biodiversity and support wildlife recovery, including a ban on the use of artificial grass in developments. It also suggests that it will work with DEFRA to undertake a review of protection to ancient woodlands and veteran trees through the planning system
- 2.37 The NPPF expects planning policies and decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from the best and most versatile agricultural land. Best and Most Versatile land is defined as grades 1-3a in the Agricultural Land Classification. It is proposed to change the current Framework by adding detail on the consideration that should be given to the relative value of agricultural land for food production, where significant development of higher quality agricultural land is demonstrated to be necessary, compared to areas of poorer quality land.
- 2.38 In order to ensure that all aspects of carbon are taken into account in the determination of planning applications it is proposed that a process of carbon assessment be introduced which would help local planning authorities to understand the impact of developments in its broadest sense. The Government is however less than clear how this would be implemented and is seeking views on ways in which it can be operated.
- 2.39 The Government has committed to keeping policy on flood risk under review. It has recently accepted recommendations the use of Sustainable Drainage Systems¹ which set out that new standards for sustainable drainage systems will be introduced as well as making connections to public sewers conditional

¹ <https://www.gov.uk/government/publications/sustainable-drainage-systems-review>

on the drainage systems meeting national standards. It indicates in the consultation document that it update guidance on the production of Strategic Flood Risk Assessments to ensure that they remain up to date. The consultation asks whether planning policy could support climate change adaptation in other ways, taking account of the [third climate change risk assessment](#).

- 2.40 The District Council already supports the use of small scale initiatives such as bat or swallow boxes as set out in the Climate Change SPD. Extending this nationally should be welcomed.**
- 2.41 Protecting the best value agricultural land for food production is sensible to ensure the country's food security in the long term. However to ensure that local planning authorities can apply such guidance in the future it is considered that more detailed guidance would be required. The same for carbon assessments, as these are also considered to be a valuable tool to ensure that all elements of carbon, including embedded carbon is taken into account in development proposals.**
- 2.42 In relation to climate change adaptation measures projects that utilise nature based techniques to address flooding issues are to be welcomed, either where they are part of a new development or where they are in upstream locations and they regulate flows downstream. Revising the NPPF to address these features is considered an appropriate solution.**
- 2.43 The Levelling Up and Regeneration Bill sets out reforms to the local plan making system which is envisaged will be produced more quickly and have a simpler content, and have greater weight with only limited circumstances when decisions would unplanned development would be approved. It is anticipated that these would be implemented from late 2024.
- 2.44 To avoid any delays Local Plans currently being prepared will have until 30th June 2025 to submit plans, and be examined by 31st December 2026 under the current planning system arrangements. This includes still being required to comply with the Duty to Cooperate.
- 2.45 Whilst this transitional period may appear to be reasonable it would still require local planning authorities to continue with the Duty to Co-operate and Test of Soundness in place. These are higher levels of justified than being proposed. It is suggested that in order to avoid delay to avoid the higher levels of justification that the Duty and Co-operate and Justification approach be brought into effect at the same time as the NPPF changes.**
- 2.46 Under the new arrangements post 2024 the Government anticipates new plans being reviewed and adopted within 30 months.
- 2.47 Plans more than five years old when the new system goes live will be required to commence work on a new plan.
- 2.48 The emphasis on maintaining Local Plans up to date is supported as this provides local communities with the reassurance from unplanned and unwanted development. A timetable of 30 months would appear to be fairly tight for reviewing Local Plans without any additional resources being made available.**

- 2.49 For Neighbourhood Plans they will remain in force under the new system until they are replaced.
- 2.50 The proposals indicate that the Government no longer see local planning authorities preparing Supplementary Planning Documents, rather they envisage the preparation of Supplementary Plans which would have the same weight as a local plan etc.
- 2.51 Existing SPD's will remain in force until local planning authorities are required to prepare plans under the new style plan-making process.
- 2.52 **The proposals for the withdrawal of SPDs would suggest that they would lapse before the plans they complement have been withdrawn. This may result in a void on additional guidance in respect of the exiting policies. It is considered that SPDs should remain in place until such times Local Plans are withdrawn. This will allow guidance to remain in force throughout the plan period.**
- 2.53 The prospectus sets out the Government's intention to introduce National Development Management Policies. These would cover planning considerations that regularly apply in decision-making across England. Initially they would build upon existing parts of the NPPF, and then be extended to other aspects of the decision making process that occur regularly. These would be included within a separate document to the rest of the NPPF, which would be re-focused on plan-making principles. It is however suggested that plan making should continue whilst these are being progressed by Government.
- 2.54 Possible areas for Development Management Policies:
- Carbon Reduction in New Developments
 - Allotments
 - Housing in Town Centres and Built Up Areas
- 2.55 Once introduced local planning authorities would not be able to duplicate National Development Management Policies and they continue to prepare Local Plans but these would be focussed on distinctly local issues – the same principle that applies for Neighbourhood Plans. National Development Management policies would take precedent if there is a conflict between them and development plan policies.
- 2.56 **The introduction of National Development Management Policies is likely to remove significant parts of current Local Plans, but have the potential to provide consistency at a national level. The areas suggested for inclusion will build upon the contents of the NPPF. As set out it would imply that the production of Local Plans will then focus on local issues – which in turn may reduce the time required to prepare and review Local Plans.**
- 2.57 As part of its Levelling Up objective the prospectus indicates that the Government considered that the NPPF should be revised to ensure that its economic development aspects align more closely with the vision set out in the Levelling Up White Paper. These include making sure that local plans support new business investment, particularly to those areas of the country that have lagged behind.

- 2.58 It also suggests that it will continue to invest in creating sustainable neighbourhoods and targeting the delivery of housing on brownfield sites, with development in urban areas gradually intensifying housing densities – the result of which is an increase in the labour pool and improved productivity. It also seeks views on whether the Government should bring forward proposals that place more emphasis on making places safe for women, girls and other vulnerable groups.
- 2.59 The current NPPF provides guidance on economic development. The proposed approach appears to focus upon specific high value sectors of the economy some of which some are unlikely to be attractive to other parts of the country outside the South East. A more effective way of levelling up would be for Government Policy to focus on providing funding to support growth across the whole of the country, backed up with policy advice.**
- 2.60 Investment in brownfield sites is to be welcomed. Proposals that suggest the planning system should be used to address health and safety issues should be for all not just women, girls and vulnerable people.**
- 2.61 Any proposals that suggest the planning system should prioritise brownfield sites should be welcomed, although in locations such as Derbyshire Dales care will need to be taken to ensure that the redevelopment of such sites does not have an adverse impact upon the character and appearance of the surrounding area – for example by increasing densities of development etc. The priority given to brownfield sites should also be matched by funding that facilitates and incentivises the remediation of such sites, even where in private sector ownership.**
- 2.62 The final part of the prospectus sets out further aspects of national planning policy, although not exhaustive, the Government considers will necessitate changing once the Levelling Up and Regeneration Bill has gained Royal Assent. This includes much of what is set out above, along with suggestions that plans and policies at both national and local level should be more accessible, interactive and web-based.

3. Options Considered and Recommended Proposal

- 3.1 As this is a Government consultation no options have been considered by the District Council at this time. The implementation any proposed changes to the NPPF, and legislation both in the short and medium term will require further consideration by the District Council in the future.
- 3.2 The recommended responses to the questions posed by this consultation is set out in **Appendix 3**.

4. Consultation

- 4.1 A workshop for Members will be held on 7 February 2023 and this will feed into the final submission by the Council.

5. Timetable for Implementation

- 5.1 The Government has indicated that it anticipates making changes to the NPPF in Spring 2023 following completion and assessment of the responses to this consultation.
- 5.2 The introduction of changes to the preparation, and format of Local Plans is anticipated to be brought into effect by late 2024.
- 5.3 The Government also anticipates that following assessment of the comments received on the current consultation that it undertake additional consultation on further changes to national planning policy.

6. Policy Implications

- 6.1 None at this time.
- 6.2 Any changes to the NPPF introduced by the Government following this consultation will require the District Council to consider the implications for policies in the Derbyshire Dales Local Plan.
- 6.3 It will also be necessary to consider the implications that any future national planning policy changes will have on the determination of future planning applications.

7. Financial and Resource Implications

- 7.1 None identified at this time. There are no costs associated with making the submission and in the short term. Future revisions may require expenditure on the collation of evidence to support the revised Local Plan being updated. If any additional responsibilities are identified when the final NPPF is set, the resource and financial implications will be identified to Members in a future report with a request for budget approval.
- 7.2 The financial risk of this report's recommendations is assessed as low.

8. Legal Advice and Implications

- 8.1 This report summarises for Members proposals published by the Government for updating the National Planning Policy Framework (NPPF) and potential further changes to national planning policy including the introduction of the National Development Management Policies.
- 8.2 Any future changes to national planning policy or legislation that has legal consequences will be advised to Members at the appropriate time.
- 8.3 All the recommendations for decision making as set out this report have, at the current time been assessed as low.

9. Equalities Implications

- 9.1 Question 58 of the consultation asks for views about any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in the consultation document.

9.2 No specific equality issues arise directly for the District Council as a consequence of this consultation. The implementation of any of the proposed changes in the future may have equality implications. These will be addressed at the time.

10. Climate Change Implications

10.1 There are not considered to be any direct climate change impacts arising from the recommendations of this report however it is clear that this consultation exercise represents an opportunity to influence national policy direction which may have future impacts.

10.2 The proposed approach to updating the National Planning Policy Framework (NPPF) includes changes to policies which are intended to meet the challenges of climate change mitigation and adaptation, in particular in Chapter 14. These are summarised in paragraphs 2.9 and 2.10 of the report and welcomed in 2.20

10.3 The second aspect of the Government consultation is a prospectus of proposed changes that it considers will improve the operation of the planning system. Similarly these include changes which are intended to meet the challenges of climate change mitigation and adaptation. These are summarised in paragraphs 2.35 to 2.39 and discussed in 2.40 to 2.42.

10.4 The proposed response to the consultation in Appendix 3 supports these changes and suggests areas for improvement

11. Risk Management

12.1 There are no risks associated with this report.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	01/02/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	27/01/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	30/01/2023

APPENDIX 1

APPENDIX 2

APPENDIX 3 – DRAFT RESPONSE TO CONSULTATION QUESTIONS

CONSULTATION QUESTIONS	OFFICER RECOMMENDED RESPONSE
1 Do you agree that local planning authorities should not have to continually demonstrate a deliverable five- year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than five years old?	In principle yes the District Council agrees with this suggestion. However the District Council considers that there should be some transition arrangements to the implementation of this in order to allow for Local Plans already under review not to be penalised for being more than 5 years old.
2 Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?	Yes –local planning authorities are being penalised by having to add up to another year of supply to the calculations, often for reasons beyond their control.
3 Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?	It is not unreasonable to allow development that has taken place in the early parts of the plan period to be taken into account when calculating the five year housing land supply requirements. This allow for peaks and troughs in development and economic circumstances to even themselves out, as well as give confidence to communities that unplanned development will not present as a ‘threat’
4 What should any planning guidance dealing with oversupply and undersupply say?	That in undertaking the calculation of a local planning authorities 5 YHLS that development in excess of, or significantly below annual housing requirements can be discounted from the overall calculation of need.
5 Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?	Yes – this would allow, as a minimum, that there was some statutory development plan policies in place against which local planning authorities could assess and determine planning applications.
6 Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?	Yes - The delivery of new homes to meet future needs is one aspect of delivering sustainable development.

CONSULTATION QUESTIONS	OFFICER RECOMMENDED RESPONSE
7 What are your views on the implications these changes may have on plan-making and housing supply?	It is considered that in principle allowing local planning authorities to take into account local constraints is to be welcomed. It is however considered that, the NPPF should go further and set out how constraints such national parks and other landscape designations such as AONBs etc. can be taken into account in assessing the extent of an areas housing land requirements.
8 Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?	Yes - otherwise there will be potential for inconsistency in approach across the Country.
9 Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?	Yes – it is considered that other landscape designations such as National Parks, AONBS, SPA's, SSSI's should also bet included in the same statement.
10 Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?	Not at this time
11 Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?	Yes – the time and cost of preparing evidence can be significant. Whilst this will not remove the requirement for evidence it will allow local planning authorities to collate evidence that is much more focussed on the key issues of that area.
12 Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of	Yes as this allows local planning authorities the opportunity to collate evidence that is essential to making the case for the key issues of that

CONSULTATION QUESTIONS	OFFICER RECOMMENDED RESPONSE
preparation? If no, which if any, plans should the revised tests apply to?	area. It is however slightly disconcerting that the duty to cooperate requirement will remain in place for a period of at least another two years. If the burden on justifying the basis of a plan is lessened then it is considered that the Duty to Cooperate should be diluted and the new Alignment Policy be brought into effect as soon as possible.
13 Do you agree that we should make a change to the Framework on the application of the urban uplift?	N/A
14 What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?	N/A
15 How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?	It should be for the urban authorities to address the additional requirement by undertaking necessary research about the potential capacity and availability of land to ensure that the uplift in housing need is captured.
16 Do you agree with the proposed four-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 – this will reduce the burden on local planning authorities, particularly when combined with removal of the buffers from the calculation
17 Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?	Yes – the additional advice will help determine what factors are relevant when assessing what impact constraints have on the overall potential for the delivery of development.
18 Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development	Yes – this will reduce the burden on local authorities where housing completions is outside their control.

CONSULTATION QUESTIONS	OFFICER RECOMMENDED RESPONSE
where an authority can demonstrate sufficient permissions to meet its housing requirement?	
19 Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?	Yes – that seems a reasonable figure as it allows for
20 Do you have views on a robust method for counting deliverable homes permissioned for these purposes?	Suggest use the definition agreed with Derbyshire County Council i.e. has reached second fix stage.
21 What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?	If changes to the NPPF are due to be brought into from Spring 2023 there does not appear to be any reason why the revised HDT figure is not brought into effect.
22 Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?	Yes – this is by far the most appropriate tenure type for affordable housing that is required in Derbyshire Dales and elsewhere across England. The emphasis on this should be at the expense of the requirement for First Homes, which for larger parts of the Country is not a priority aspect of the affordable housing mix.
23 Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?	Yes – we all need to meet the right type of properties to meet the needs of all our population, including those who are elderly.
24 Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?	The advice in the NPPF should be made much clearer so that it is clear what and how the level of small sites can be calculated. Does this for example include just allocated sites in the Local Plan or does it include both commitments and allocations?
25 How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?	A lot of small sites come forward as windfall sites, where often the potential to deliver new housing is not immediately apparent. If more small sites are going to be included in the future mix, this may well create resource issues for local planning authorities trying to identify additional land and premises to achieve this.

CONSULTATION QUESTIONS	OFFICER RECOMMENDED RESPONSE
26 Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?	Yes – there are many providers that this could apply to.
27 Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?	No – the delivery of affordable housing to meet local needs on exception sites is a well established policy and one which in Derbyshire Dales has worked well over the past 20 years.
28 Is there anything else that you think would help community groups in delivering affordable housing on exception sites?	Funding of community groups delivery outside of any planning policy framework is probably the most beneficial means of providing assistance.
29 Is there anything else national planning policy could do to support community-led developments?	N/A
30 Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making?	No – the principle of the planning system has been to ensure that it guides the use and development of land. Whilst some developers may not act responsibly in relation to some developments there will occasions where they submit planning applications which they do not intend to actually develop themselves because of contractual arrangements etc. There may also be situations where different legal entities are formed involving some of those who have acted irresponsibly – in such cases it is considered that this would not be sufficient to ensure that they held to account on future applications.
31 Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?	No for the reasons set out above.
32 Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy	Yes they should go some way, however housebuilders will still only bring sites forward where the economic circumstances dictate that it is feasible and profitable to do so.

CONSULTATION QUESTIONS	OFFICER RECOMMENDED RESPONSE
measures?	
33 Do you agree with making changes to emphasise the role of beauty and place making in strategic policies and to further encourage well-designed and beautiful development?	High quality development and well designed places and spaces are an important output of the planning system. Having the appropriate weight of national policy will encourage local planning authorities to improve on current practice.
34 Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?	It is considered that High Quality is a better phrase to use in the context of new development. Beautiful suggests something about the aesthetics of a development, rather than looking at the quality of the development as a whole.
35 Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?	Yes – but a well organised local planning authority such as Derbyshire Dales will be doing this already.
36 Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?	No – these may be appropriate in certain areas of London, but are not necessarily part of the vernacular elsewhere. The reference should be more generic about how building up might have benefits in providing potentially more dwellings.
37 How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?	Yes – some of the elements listed in the prospectus are already included within the District Councils SPD on Climate Change https://www.derbyshiredales.gov.uk/documents/the-adopted-climate-change-spd-pdf-3-6mb/download It is considered that given artificial grass has no value for wildlife, its installation can have negative impacts on both biodiversity, drainage for flood prevention or alleviation, and it is a form of plastic pollution, its use in new development should be prevented (noting the importance of some uses of artificial grass; such as on sports pitches

CONSULTATION QUESTIONS	OFFICER RECOMMENDED RESPONSE
38 Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?	In principle yes as this will give the Country the opportunity to maintain food security. However more details should be provided about how this can be assessed as part of planning applications. The footnote in the NPPF should be moved into the main body because of the importance of this topic.
39 What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?	While the principles of embedding a form of carbon assessment in planning policy and planning decision making are supported the need for it to be proportionate is key. Local authorities currently lack the evidence and expertise to apply these meaningfully. A Local Area Energy Plan does not currently exist.
40 Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?	It is considered that the NPPF should encourage nature based solutions where they form part of a new development, or where they are considered that they necessitate the benefit of planning permission. The provision of green infrastructure in new development should be prioritised to address risks such as overheating and flooding, and to create a more pleasant environment with the co-benefit of having a positive impact on people's well-being and enhancing biodiversity. It is important that nature based solutions, such as tree planting are not tokenistic and are part of a wider scheme ensuring collective benefit and connectivity of habitats.
41 Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?	Yes – this gives a clear signal that the principle in the original decision to grant planning permission does not need to be revisited, and only the matters related to the individual circumstances are addressed.
42 Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?	Yes – this gives a clear signal that the principle in the original decision to grant planning permission does not need to be revisited, and only the matters related to the individual circumstances are addressed.
43 Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new	Yes – this allows communities to bring forward schemes that will benefit residents in that area, and not be reliant upon infrastructure providers to lead.

CONSULTATION QUESTIONS	OFFICER RECOMMENDED RESPONSE
footnote 62?	
44 Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?	<p>Yes – this will give encouragement to property owners to improve the energy efficiency of existing buildings and thereby have a benefit in terms of climate change mitigation.</p> <p>Significant challenges will, however, still exist where existing buildings are heritage assets where the planning authority must also take into account:</p> <p><i>a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;</i></p> <p><i>b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.</i></p>
45 Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?	It is considered that some transitional arrangements should be put in place to enable those currently preparing or reviewing Local Plans to move forward. However the removal of the Duty to Co-operate should be done in parallel with changes to the guidance on housing numbers because without it may lead to a situation where local planning authorities delay preparation work to avoid the Duty to Co-operate requirements.
46 Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?	Yes – this seems reasonable although 30 months will be a tight timetable for undertaking the reviews of Local Plans, without additional resources being made available.
47 Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?	Yes
48 Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?	No – any adopted SPD's that have been through the statutory preparation process should continue to be capable of being used in the determination of planning applications until such time as the Local Plan policies which they have been complementing are revised and subsequently adopted.

CONSULTATION QUESTIONS	OFFICER RECOMMENDED RESPONSE
49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?	Yes
50 What other principles, if any, do you believe should inform the scope of National Development Management Policies?	N/A
51 Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?	Yes
52 Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?	Not at this time
53 What, if any, planning policies do you think could be included in a new framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?	N/A
54 How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?	The current NPPF provides guidance on economic development. The proposed approach appears to focus upon specific high value sectors some of which are unlikely to be attractive to other parts of the country outside the South East. A more effective way of levelling up would be for Government Policy to focus on providing funding to support growth across the whole of the country, backed up with policy advice.
55 Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?	Yes – it could give a much clearer steer that development should be focussed on brownfield sites first. At the moment it only seems to imply that is what should happen. A clearer direction would help avoid any confusion about scope of policy.
56 Do you think that the government should bring forward proposals to update the framework as part of next	Any proposals that suggest the planning system should be used to address health and safety issues should be for all not just women, girls and vulnerable people.

CONSULTATION QUESTIONS	OFFICER RECOMMENDED RESPONSE
<p>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?</p>	
<p>57 Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?</p>	N/A
<p>58 We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document</p>	<p>No specific equality issues arise directly as a consequence of this consultation. The implementation of any of the proposed changes in the future may have equality implications. These will need to be addressed at the time.</p>