

Meeting:	Joint Committee on Strategic Planning and Transport
Date:	10 March 2023
From:	Joint Officer Steering Group

Government Consultation on Reforms to National Planning Policy

1 Summary

- 1.1 To update the Committee on the Government's recent consultation on reforms to national planning policy.

2 Background

- 2.1 The Government is consulting on potential reforms to national planning policy, involving proposed changes to the National Planning Policy Framework (NPPF). The Government states that it is "also seeking views on our proposed approach to preparing National Development Management Policies, how we might develop policy to support levelling up, and how national planning policy is currently accessed by users". The Government also states that a "fuller review of the framework will be required in due course, and its content will depend on the implementation of the government's proposals for wider changes to the planning system, including the Levelling-up and Regeneration Bill".
- 2.2 As well as National Development Management Policies, subjects referred to in the consultation include: housing need and green belt boundaries; the tests of 'soundness' for Local Plans; the 'uplift' to housing requirements for large cities such as Nottingham; the 'Duty to Co-operate'; five-year housing land supply; the use of 'buffers' in housing land supply calculations; the Housing Delivery Test; 'irresponsible planning behaviour' by applicants; onshore wind; Supplementary Planning Documents; and 'social rent' homes.
- 2.3 A fuller summary of the consultation is included at Appendix 1 of this report. The consultation document itself is available at: <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> and the proposed changes to the NPPF are at: [National Planning Policy Framework: draft text for consultation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/national-planning-policy-framework-draft-text-for-consultation).
- 2.4 Both Councils have responded to the consultation. The responses are at Appendix 2 (Nottinghamshire County Council) and Appendix 3 (Nottingham City Council). Nottingham City Council's response was appended in draft, prior to submission, and is therefore subject to change.

3 Recommendation(s)

3.1 It is recommended that the Joint Committee note the contents of this report.

4 Background papers referred to in compiling this report

4.1 Levelling-up and Regeneration Bill: reforms to national planning policy, Dec 2022

4.2 National Planning Policy Framework Showing indicative changes for consultation, Dec 2022

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APPENDIX 1 - summary of the consultation

Background

The Levelling Up and Regeneration Bill is currently before Parliament. The Bill makes a number of changes to existing local government, planning, and compulsory purchase legislation.

Alongside the proposals in the Bill, on 22 December 2022 the government launched a consultation on reforms to national planning policy. This Briefing Note focuses on this consultation and the changes proposed.

The consultation closed on 2 March 2023.

Extent of the Consultation

The consultation includes:

1. Specific changes that are proposed to be made immediately to the National Planning Policy Framework (NPPF). These are set out in a tracked changes document. The government has indicated that they intend to introduce these changes by spring 2023.
2. Alongside these specific changes, the consultation seeks views on a wider range of proposals which will be considered in the context of a wider review of the National Planning Policy Framework and will follow Royal Assent of the Levelling Up and Regeneration Bill. The government will consult on the detail of these wider changes next year, reflecting responses to this consultation.
3. The consultation sets out the envisaged role for National Development Management Policies (NDMPs) and asks for views on how NDMPs are implemented. The government states they will consult on the detail later.

1. Changes proposed to the NPPF (Spring 2023)

- Local authorities will be expected to continue to use local housing need, assessed through the standard method, to inform the preparation of their plans; although the ability to use an alternative approach where there are exceptional circumstances that can be justified will be retained. The government states that it will make clearer in the NPPF that the outcome of the standard method is an advisory starting-point to inform plan-making and proposes to give more explicit indications in planning guidance of the types of local characteristics which may justify the use of an alternative method.
- Housing need would not need to be met in full if it would mean building at densities significantly out of character with the existing area or if there is clear evidence of past over-delivery.
- There would not be a requirement to review and alter Green Belt boundaries if this would be the only means of meeting the objectively assessed need for housing over the plan period.

- Plans would not be required to be 'justified'. Instead, the examination would assess whether the local planning authority's proposed target meets need so far as possible, takes into account other policies in the Framework, and will be effective and deliverable.
- The government intends to retain the uplift of 35 per cent to the assessed housing need for the 20 largest towns and cities in England (which includes Nottingham). The draft NPPF revisions would require that this uplift is, "so far as possible", met by the towns and cities concerned rather than exported to surrounding areas, except where there is voluntary cross-boundary agreement to do so.
- Councils would no longer have to apply buffers to the five-year housing land supply.
- Additional references to building 'beautiful' places and recognition that mansard roofs are an appropriate form of upward extension.
- Changes to enable the re-powering of renewable and low carbon energy (replacing old wind turbines with newer models), provided that the impacts of any development proposal are or can be made acceptable in planning terms.
- Additional text to state that significant weight should be given to the need to support energy efficiency improvements through the adaptation of existing buildings, particularly large non-domestic buildings.
- The government is considering suspension or amendment of the usual consequences of failure of the 2022 Housing Delivery Test.

2. Proposed Future Changes to National Policy (Expected 2024)

- The government says it will review the implications for the standard method of new household projections data based on the 2021 Census, which is due to be published in 2024. But it is not proposing any changes to the standard method formula itself through this consultation.
- The duty to co-operate is to be replaced with an "alignment policy". The duty will remain in place until those provisions come into effect. Further consultation on what should constitute the alignment policy will be undertaken.
- For the purposes of decision making, where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation which included both a policies map and proposed allocations towards meeting housing need, those authorities will benefit from only having to demonstrate a four-year supply of land for housing, instead of the usual five.
- Past "irresponsible planning behaviour" by applicants could be taken into account when applications are being determined. Primary legislation would be needed to enact such measures.
- Government data will be published on developers of sites over a certain size who fail to build out according to their commitments. Delivery will also become a material consideration in planning applications.
- 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).

- A financial penalty for developers that are building out too slowly will be consulted on separately.
- There will be a review of the current degradation provisions for Biodiversity Net Gain “to reduce the risk of habitat clearances prior to the submission of planning applications, and before the creation of off-site biodiversity enhancements”. The government will also consider how “the threat to wildlife created by the use of artificial grass by developers in new development” can be halted.
- Views are sought on effective and proportionate ways of deploying a broad carbon assessment of new developments, including what they should measure, what evidence could underpin them such as Local Area Energy Plans, and how they may be used in a plan-making context or as a tool for assessing individual developments.
- Policy and guidance in relation to the production of Strategic Flood Risk Assessments will be reviewed.

3. National Development Management Policies (NDMPs)

- These would be given the same weight in certain planning decisions as policies in local plans, neighbourhood plans and other statutory plans. They would cover planning considerations that apply regularly in decision-making such as general policies for conserving heritage assets, and preventing inappropriate development in the Green Belt and areas of high flood risk.
- The government states that the existing National Planning Policy Framework already contains development management policies of this type that can be significant ‘material considerations’ but these do not have any statutory status. The NDMPs would include these as policies and would also cover other national priorities, “for example net zero policies that it would be difficult to develop evidence to support at a district level, but which are nationally important.”
- The intention is that National Development Management Policies, once introduced, would be set out in a separate document to the rest of the National Planning Policy Framework. The latter would be re-focused on principles for plan-making.
- Further consultation will follow on proposals for the draft National Development Management Policies following passage of the Bill.

4. Transition Arrangements

- Councils will have until 30 June 2025 to submit plans (local plans, neighbourhood plans, minerals and waste plans or spatial development strategies/joint strategic plans), for independent examination under the existing legal framework. This will mean that existing legal requirements and duties, for example the Duty to Cooperate, will still apply. Plans must then be adopted by 31 December 2026.
- Under the reformed system, which is expected to go live in late 2024, there will be a requirement for 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 new plan within 30 months. Authorities that have prepared a local plan

which is less than 5 years old when the new system goes live will not be required to begin preparing a new-style plan until their existing plan is 5 years old.

- In the reformed planning system, authorities will no longer be able to prepare supplementary planning documents (SPDs). Instead, they will be able to prepare Supplementary Plans, which will be afforded the same weight as a local plan or minerals and waste plan. When the new system comes into force (expected late 2024), existing SPDs will remain in force for a time-bound period, until the local planning authority is required to adopt a new-style plan. Current SPDs will automatically cease to have effect at the point at which authorities are required to have a new-style plan in place.

Appendix 2 Nottinghamshire County Council response

LURB: Reforms to National Planning Policy Consultation (Deadline 2nd March 2023)

Nottinghamshire County Council Planning Response

	Question	Response
1	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?	This would seem an appropriate way to incentivise plan-making and minimise speculative development, which provides certainty to infrastructure providers such as County Councils regarding the location of new development. LPAs should still be required to calculate and monitor their housing trajectory, as this informs infrastructure planning.
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)?	No comments.
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?	This seems fair and reasonable and is supported.
4	What should any planning guidance dealing with oversupply and undersupply say?	No comments.
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?	This would seem an appropriate way to incentivise neighbourhood plan-making and minimise speculative development in those areas. This helps to ensure that infrastructure can be effectively planned and delivered.
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 Council supports reference to 'supporting infrastructure' in Chapter 2 in particular. Planning for infrastructure is of central importance to the planning system and should be treated as such in the NPPF.
7	What are your views on the implications these changes may have on plan-making and housing supply?	The proposed changes may encourage authorities to bring forward plans where assessed housing need cannot be met, but clarity is needed regarding the circumstances under which this would be acceptable.
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, further clarity is needed on what would constitute an exceptional circumstance.

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?	It is fair and appropriate that past over-supply should be taken into account when considering the housing need. Although building density should broadly remain in-character with the existing area, it should be noted that higher density development can support infrastructure delivery and so a balance needs to be met between retaining existing character and ensuring that there is sufficient land allocated to enable developments which are sustainable.
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?	No comments.
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?	This proposal will not reduce the amount of evidence which the Council is required to produce during plan-making, as it will still be necessary to have a strong evidence base to inform and explain the plan. This approach could lead to a departure away from objective and reasoned plan-making thereby increasing challenges at examination.
12	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?	Agree; plan preparatory work in train should not be jeopardised or disrupted.
13	Do you agree that we should make a change to the Framework on the application of the urban uplift?	Further information on the rationale for applying the uplift of 35% would be helpful if the NPPF is to be amended. The administrative boundaries of City Authorities are not necessarily reflective of the capacity of the entire urban area and consideration as to how this uplift will impact on neighbouring authorities is necessary, given that issues such as transport are shared.
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?	See response to Q13
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?	See response to Q13

16	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?	No comments
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?	No comments
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?	This is supported as this would provide greater certainty to infrastructure providers about the quantity and location of development (i.e., by limiting speculative development). It is agreed that the planning authority should not be penalised for declines in economic conditions or developer actions which it cannot control.
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?	No comments
20	Do you have views on a robust method for counting deliverable homes permitted for these purposes?	No comments
21	What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?	No comments
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?	This is supported; securing homes for social rent is already a priority for many LPAs as well as the County Council as the Public Health Authority and it would be helpful if this were to be recognised in national policy. Prioritising delivery of affordable housing, including those for the Social Rent tenure can be positive as affordability and security of housing is a determinant of people's mental and physical health. There is a need to ensure that delivery of this tenure, other affordable housing tenures and all housing is high quality, healthy, sustainable and meet people's quality of life needs, now and in the future.
23	Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?	This is supported; securing homes for older people is a priority for the County Council in its capacity as a social care provider and this may help increase supply. Research has shown the planning system has consistently failed to plan for and build sufficient and appropriate housing

		for older people. We need to ensure we are committing to the outcomes of the Mayhew Review, that looks to future proofing retirement living, in our ever-ageing population. A fixed percentage of housing to be directed towards older person living could be considered.
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)?	No comments
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?	There is a need to consider whether small sites can have adverse effect on health outcomes in terms of mental wellbeing and quality of life. Small sites, located in rural areas, such as across Nottinghamshire, may not be suitable for new housing the lack of access to key services, public transport and other key health factors can leave such sites unhealthy and unsustainable.
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?	No comments
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 comments
28	Is there anything else that you think would help community groups in delivering affordable housing on exception sites?	No comments
29	Is there anything else national planning policy could do to support community-led developments?	No comments
30	Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making?	The logic of this proposal is appreciated; however, the deliverability is questioned. Planning applications are required to be judged on their own merit and this proposal would appear to be contrary to that approach. Also, planning permissions run with the land not the applicant and so sites can be sold on; this principle undermines the effect of this proposal.
31	Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?	It is considered that option one (i.e., to make behaviour a material consideration) would be preferable but the practicalities of this are questioned (see above). In either event, more guidance would be needed setting out what

		'irresponsible behaviour' amounts to so that a LPA has a clear and transparent mechanism by which to consider this matter.
32	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 proposed measures to increase deliverability are supported by the County Council as the Minerals Planning Authority. Deliverability could also extend to the supply of minerals needed to boost construction. However, it would not be reasonable for the planning system to require a rate of output to be maintained over the life of a quarry as this would be an economic demand factor.
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?	This is not supported in relation to minerals and waste development. Whilst such development should be well-designed, they are industrial in nature and could rarely be considered as beautiful. Emphasising the role of beauty could complicate planning applications for minerals/waste development. From a public health perspective, consideration should be given as to whether determinants of health can be included in the definition of beauty and placemaking in the NPPF. Taking account of health outcomes in developing local design codes can be a good foundation for creating healthier places and communities.
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?	See response to Q33
35	Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?	Yes, visual clarity on design requirements would prevent developers from weakening their commitments post planning permission (though developers may still come forward with applications to vary conditions).
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 comments
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, emphasis on biodiversity enhancement through design is supported and it is agreed that natural materials are generally preferable.

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 most versatile agricultural land?	The principle is supported but the effect may be limited.
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?	A recognised metric for calculating carbon impact could be required, akin to BNG. However, this will create further work for the LPA and further capacity/expertise to ratify carbon assessments would be necessary.
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?	More stringent building standards could support climate change adaption. A more fundamental review of the NPPF is needed to properly reflect the objectives of climate adaption.
41	Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?	No comments
42	Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?	No comments
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 footnote 62?	No comments
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?	Broadly supportive but the adaption of buildings needs to be considered in the context of beautiful and well-designed places. The paragraph should cross reference this point.
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?	Agree; this is realistic and achievable with respect to the County Council's Waste Local Plan.
46	Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?	Agree; no concerns with the transitional arrangements proposed.
47	Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?	No comments

48	Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?	No, this could result in a temporary vacuum of supplementary guidance whilst new Supplementary Plans are prepared. Further time is needed to allow LAs to produce SPs following adoption of the new-style plan, or other forms of guidance could be published which do not form part of the development plan but are still material considerations. The majority of local planning for health guidance are currently set out in SPDs for example on the use health impact assessments. They will cease to have effect if councils do not update them as new supplementary plans. Supplementary plans require more resourcing because under the Bill they undergo a more stringent requirement in the preparation process than SPDs. But when created as a supplementary plan, it means they will have greater weight in decision-making.
49	Do you agree with the suggested scope and principles for guiding National Development Management Policies?	The scope of the NDMP must include policies relating to minerals and waste development. M&W is a specialist matter, and a one-size-fits-all approach would not be appropriate. Overarching NDMPs specific to minerals and waste management development would be strategically beneficial and provide greater certainty and clarity to planning authorities. The scope of the NDMP should also include public health issues. Currently LPAs are having to make the case individually for certain policy approaches but often with mixed results. The NDMP can help to provide certainty on the national public health priorities that planning decisions should address.
50	What other principles, if any, do you believe should inform the scope of National Development Management Policies?	See response to Q49
51	Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?	No comments
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?	Minerals and Waste is a specialist area of planning and may require its own set of policies. The Council awaits further consultation on the content of the NDMP.
53	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 levelling up missions suggest taking a health-in-all-policies approach to improving on the social, economic, environmental and health-related conditions across communities in

		England. National and local planning should be seen in this HIAP context which also means a need for the public health sector to be clear about the role of planning in delivering identified health priorities.
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?	No comments
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?	Broadly agree; higher densifications will support provision of new infrastructure to support development which will aid the LU agenda. The aim to focus housing around existing and planned transport infrastructure to create sustainable neighbourhoods that enable walking, wheeling and cycling to work supported by high quality local public transport is supported. Smaller rural sites may not be suitable for new housing development due to lack of access to key services, public transport and other key health factors leading to unsustainable living.
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 in society feel safe in our public spaces, including for example policies on lighting/street lighting?	Ensuring the planning and design of public spaces make women and girls, and everyone feel safe is an important determinant of health, in particular mental health and wider social cohesion considerations. Research has found increasing awareness that spaces are dominated by men and built for the 'default male' citizen. There are opportunities to take a healthy places approach to such issues and review whether Secured by Design guidelines can better support wider wellbeing, safety and security considerations.
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?	Robust waste planning forms part of the circular economy and contributes to climate change adaption / mitigation. As such, waste planning should be well-integrated within national policy.
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.	No comments

Appendix 3 Nottingham City Council response

Response to Levelling-up and Regeneration Bill: reforms to national planning policy

Published 22 December 2022

1 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?

The 5-year land supply and housing delivery tests are tools that essentially measure the same thing- housing delivery in a LPA. Having both is unnecessary, so removing the requirement for a five year land supply will remove significant argument particularly at planning appeals where the precise level of housing land supply is often a matter of dispute. Approach properly reflects a 'plan led' system.

Government also needs to acknowledge that plan-making is a continual process and to keep a local plan less than five years old requires work to start on a new plan, very soon after adopting the first plan. In order to enable local planning authorities to resource this process planning fees should be increased to provide funding for local plan making as well as decision taking, and ring fenced to protect planning departments.

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)?

Agree that buffers should not be required. The buffers can lead to councils with legitimate reasons for having a tight land supply (eg being Green Belt, constrained authority boundaries) being penalised, so removing the buffer requirement is justified.

It is not allocation that is the issue, but the delivery of planning permission once granted.

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?

This is logical, as the current situation potentially penalises pro-growth authorities who have allocated sufficient land, when this land is developed early in the plan period.

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

No comment on the specifics of the guidance. The City Council thinks that the proposal is reasonable and is supportive. Undersupply is accounted for in the standard method, through the application of the affordability ratio.

Where there are strategic plans which straddle lpa boundaries, this could be considered on a plan wide basis, and could be included within the scope of the new 'alignment policy'.

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?

No specific comment, although recognition that cities have special issues in terms of representation in forums, and the current model neighbourhood plans does not work well in Cities (as evidenced by the lack of take up in these areas). NCC would like to see changes to the approach to reflect and address the complex and diverse neighbourhoods present in Cities. In particular, issues of multiple deprivation, very diverse communities, low incomes etc, need very significant assistance and capacity building if Neighbourhood Plans are to be prepared successfully.

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?

So long as there is emphasis on the quality of development and directing homes to the right location rather than the focus being purely on the volume of housing. Support the reference to 'supporting infrastructure' at paragraph 7, as this can help to overcome objections to development, and supports levelling up priorities.

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

A standard method is supported, as it provides clarity and certainty, but the 35% increase for the 20 largest conurbations is completely arbitrary and is not based on any evidence. Nottingham will be unable to meet its housing requirement in the future, due to tightly constrained boundaries and will be unfairly penalised. This in turn stands to jeopardise the City's reputation and ability to work across boundaries with neighbouring authorities.

Recognition of capacity/housing land supply needs to be part of the consideration.

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?

Nottingham City Council would find it helpful if the exceptional circumstances (referenced in Paragraph 61) relating to 'the particular characteristics of an authority' could be clarified. We welcome the recognition that local factors, such as a large student population, can be an exceptional circumstance. In Nottingham,

we would expect that the extremely constrained boundaries of the local authority area would also constitute a genuine exceptional circumstance, because meeting need plus 35% would be likely to lead to negative impacts of inappropriate densification, for instance by blocking views, impacting on heritage assets, pressure to develop open space, etc.

There needs to be some flexibility to allow for local circumstances to be taken into account.

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?

In some areas, Green Belt boundaries may have been established several decades ago and it will not always be appropriate that they should remain completely unchanged. There should be provision for Green Belt review to accommodate growth where this is agreed, and to ensure development takes place in the most sustainable locations (eg avoiding 'leap frogging' of the Green Belt). Density and character will be covered in design codes and these should play an important role in assessing the impacts of meeting housing needs on an area.

It is fair and appropriate that past over-supply should be taken into account.

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?

The starting point should be the Strategic Housing Land Availability Assessment. The guidance in design codes for an area will also be useful in this regard, as will height studies and heritage assessments etc. Use of 3D modelling can be particularly useful.

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?

Nottingham City Council supports the government's proposals to deliver a more 'proportionate' approach to examination. In particular the City Council welcomes a more reasonable approach to assembling the local plan evidence base; this is due to the cost, officer resource and time taken to commission studies. These studies often need to be revisited as the plan progresses due to the pressure of meeting the justified Test of Soundness. The City Council believes that the preparation of the evidence base is one of the most significant factors in determining the length of time take to prepare a Local Plan. In order to move to a 30 month preparation

period for a Local Plan, it is imperative that there is a 'proportionate' approach to examination is adopted, and for this approach to be clear and unambiguous.

Being prescriptive about the timescales for plans will also have the impact of reducing engagement and democratic involvement in plans, which will result in less community ownership of the final plan. Different areas are more complex than others, so a blanket 30 months is not appropriate. It will be much easier to meet the timetable in a market town/rural lpa than in a complex City environment.

Further clear guidance on the scope and reach of the evidence base is also necessary, to both guide lpa's and the planning inspectorate.

12 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?

The City Council would request that plans at the pre-submission consultation stage (within 3 months of the introduction of this policy change) are also not subject to the existing justified Test of Soundness. We are currently moving to this pre-submission stage of consultation, and we would appreciate certainty now as to which Test of Soundness are applicable to our plan. If there were to be any delay to the government's proposed timing, this could entail us having to rethink the scope and extent of our evidence base, which would result in delay to our timetable.

As the proposal would not hinder more advanced plans, the revised tests of soundness should be introduced when the revised NPPF is published.

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

The City Council does not support the imposition of the uplift, which does not seem to take into account the constrained nature of many local authority boundaries, and issues of viability that developers are faced with when developing sites in an urban brownfield area.

Paragraph 62 of the NPPF could be made clearer with a cross-reference to the policies that would apply when considering whether the uplift can be met.

There needs to be recognition that a full range of different types of homes need to be provided, and cramming homes into urban areas will jeopardise balanced housing provision.

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?

Priority to uplift authorities for funding and assistance would be the most beneficial help that could be given to local authorities to help deliver homes in urban areas. However, it is unlikely to deliver either the whole of the uplift, or the typologies of new homes required.

Regular contact to review the situation with authorities would also be helpful. It is unreasonable for government not to assist authorities with delivery, where issues have been flagged. Imposing targets without assistance will only lead to further failure to deliver the number of homes required.

Notwithstanding the guidance that the uplift should be met in the areas in which the uplift occurs, in areas like Nottingham, half the built up area of the City is in the surrounding Districts. If the uplift remains, guidance should cover the entirety of the urban area of the City region, and not just the part that falls within the local authority boundaries of tightly under-bounded Cities

If the uplift is to remain, the same guidance relating to the standard method being a starting point should also be explicitly applied to the uplift figure.

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?

The future alignment policy (to replace the Duty to Cooperate) urgently needs to address urban uplift, clearly and unambiguously. It will not always be possible to deliver the uplift solely in urban areas, which is certainly the case in Nottingham. In this scenario, there should be a collective responsibility to ensure that the uplift is delivered across wider economic and housing market areas to ensure sustainability.

If the Government is serious about boosting housing provision, the best approach would be for the government to mandate strategic planning across meaningful housing market areas or other functional geographies.

16 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?

Agree with this. There is no requirement to prepare a policies map at the Regulation 18 stage however.

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?

No comment – not sure which constraints the question is referring to.

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?

Yes, this is supported.

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?

The switch off should apply at 100% and no more. A 15% 'buffer' does not reflect real levels of non delivery, which are much lower in Nottingham. The local planning authority should not be penalised for the decline in economic conditions or developer actions which it cannot control.

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

Should relate to the planning application granted.

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

The Housing Delivery Test should be withdrawn. Local Planning Authorities are responsible for determining planning applications and monitoring the progress of those. They should not be accountable for delivery and penalised for the inaction of developers. The consequences of failing the Housing Delivery Test should be immediately suspended as this situation is hugely damaging and contrary to the fundamental objectives of the planning system.

If the HDT is retained, then the consequences should be frozen.

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. Nottingham City Council (NCC) strongly supports such a revision. The most pressing need in the city is for social housing for rent, and in particular we need 3 or more bed homes. This need is exacerbated as a result of the reduction in numbers of socially rented homes as a consequence of the operation of the Right to Buy policy, which does not permit the replacement of those homes at equivalent numbers. Whilst there will also be a desire for other forms of low cost housing, the highest need is for socially rented homes so more weight attached to these is important. We would also support 'social rented' homes being distinguished from 'affordable rented' homes in the guidance for planning policies and decisions.

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

Housing needs assessments need to be respected as part of the process, as challenges to these can cause delays in delivery. Needs assessments could be supported by evidence of losses in numbers of socially rented homes (eg through sales under the Right to Buy) which can be factored into the mechanism used to justify replacement social rented homes. In the absence of any changes to the Right to Buy policy, it would be beneficial to allow local authorities to retain receipts from Right to Buy sales for a longer period to strengthen the ability for re-provision.

It would be beneficial to have a more robust approach to ensure on site social/affordable housing delivery.

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. This objective is welcome as is the outcome intended, to support the increased supply of older people's housing in various forms is important.

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)?

Provision of smaller sites may support smaller builders, but there needs to be recognition that lpa's only provide planning permissions, and are not responsible for delivery.

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?

Small sites can often be inherently more costly to develop, so this makes for challenges especially for the provision of affordable and social on these sites. This means that the policy needs to be accompanied by funding to help unlock the viability of such sites for low cost housing.

Adequately resourcing planning departments and statutory consultees would help by reducing the risk in timescales for SME builders.

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?

The development of affordable / low cost housing by small community led organisations, housing co-operatives and alms-house type charities is desirable and can add to the mix of provision available in a local area. Bona-fide organisations of this type have a long history of provision which has been beneficial.

However, this has to be set against the consumer and other safeguards that are provided by the regulatory process, and it is noted that there is already a ‘lighter touch’ degree of regulation for small organisations, which would include these types of providers. As such an appropriate balance needs to be set. This balance also needs to consider the resources that might need to be deployed in scenarios where organisations have sought to use any reduced threshold to avoid the safeguards that may otherwise have been expected.

We are reminded of the situation that has emerged with some providers of ‘supported exempt accommodation’ using statuses of Community Interest Companies (CICs), for example, to secure public money with little or no safeguards around the provision of support. This has resulted in government and local authorities having to fund investigatory activity, which is an additional burden to the taxpayer.

So any amendments need to ensure that only bona-fide charitable alms-house trusts or genuine co-operative status organisations could make use of such changes.

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?

Not applicable as assume applies to rural exception sites which is not relevant in Nottingham City.

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

Not applicable as assume applies to rural exception sites which is not relevant in Nottingham City.

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

The main barriers to this type of development are not planning related, so explicit recognition that cities have special issues in terms the complex and diverse neighbourhoods present. In particular, issues of multiple deprivation, very diverse communities, low incomes etc, need very significant assistance and capacity building if community led developments are to be successful.

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

NCC welcomes the recognition that the lack of delivery of homes is not the fault of the planning system. However, the system as proposed is unworkable, and needs development to make it effective, without jepopardising the fundamental principle of planning that permission goes with the land. as it currently stands, such a provision would be easily side-stepped by such developers purporting to be a different legal entity, the Government needs to ensure the approach is unworkable and unhelpful.

31 Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?

NCC does not support this suggestion and neither option would be a helpful addition to planning legislation.

32 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?

Options (a) and (b) may improve public accountability to name and shame affected developers, option (c) is unlikely to be effective for the reasons given above.

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?

The use of the term 'beautiful' is unhelpful, as there is no definition, and can be interpreted in different ways. More encompassing 'good design' is what is required, together with timely and sufficient infrastructure to support new development.

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?

No. See comments above.

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

Yes.

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. NCC considers this an inappropriate level of detail for the NPPF, and different solutions will be appropriate in different locations

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?

Biodiversity Net Gain should help in reducing inappropriate nature interventions. More detail would be welcome to assist in preparation for BNG.

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?

Not applicable to Nottingham City Council.

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?

The City Council considers that carbon reduction is better delivered through the Building Regulations rather than the planning system. This will have the benefit of capturing permitted development.

Any methodology introduced should be simple and clear.

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?

The City Council considers that carbon reduction is better delivered through the Building Regulations rather than the planning system.

More stringent building standards could support climate change adaption. A more fundamental review of the NPPF is needed to properly reflect the objectives of climate adaption.

Providing clear guidance and standard approaches for small builders/self builders will help to reduce barriers.

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

Yes.

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

Yes.

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 footnote 62?

Yes.

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?

Yes.

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?

Nottingham City Council considers that the 30 June 2025 timetable is reasonable if the NPPF changes are implemented as currently scheduled for Spring 2023. For the legislative changes, the City Council asks that government provides regular communication with local authorities about timescales. If delay is anticipated, it is necessary that the 30 June 2025 timescale is reviewed.

The 31 December 2026 timescale is unreasonable as currently worded. The duration of time from submission of a Local Plan to the examination being concluded is usually not within the control of the local authority. In addition, it is highly likely that PINs will see an influx of plans at this time and will not be able to ensure that all plan examinations can be concluded, in time for local authorities to be adopt their plan before the deadline. The 31 December 2026 deadline should be deleted and a submission to PINs deadline should only remain.

The 30 month plan preparation period makes no distinction between areas which are relatively easy to plan for, like rural areas with small settlements, and large complex urban areas with multiple challenging planning issues, like Nottingham and other Core cities. There should be a more nuanced approach to plan making which recognises these factors.

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

See comment above.

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

No comment.

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

The logic to abolishing SPDs is not clear or explained. SPDs are incredibly useful to supplement local plan policies in the form of guidance or site specific briefs, as they are relatively quick and resource effective to put into place. Safeguards exist via judicial review to ensure they are appropriate in terms of their scope. To replace this with a much more onerous process which requires public examination is adding very significant hurdles in terms of time and resource to putting Supplementary Planning Documents into place.

The alternative preferred by Nottingham City Council would be to keep the ability to prepare SPDs. If the proposal to abolish them proceeds, existing SPDs should remain material considerations for as long as the site/policy to which it relates remains extant.

- SPDs provide technical detail and cover a broad range of topics from student accommodation, to biodiversity net gain, climate change etc. By way of further example, last year Ipswich adopted 3 new innovative SPD's including a Low Emissions SPD - which crosses from design stage through to delivery and addresses the impact on their Air Quality Management Areas.
- Local Plan policies can often be misinterpreted/manipulated upon adoption and SPDs provide a vital way of clarifying policies to ensure that they remain effective. If the ability to provide clarification (in a robust way via SPD) is removed, then the local planning authority is exposed to risk at appeal. It would not be resource-efficient to have to prepare an entire Supplementary Plan to clarify one particular policy.
- It is not appropriate to put the level of clarification/detail contained within SPDs into the Local Plan. This would unduly increase the size of Local Plans and increase preparation timescales.
- It is not unusual for local planning authorities to have 10 SPDs each, if these authorities required 10 Supplementary Plans it is possible that there would be a consequent impact on PINs capacity to undertake Local Plan and Supplementary Plan examinations.
- It will be vital to consider the relationship between national DM policies and SPDs/Supplementary plans, and how local authorities will be able to provide further advice on local implementation. SPDs may be the most efficient way of doing this (noting the issue highlighted in the previous bullet point).

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

Note that further consultation will follow on the detail of NDMPs. Local policies are likely to be required to explain how national policies apply to local circumstances. Local policies will also be required to deal with local circumstances.

In the event of a conflict between local and national policy, local policy should prevail where the plan is up to date, given the plan will have been subject to examination.

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

NDMPs should be strictly restricted to matters where their application can be uniformly applied.
They should be framed help provide clarity where other regulatory regimes should apply rather than planning policies or conditions.

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

Some additions could be helpful, but should not fetter the ability for lpa's to ensure that the full range of housing needs are met within their areas, and new housing is delivered in the most sustainable way for any particular locality.

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?

NDMPs should be strictly restricted to matters where their application can be uniformly applied across the Country.

Examples include:

- Green Belt Policy
- Countryside protection
- Flooding
- Air, Soil and Water quality
- Daylight and sunlight
- Basement development
- Natural Environment
- Residential mooring
- Custom and self-building

Sustainable design
Carbon offsetting
Protection and enhancement of river character and water environment
Biodiversity and habitat protection
Noise
Space standards (we suggest that they should be in the Building Regulations)
Fire safety (See earlier comments about sticking to the knitting)
Residential annexes
Agriculture and Forestry workers dwellings (in Green Belt)
Equestrian Activities (in Green Belt)
Contamination

53 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?

Removal of permitted development rights to change from commercial uses to residential. These have had a negative impact on communities due to their unsuitability for conversion and sometimes location (especially office to residential conversions).
Properly funding planning teams.

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?

Guidance on economic growth in the NPPF is extremely limited, especially when compared to the level of guidance for housing. New land hungry sectors, like logistics, are inadequately covered.
Developer contributions do not adequately cover the costs of new infrastructure.

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?

Policy is adequate, what is lacking is funding where there are viability gaps, especially in urban areas like Nottingham.

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 in society feel safe in our public spaces, including for example policies on lighting/street lighting?

Yes. Nottingham City Council supports this.

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?

Welcome the provision of a track change version of the NPPF changes as part of the consultation.

Going forward it would be useful to have hyperlinks to the relevant parts of the NPPG given in the NPPF, and for these to be updated and maintained as necessary.

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.

No comments for this question.