

Response ID ANON-1R1Y-UKXX-W

Submitted to Levelling-up and Regeneration Bill: Reforms to National Planning Policy
Submitted on 2023-02-22 10:05:39

Introduction

A Personal dataThe following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.1. The identity of the data controller and contact details of our Data Protection Officer The Department for Levelling Up, Housing and Communities (DLUHC) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk 2. Why we are collecting your personal data Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.3. Our legal basis for processing your personal dataThe Data Protection Act 2018 states that, as a government department, DLUHC may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.4. With whom we will be sharing your personal dataDLUHC may share your personal data with external organisations, for purposes relating to this consultation, including analysis of responses. Any data shared with organisations outside of DLUHC will be anonymised where possible.5. For how long we will keep your personal data, or criteria used to determine the retention period.Your personal data will be held for two years from the closure of the consultation.6. Your rights, e.g. access, rectification, erasure The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:a. to see what data we have about youb. to ask us to stop using your data, but keep it on recordc. to ask to have all or some of your data deleted or correctedd. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.7. Your personal data will not be sent overseas.8. Your personal data will not be used for any automated decision making. 9. We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will remain on the Citizen Space server and/or be transferred to our secure government IT system for two years of retention before it is deleted. Please confirm that you have read and agree to the privacy notice

Please tick to confirm:

Yes

B What is your name?

Name:

Ruth Bradshaw

C What is your email address?

Email:

ruthb@cnp.org.uk

D What is your organisation?

Organisation:

Campaign for National Parks

E What type of organisation are you representing?

Interest group or voluntary organisation

If you answered "other" please provide further details:

Chapter 3

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?

Not Answered

Please set out the reasons for your answer:

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)?

Not Answered

Please set out the reasons for your answer:

3 Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on?

Yes

Please set out the reasons for your answer:

Past oversupply of homes should be taken into consideration when calculating a later 5YHLS. This will reduce the pressure for new development in Protected Landscapes and their settings.

Or is there an alternative approach that is preferable?:

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

Answer:

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?

Answer:

Chapter 4

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?

No

Please set out the reasons for your answer:

We do not agree. The proposed changes shift the balance of the NPPF away from considering the three pillars of sustainable development (economic, social, environmental) in an integrated way, leading to the strengthening of the presumption for (potentially unsustainable) development. We are concerned that, like many of the other changes proposed in this consultation, there is too much focus here on housing delivery and there is insufficient recognition of the wider role that planning plays in protecting and enhancing the environment and delivering the statutory purposes of National Parks.

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

Answer:

See answer to Q6

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?

Yes

Please set out the reasons for your answer:

The existing National Planning Policy Guidance (NPPG) makes it clear that the standard method does not apply in National Parks. National Park Authorities (NPAs) must be able to use a locally determined approach to assessing housing need as attempting to deliver significantly increased housing numbers in National Parks would be in conflict with their statutory purposes and the requirement on all public bodies to have regard to those purposes. The NPPF should, therefore, explicitly reference National Parks and AONBs as areas where an alternative approach to assessing local housing needs should apply given the constraints on the amount of housing that can be delivered in areas where additional planning protections apply. This should also include the settings of these areas in line with protections for these set out in paragraph 176 of the National Planning Policy Framework (NPPF).

Are there other issues we should consider alongside those set out above?:

It is important to note that simply increasing supply of housing does nothing to address affordability and the type of housing to be delivered is just as important as the quantity. NPAs have a strong track record of delivering the kind of housing that is needed by local people and it is essential that they continue to have the flexibility to be able to do this effectively. To deliver the most appropriate form of housing for their area, NPAs must be able to plan for small-scale development to meet identified local need. This is in line with the section on housing in the National Parks Circular 2010 (<https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010>) and we recommend that relevant sections of this circular are incorporated into the NPPF as part of these revisions.

Another factor which has a particularly significant impact on overall housing supply in National Parks is the high proportion of housing which is used as holiday lets or second homes. One way to help tackle this issue would be to require planning permission before allowing an existing permanent residence to be used as a second home. The Welsh Government has recently introduced a package of measures to address the issue of second homes, including giving local authorities the discretionary power to increase council tax premiums on second and empty homes and changes to planning rules to create separate use classes for both second homes and holiday lets. This will enable NPAs and other local planning authorities in Wales to require planning permission for the conversion of a permanent residence into a second home. We would like to see similar measures introduced in England.

Bringing empty homes back into use would also create a modest but important supply from the existing stock, contributing to meeting need as well as

helping to create more 'beautiful' places and reducing the environmental impact of new development.

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

Please set out the reasons for your answer:

It is essential that any revisions to national Green Belt policy do not result in additional development pressures in Protected Landscapes (National Parks and AONB), which are afforded the highest level of protection in national planning policy. In principle we support recognition that building at densities that are significantly out of character with an area can be detrimental to achieving 'beautiful' places, and that meeting housing need has to be done within the capacity of a place and not at all costs. We support the proposal to allow local planning authorities to take past 'over-delivery' into account as this will reduce the pressure for new development in Protected Landscapes and their settings.

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?

Please set out the reasons for your answer:

In addition to evidence that these densities would be significantly out-of-character with the existing area, local planning authorities should also be expected to consider evidence regarding the impacts of these densities on the natural environment and climate mitigation and adaptation. Local planning authorities should also consider the impacts of the density and location of development on transport infrastructure, and the potential for it to result in requirements for new, or expanded, infrastructure.

National Park Authorities and other local planning authorities in areas in, or adjacent to, Protected Landscapes should also take account of the impact both of out-of-character densities and any associated infrastructure requirements on the statutory purposes of these areas, including through the use of Landscape Character Assessments.

Furthermore, this proposal should be expanded to enable local planning authorities to use evidence of the type set out above to make the case that need can only be met by building at densities that are beyond the environmental capacity of the area and therefore the impacts may outweigh the benefits of meeting that need in full.

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?

No

Please set out the reasons for your answer:

Any changes to the test of soundness must not undermine evidence-based policymaking, remove the consideration of reasonable alternatives, or weaken environmental assessment, including the requirement to assess cumulative impacts and to assess the risk of exceeding environmental limits. As currently set out, this proposal risks allowing plans that are not 'justified'. It would be better to set out clearly what is needed for a plan to be 'justified' instead.

12 Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation?

Not Answered

Please set out the reasons for your answer:

If no, which if any, plans should the revised tests apply to?:

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

Not Answered

Please set out the reasons for your answer:

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?

Please set out the reasons for your answer:

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?

Please set out the reasons for your answer:

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?

Not Answered

Please set out the reasons for your answer:

If no, what approach should be taken, if any?:

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?

Not Answered

Please set out the reasons for your answer:

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

Not Answered

Please set out the reasons for your answer:

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?

Not Answered

Please set out the reasons for your answer:

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

Please set out the reasons for your answer:

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

Please set out the reasons for your answer:

Chapter 5

22 Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions?

Not Answered

Please set out the reasons for your answer:

If yes, do you have any specific suggestions on the best mechanisms for doing this?:

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

Not Answered

Please set out the reasons for your answer:

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)?

Answer:

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?

Answer:

We note that the text relating to small sites in the consultation document focuses primarily on urban areas. It is important to recognise that these also play an important role in rural areas. In fact, in many National Parks, the majority of housing development sites are for 10 or fewer units so ensuring that such developments deliver high levels of affordable housing is essential. Currently national planning guidance sets a threshold of 10 units as the level above which developers are required to include affordable housing as part of a development in most cases. This should be amended to make it clear that local planning authorities in National Parks and other rural areas can set a lower threshold for the delivery of on-site affordable housing contributions where there is evidence available to justify the need for this.

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?

Not Answered

Please set out the reasons for your answer:

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?

Answer:

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

Answer:

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

Answer:

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

Not Answered

Please set out the reasons for your answer:

If yes, what past behaviour should be in scope?:

31 Of the two options above, what would be the most effective mechanism?

Not Answered

Please set out the reasons for your answer:

Are there any alternative mechanisms?:

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?

Yes

Please set out the reasons for your answer:

It is good to see the Government placing a stronger emphasis on ensuring that developments are built out as soon as possible following the granting of planning permission. This is something that we have long been calling for and where there is a clearly identified need. Even when National Park Authorities (NPAs) have appropriate policies in place, they cannot always rely on developers implementing planning permissions once granted. Ensuring that existing permissions are implemented more quickly, will reduce the pressure for further permissions to be granted and the risk that developers will put forward proposals on less suitable sites.

Do you have any comments on the design of these policy measures?:

While the three measures proposed should go some way towards tackling this issue, there is a need for even stronger mechanisms to incentivise developers to build-out more quickly and we welcome the intention to consult on proposals to introduce a financial penalty against developers who are building out too slowly. We would like this consultation to include consideration of some form of charge, such as a land-value tax, to incentivise developers to implement planning permissions and complete developments within a certain period in order to deter land-banking.

Chapter 6

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

Not Answered

Please set out the reasons for your answer:

We agree with the principle of encouraging well-designed and beautiful development but if there is to be more emphasis placed on the role of beauty, then it is important that there is a clear definition of what this word means in this context. It is essential that policy and guidance stress the importance of creating places that are not only beautiful, but are also nature-rich, designed to maximise climate mitigation and adaptation and in keeping with the local landscape character.

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?

Not Answered

Please set out the reasons for your answer:

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

Yes

Please set out the reasons for your answer:

We agree that greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action. This measure could help support nature-friendly design, by providing more detail on how biodiversity measures should be implemented. However, given the limited resources available in local planning authorities, it is essential that it is the developer who is required to provide the visual clarity on design requirement in their proposals.

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?

Not Answered

Please set out the reasons for your answer:

If no, how else might we achieve this objective?:

Chapter 7

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?

Answer:

We welcome the Government's intention that the land use planning system and national planning policy must support the achievement of Environment Act targets and the net zero target. However, we are deeply concerned that the changes to the planning system proposed in this consultation fall far short of what is needed to support the delivery of these targets. While it is good to see a stronger emphasis on small-scale nature interventions, these will only have a very limited impact, and there is a need for larger-scale, and more strategic policy interventions if the planning system is to play its full role in tackling the urgent nature and climate crises.

Protecting, enhancing and restoring the environment must be made a central focus of the planning system. There are a number of ways this could be achieved including through the inclusion of a requirement to take account of the mitigation hierarchy in all planning decisions. This would require priority to be given to avoiding any negative effects on the environment, before minimising, mitigating, and then compensating for any environmental damage. Another important change would be to give Local Nature Recovery Strategies stronger weight in the planning system.

Smaller-scale interventions should complement, and be delivered as part of, this wider strategic approach, which should deliver improvements to landscape character as well as biodiversity. With regard to strengthening policy on smaller-scale interventions, one important, and relatively simple change, would be to strengthen the policy support for hedgerows, particularly in relation to protecting existing and creating new hedgerows. This could be addressed through specific reference and/or a glossary definition to clarify that where 'trees' are referred to in the NPPF, NPPG, National Model Design Code and Design Guide, the same principles apply to hedgerows. Any new planting of trees and hedgerows should be informed by a landscape character assessment and the local nature recovery strategy and should prioritise locally native tree species. Any loss of trees or hedgerows should be a last resort, and compensated for, including through biodiversity net gain.

38 Do you agree that this is the right approach to 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 and most versatile agricultural land?

Yes

Please set out the reasons for your answer:

If this proposed change is pursued, we agree that any consideration to the relative value of agricultural land for food production should be considered alongside other policies in this Framework, including those relating to nature and Protected Landscapes, and that this should not prevent the achievement of the Government's nature recovery objectives. For example, in some cases agricultural land which is of poorer agricultural quality and is less 'productive' for food may be more 'productive' for nature.

39 What method and actions 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?

Answer, including any supporting information:

Carbon impact assessments should capture the embodied carbon in existing buildings and take account of carbon sequestration lost as a result of tree or hedgerow loss as well as the full carbon footprint of proposed new development including any transport emissions associated with it.

40 Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?

Answer:

The NPPF should make specific reference to supporting nature-based solutions for use in addressing issues such as flood risk. There should also be support for the use of locally sourced sustainable materials in order to reduce the carbon emissions associated with imported materials. There should also be a requirement for roof-mounted solar panels on all new buildings and strong policy support for the retrofitting of these.

Chapter 8

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

Yes

Please set out the reasons for your answer, including any views on specific wording changes to the existing paragraph:

In principle we agree with the proposed changes to enable the re-powering of renewable and low carbon energy sources, particularly if this reduces the need for new infrastructure in sensitive locations. However, the potential impacts on nature and the landscape and the implications for legally protected species such as bats need to be fully assessed and taken into account as part of any decision.

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

Yes

Please set out the reasons for your answer, including any views on specific wording changes to the existing paragraph:

In principle we agree with the proposed changes to enable the re-powering and life extension of existing renewables sites, particularly if this reduces the need for new infrastructure in sensitive locations. However, the potential impacts on nature and the landscape and the implications for legally protected species such as bats need to be fully assessed and taken into account as part of any decision. Consideration should also be given to the fact that some existing renewable energy developments were given time limited planning permissions due to their negative impacts on the landscape and extending the life of the infrastructure could effectively result in these permissions being made permanent. It should be made clear that this policy does not provide support for the replacement of existing turbines with larger ones.

43 Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?

Not Answered

Please set out the reasons for your answer, including any views on specific wording changes to existing footnote 54:

Do you have any views on specific wording for new footnote 62?:

New footnote 62 should be amended to make it clear that the granting of consent for such development must take account of the additional protections that apply in Protected Landscapes and their settings and other relevant policies in the NPPF.

44 Do you agree with our proposed new 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?

Yes

Please set out the reasons for your answer, including any views on specific wording changes to the proposed new paragraph:

We welcome the proposed new paragraph and the intention to make it easier to improve the energy performance of existing buildings, but this should apply to all buildings not just non-domestic buildings. We would also like the final sentence to be amended to include a need to take account of the impact on protected species.

Chapter 9

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?

Not Answered

Please set out the reasons for your answer:

If no, what alternative timeline would you propose?:

46 Do you agree with the proposed transitional arrangements for plans under the future system?

Not Answered

Please set out the reasons for your answer:

If no, what alternative arrangements would you propose?:

47 Do you agree with the proposed timeline for preparing neighbourhood plans under the future system?

Not Answered

Please set out the reasons for your answer:

If no, what alternative timeline would you propose?:

48 Do you agree with the proposed transitional arrangements for supplementary planning documents?

Not Answered

Please set out the reasons for your answer:

If no, what alternative arrangements would you propose?:

Chapter 10

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

Yes

Please set out the reason for your answer:

However, it is important that there is still scope for local policies in topics covered by National Development Management Policies to allow local planning authorities to address locally distinctive issues, such as field barns in the Yorkshire Dales.

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

Answer:

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

Not Answered

Please set out the reason for your answer:

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?

Answer:

Protected Landscapes is another issue which should be considered as a possible option for National Development Management Policies. Paragraphs 178 and 179 of the current NPPF (2021) set out the additional planning protections which apply in these areas and their settings including the need for development to be restricted in scale and extent in these areas and the presumption of major development as set out in the 'Major Development Test'. This NDMP should also incorporate relevant elements of the National Parks Circular 2010 (<https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010>) including the approach to housing in National Parks. It is essential that the new system continues to allow local planning authorities to adopt local policies to address locally distinctive issues, such as field barns in the Yorkshire Dales.

Chapter 11

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?

Answer:

54 How do you think 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?

Answer:

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?

Not Answered

Please set out the reason for your answer:

56 Do you think that the government should bring forward proposals to update the Framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups feel safe in our public spaces, including for example policies on lighting/street lighting?

Not Answered

Please set out the reason for your answer:

Chapter 13

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?

Answer:

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.

Answer: