
LEVELLING-UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY

**Consultation response
by Carter Jonas LLP**

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Carter Jonas

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EXECUTIVE SUMMARY

- 1.1 In these submissions Carter Jonas LLP responds to **the Levelling-up and Regeneration Bill: reforms to national planning policy** consultation. Each of the Government's questions is considered and responded to in turn. We have relied on our extensive experience of planning across England and have drawn together the views of our professional teams across the country.
- 1.2 We are not convinced by the proposed changes to housing land supply requirements – there needs to be an effective monitoring and measuring process as part of the strategic planning system – and to simply switch this off is counterproductive, at best. The proposed changes to the plan-making process are unnecessary, and the loss of 'justified' as a test of soundness risks the deliverability of plan strategies. It will not 'speed up' the plan making process; it will more likely result in the allocation of development sites that are not credibly deliverable. The need for a review of what is required to demonstrate that potential sites are deliverable is acute.
- 1.3 The proposed changes to Green Belt policy are counter intuitive. A full review of the purpose of Green Belts and their effect on sustainable development patterns should be commissioned.
- 1.4 Proposals for affordable housing, and support for specialist older peoples' accommodation are generally supported, including the potential for cross subsidising much needed homes for the most deprived parts of our communities, and the opportunity for institutions to deliver their own homes, for their own people.
- 1.5 It is a well understood principle that smaller development sites will generally deliver more quickly, and so more should be done to support such sites in the right locations. However, this must be balanced with the delivery of larger sites – urban extensions and new towns – which can also provide a range of services and facilities and infrastructure funding which is not possible at smaller scale.
- 1.6 Comments about the "behaviour" of some developers is a distraction from the major issues at stake here. More emphasis should be placed on genuine partnership working, including an important agency role for LPA, and a requirement for early engagement (at plan making stages) from statutory consultees and utility providers.
- 1.7 It is vital that proposals for the "alignment policy" to replace the Duty to Cooperate are released as soon as is practicable, and that there is more of a focus on outcomes with any new policy. This is because the current 'Duty' is an unsatisfactory process which results in the recording of meeting minutes but not the delivery of new homes, or the meeting or unmet housing needs.
- 1.8 Beauty in design is a fine concept, but it is subjective, and an unnecessary detail for planning policy, especially at national level. On a similar theme, it is very odd to read a national policy on Mansard roofs, it is entirely unclear why such an approach is necessary.
- 1.9 That said, we would support a robust and properly tested set of national Development Management policies. As a business that works across the country, we find that many 'headline' Development Management policies, are replicated in many Local Plans. These could reasonably be elevated to the national level to avoid repetition.
- 1.10 We are acutely aware that every effort should be made to protect vitally important natural resources, and it is right that we have up to date and effective policies to support this in a balanced planning system.
- 1.11 Finally, whilst we agree that the safety of women, girls, and other vulnerable groups in private as well as public spaces should be a key priority, we strongly suggest that the safety of all people, irrelevant of gender or ability, should be an integral part of design and place-making.

1. INTRODUCTION

- 1.1 These submissions are made by Carter Jonas LLP, a multi-disciplinary agency dealing in all aspects of the development process. Carter Jonas LLP has over 1000 property specialists across 34 UK offices. We are one of the leading employers of chartered town planners with over 60 RTPI registered Planners.
- 1.2 Carter Jonas LLP represents a diverse client base, including government departments and over 154 local authorities, major landowners, the third sector, housebuilders (including 12 of the top 25 housebuilders in the UK), developers and promoters. We manage 1.3m acres of land and currently are advising on over 23,000 acres of potential development land. As such, these responses seek to take a fair and balanced approach to the consultation – favouring no ‘one-side’ and seeking to ensure any eventual changes bring about sound and logical changes to the system.
- 1.3 It is, nevertheless, important to re-emphasise the scale of the issues facing the UK in the delivery of sustainable development. There can be no debate that we are in the midst of a housing crisis – meaning there is not enough housing to meet the needs of the population:
- The system, as a whole, has failed to deliver adequate development to sustain the needs of the population. It is not one sector, or part of the sector that is to blame – there are many elements that need to work better, faster, with clearer goals and targets;
 - There is no clear and realistic vision at the national or local level to ease the housing crisis;
 - The economic, social and environmental problems, inequalities and inequities relating to the housing market and quality of the existing stock are getting worse, not better;
 - The national annual housing target of 300,000 dwellings has never been achieved since it was set;
 - The result of demand continually exceeding supply is rising costs and reduced affordability for those buying, renting or running a home;
 - Applying national averages, in order to buy a home it will require lending equivalent to 9.4 times average incomes, which has risen steadily from 3.5 times income in 1997. It is not possible to borrow at this rate;
 - The impact of this affordability crisis is felt disproportionately by the young and the poorer in society; and
 - There is a clear evidential link between the state of the housing market and fertility: fewer births, can be linked directly to the affordability of housing stock - creating a vicious circle of social and economic decline.
- 1.4 Any resolution to these issues is likely to result in the need for a suite of genuine problem-solving policies that will be unpalatable to some. We witnessed an ‘uprising’ by a number of marginal MPs prior to the publication of the proposed package of reforms and changes to the NPPF. The effect of this was to seek to ‘water-down’ elements of the proposed reforms. We do not consider that the package of reforms as originally tabled would have been sufficient to address all of the issues identified above. This requires root and branch reform. It should be based on a responsible governmental resolution to the problem. It should not be impacted by a short-term political purview.
- 1.5 One of the unfortunate effects of the proposed reforms is that they have created a hiatus in the delivery of Local Plans. This has widened the gap that currently exists between the delivery of up-to-date Local Plan, and full national coverage.
- 1.6 Any proposed changes to the system that would, whether by intention or otherwise, place the delivery of sustainable development at risk, or act to suppress it, should not be progressed.
- 1.7 We welcome the opportunity to engage further on these critical matters, as the provision of development in the right places and at the right time is critical to the delivery of sustainable development. In turn, the delivery of sustainable development is critical to the future economic stability of the country and the delivery of a socially responsible and fair society.

2. LEVELLING-UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY – RESPONSE SUBMISSIONS

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?

- 2.1 **No.**
- 2.2 The production of a Local Plan is futile if systems are not in place to ensure its contents are delivered. This is especially important in meeting housing need, where it is a well-evidenced fact that housebuilding levels in many areas is well below expectation, leading to widespread low home ownership amongst younger people and an affordability crisis for many communities.
- 2.3 Reluctantly, we do observe that the removal of the requirement to demonstrate a 5YHLS would have little effect on those local authorities who often have the poorest levels of housing delivery and cannot currently demonstrate a 5YHLS under the current system. This is often the effect of difficult decisions not being made regarding the allocation of housing, which as we make clear throughout our answers, would not be assisted by the contents of the proposals, the subject of this consultation.
- 2.4 Nevertheless, the 5YHLS is a suitable forecasting and monitoring mechanism through which identified housing need can be planned to be met. The mechanism needs to include the identification of specific, deliverable sites. Continued monitoring is also important, because whilst there is a need to robustly forecast adequate deliverable sites are in place at the point of Local Plan adoption, there will inevitably be circumstances that effect the deliverability of sites over a 15-year plan period. Therefore, the 5YHLS process must not be lost.
- 2.5 Turning to the operation of measuring a 5YHLS, it is neither reasonable nor effective for LPAs to simply suggest that because they do not build the vast majority of houses, they have no control over delivery. LPAs have a clearly defined role in decision-making, ensuring that statutory bodies and other service delivery bodies (including developers) work together to find solutions to development constraints. Equally, we recognise the development sector should advocate realistic development trajectories for development sites on the basis of the same shared approach. The removal of the need to consistently demonstrate a 5YHLS will inevitably erode the effectiveness and reliability of these discussions and information.
- 2.6 Without consequential repercussions if housing land supplies are not maintained, only the consideration of planning gain remains. Whilst this may be enough to incentivise development in some areas, this will be ineffective in areas which put up the most resistance to new homes, which is most often in areas of greatest need. When carrying out public consultation, on Local Plan allocations or planning applications, we always face questions about whether new housing is necessary. Mandated targets and a 'rolling land supply' provided the answer, but in the absence of need and supply targets, it will be harder to demonstrate housing need, in particular concealed housing need which is one of the greatest societal problems linked to undersupply.
- 2.7 Overall, without a suitable alternative provision for monitoring to the supply of housing and progress of Local Plan delivery, there would be no incentive for proposed housing targets to be delivered. If the Government remains committed to *"significantly boosting the supply of housing"* as it appears to be retaining this statement in Paragraph 60 of the NPPF, such a change would be counterintuitive. This matter would be exacerbated if there is to be no alternative for monitoring the progress of Local Plan and housing delivery, and no opportunity for an alternative course of action if sites allocated in the Local Plan fail.

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)?

2.8 **No.**

2.9 The current system of buffers to 5YHLS are applied for different reasons:

- A 5% buffer is applied as a minimum, to ensure **choice and competition in the market for land**;
- A 10% buffer is applied to those LPAs seeking to 'confirm' a 5YHLS through a recently adopted Local Plan or annual position statement, to account for any **fluctuations in the market** during that year;
- A 20% buffer is applied where there has been significant under delivery of housing, as measured by the Housing Delivery Test, **to improve the prospect of achieving the planned supply.**

2.10 The 5% buffer, in being applied as a minimum to all 5YHLS, is essential to building resilience in the system. The same logic is employed to the 10% buffer, though is considered and applied over a longer period of time. Resilience is necessary so that housing delivery can absorb market fluctuations, and material availability, but also to ensure there remains momentum in the building of houses, and places, and communities do not stagnate and are left with inappropriate housing. If land supply and housing requirements more generally are to be kept to the thin margins of a single dwelling, with housing supply only ever 'met' rather than exceeded, this resilience is lost. Accordingly, we disagree that such additions are 'complicated' but rather are a simplified way of applying a core, necessary economic intervention in the market.

2.11 The 20% buffer is more specific in its application, to make up for previous under delivery of housing. In housing market terms, the under delivery of housing has serious repercussions for the affordability and quality of available housing. As highlighted in our response to Q1, the Government must not lose sight of what this intends to achieve – a significant boost to the supply of housing – which as a minimum, should look to prevent undersupply.

2.12 We fear the removal of the buffer will result in chronic levels of under delivery which will deepen the current housing and affordability crisis.

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?

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

2.13 We agree that taking account of both undersupply and oversupply is reasonable. PPG already suggests that both undersupply and oversupply of housing completions against planned requirements *can* be taken into account. This is a matter dependent on the individual circumstances of a particular case. Therefore, primarily, we believe specific reference to either should be omitted from the NPPF for simplicity, with detailed guidance instead contained in PPG.

2.14 We consider guidance on undersupply is necessarily more detailed at present, as it is essential to counteracting the effects of the chronic undersupply of housing. If the Government is committed to building 300,000 homes per year and remains committed to *"significantly boosting the supply of housing"*, undersupply should continue to be rigorously monitored and avoided. Undersupply should be seen as a 'negative' matter to be 'fixed' as soon as practicable, through the 'Sedgefield' approach.

2.15 Theoretically, the guidance on oversupply would be applied in the opposite terms to undersupply. However, we would make the following specific observations which should factor into guidance in PPG:

- As a result of the provisions, a 5YHLS would only be required when a Local Plan is out-of-date. Paragraph 75 (as revised) would require this to be calculated against Local Housing Need as established by the Standard Methodology, with the ability to take account of under

or oversupply. This is conceptually flawed, as Local Housing Need is set with regard to an affordability ratio, which inherently takes into account of how historic supply (under or over) has impacted the price of houses.

- We consider that specific, and measurable, account should be taken of the wider level of unmet need in a Housing Market Area. The oversupply in one LPA can inevitably be to the benefit of unmet needs in another if they share a functional relationship/are in the same housing market area.
- Previous delivery rates and how this relates to historic targets should be taken into account. This could be done through the HDT, or perhaps delivery trends over a longer period (e.g. 10 years). Any oversupply can be taken away from a new Local Plan requirement, or from the rolling five-year housing supply target.
- The notion of a 'ratchet effect' is confusing and not clearly articulated. If a positive plan is adopted, which oversupplies against Local Housing Need set by the Standard Methodology, then this is a strategic decision which should be monitored and delivered. The economic and housing needs should also be monitored as there is no need for continually more and more houses to be 'needed' unless the same strategic decisions about economic growth are made. Demographic change, and household need, should not be part of a ratchet effect. Moreover, if a Local Plan falls behind on its housing delivery because it had ambitious plans and 'suffers' through the HDT this can be avoided by more robust and effective (and deliverable) site allocations being made through the Local Plan process. This should be part of the considerations of the 'soundness' of Local Plans at examination. The test of 'effective' needs to look in greater detail, and scrutinise more closely, the deliverability of proposed allocations to ensure that the potential for undersupply – especially – is avoided. This particularly links to LPAs allocating specific, deliverable sites (as per the requirements of paragraph 68a (proposed 69a)). It should also be noted that 'oversupply' can create a market saturation challenge where the market slows, or there are insufficient materials to deliver new homes, therefore, Local Plans should be adopted with realistic trajectories for all sites, and any overlaps in delivery must be highlighted and the risks to delivery considered for monitoring purposes.
- LPAs should be obliged to work with land promoters and developers – once a site is allocated – to ensure that such sites come forward in the time frames expected. The LPA work is not 'done' once a site is allocated, LPAs have an agency role in coordinating partnership work between them as decision makers, and the various statutory consultees and infrastructure/utility providers, and site developers to ensure that Local Plans are delivered.

2.16 There should be a necessary active role for LPAs in monitoring and aiding delivery, not just a passive 'counting' of houses.

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?

2.17 The changes put forward by paragraph 14 will undoubtedly give greater strength to Neighbourhood Development Plans (NDP). The proposed change would mean that in areas where LPAs strategic policies are out-of-date, the presumption in favour of sustainable development will not apply if an NDP was put in place in the last 5 years.

2.18 To become "made", Neighbourhood Plans are required to meet the basic conditions set out at Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act. This includes "*being in general conformity with the Development Plan*". This is important, as it justifies that the NDP should contain non-strategic policies that support the strategic policies of the Local Plan which it sits underneath.

2.19 If greater 'protection' is to be given to Neighbourhood Plans, including the removal of clause (c) and (d), then the tests of the basic conditions should be more robust, including a need for a greater focus on the allocation of development sites, their deliverability and a justification for the overall strategy. The 'basic conditions' allow for sites to be allocated that are undeliverable, but once a site is allocated

through an NDP is creates an unsustainable 'immunity' in locations from development. This avoids meeting critical housing needs.

- 2.20 NDPs should also be directed to not repeat what is in the parent Local Plan. Too much time is spent in NDP with strategic matters and matters that are already in national policy. This repetition should be clearly 'ruled out.' NDPs should be focussed documents, relating to development delivery, and there should be a greater focus on Neighbourhood Development Orders.
- 2.21 The proposed revisions would strengthen the ability of NDP to guide development, whilst remaining subject to a less rigorous Examination system compared to Local Plans. If these changes are to be introduced, there should be reform to the Examination process – and the 'basic conditions' – that ensures they are durable. Without appropriate changes, the changes proposed in this consultation have the potential to severely restrict the delivery of much needed homes and developments where they are required.

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?

- 2.22 The introduction of text highlighting that preparing and maintaining up-to-date Local Plans should be a priority is welcomed. This is essential if our planning system is to be genuinely 'plan-led' and capable of delivering the homes and other development that our communities need.
- 2.23 Regrettably, we observe that it has long been the case that LPAs who have been set Local Plan production deadlines, by successive governments, which when badly missed, have gone unpunished. This is through the absence of any real ministerial commitment to apply specific sanctions. In this context, we are highly doubtful that LPAs will be unduly concerned should they not meet specific deadlines. We recognise that the provisions of the Levelling Up and Regeneration Bill could go some way to addressing this by facilitating much needed additional resourcing to LPAs. This additional resource would help towards the preparation and updating of Local Plans and, more importantly, the LURB should reinforce making plan-making a legal requirement. As a result of the latter, we would hope the current additions of paragraph 1 are moved to paragraph 2.
- 2.24 Carter Jonas questions whether the introduction of text at paragraph 7 is required, given that specific content of Chapter 2 is focussed upon achieving sustainable development for all needs, with specific provisions provided in relation to housing and other uses in other Chapters. If it is to be included, we would recommend a more consolidated wording:

“including the provision of homes and other forms of development, alongside supporting infrastructure”.

- 2.25 There is a very clear and pressing need to plan for the **development** needs of communities. However, there should be greater importance placed in the NPPF text on an evidenced and critically, a **deliverable** amount of growth. This should be part of the considerations of the 'soundness' of Local Plans at examination. The test of 'effective' needs to be looked at in greater detail and scrutinised more closely to ensure the deliverability of proposed allocations.

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

- 2.26 Whilst the proposals, the subject of this consultation, may prove to be beneficial in increasing the rate of Local Plan production, this will clearly be to the detriment of housing delivery. In October, the Home Builders Federation wrote to the Office for Budget Responsibility expressing concern that abolishing targets would lead to 100,000 fewer new homes each year, a £17 billion reduction in economic activity and a fall in the funding available for affordable housing of £2.8 billion. Its research demonstrates that, whether the replacement for the standard method is a 'soft' target, or simply ceases to exist, the number of new homes delivered would be the lowest since the years following the global financial crisis.

- 2.27 There is clearly a lot of uncertainty in the industry at present, and this had led to several Local Plans, even some at an advanced stage of preparation, being paused or stopped.
- 2.28 Inevitably, uncertainty slows the process of plan-making, but moreover, removing the need for justified plans and attempting to restrict the opportunities to look at sites in the Green Belt will lead to a focus on more difficult sites and sites being allocated that are ultimately not deliverable. A focus on difficult sites (without the balance of some 'early wins') has the further inevitable effect of slowing housing delivery overall, and moreover, difficult sites which require expensive remediation are also to the detriment to the delivery of affordable housing. This is not to say that difficult sites should not be allocated, but they need to be balanced across a plan strategy with some greenfield sites to ensure that – overall – housing will be delivered in a timely fashion, and with a (usually) higher percentage of Affordable Houses.
- 2.29 We also raise concerns regarding the implications of a plan being 'reviewed' after 5 years. At present, LPAs have the option to review their Local Plan independently (under Regulation 10A), rather than through a formal Local Plan Review that goes to the Secretary of State. In the interests of ensuring the delivery of appropriate housing, we suggest that Government introduces a clause to planning policy that housing need and supply must only be reviewed through Examination. Further, we also suggest that more detail needs to be given about what constitutes a 'review' – and that undersupply should trigger the need for a full Examined review of a Local Plan.

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?

- 2.30 Paragraph 61 of the current NPPF is already clear that Local Housing Need as calculated by the Standard Method should be a starting point, with exceptional circumstances justifying an alternative approach which also reflects current and future demographic trends and market signals.
- 2.31 However, greater clarity in guidance is always welcomed, and the transitory needs of students – in particular – has always been a challenge in setting appropriate housing needs and requirements.
- 2.32 There is an opportunity in guidance to explain that the standard methodology should still be universally used, but to demonstrate how adjustments can be made to take account of other needs. This would require fewer changes than proposed in this consultation and would allow for the current formula to still be used – as set out in PPG – for the universal calculation of needs, and then changes are made which outline how to consider specific needs (not just 'uplifts').
- 2.33 It should also be made clear that if an LPA decides to take the route of using a different methodology, or makes adjustments to the standard methodology, then this needs to be clearly and regularly monitored. For example, student accommodation must be monitored separately from other forms of housing stock if this is used as a reason to depart from the standard methodology.

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?

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?

- 2.34 The notion that "no stone should be left unturned" must be enshrined into policy. Before an LPA decides that it cannot meet all of its housing needs, it must justify and evidence this, and not simply cite "Green Belt" as a constraint.

- 2.35 Green Belts can, and should be, monitored for their continued performance, at the plan making stage. This evidence can be 'refreshed' rather than restarted every five years. This surveying might not lead to changing Green Belt boundaries, but it could.
- 2.36 Land currently washed over by the Green Belt is often some of the most sustainable for new development; it includes locations with good rail – and other public transport – connections, and/or is close to areas of employment which could be reached by cycle or on foot. The Green Belt has been a very successful policy in reducing 'urban sprawl' along road corridors but needs to be reviewed to ensure that growth is not simply occurring on the outer boundaries of these belts in less sustainable locations, simply because it is more politically palatable. Quality and usable green spaces need to be protected, but a blanket washing over of areas around urban areas is no longer fit for purpose.
- 2.37 Instead, it was hoped that the paragraph in question could be amended to confirm unequivocally that exceptional circumstances very much do exist if a local authority has gone through that process in order to help those that do want to grasp that nettle. It was also hoped that an additional paragraph might be added stating that, when the thresholds for demonstrating exceptional circumstances have been met, land around new or proposed public transport nodes can represent the most sustainable locations for new development.
- 2.38 Instead, the proposals are that Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period. Relative to the size of the actual problem, which is that Green Belt (together with housing numbers and cross-boundary issues) is the principle reason for poor local plan coverage, and the size of the perceived problem (12% of England is Green Belt today compared to 5.5% in 1979), this de facto moratorium on Green Belt allocations, no matter how sustainable a site is and how insignificant it might be in landscape terms, is staggeringly disproportionate. The Green Belt is not an absolute constraint.
- 2.39 The notion of density and character is ambiguous and poorly articulated. It is often the case that ancient settlements – including small rural villages – exist and operate at a much higher density, than is now pursued at urban/rural fringe locations. Building at density is not to be feared and should be encouraged. Any suggestion that a built form is out of character with another built form will involve a lot of 'judgment' and is to an extent a subjective view. This will require significant amounts of evidence and perceptual study. This will inevitably lead to lengthy arguments through local plan examinations and ultimately slow the delivery of new homes.
- 2.40 Please see our response to Q4 for our thoughts on oversupply.

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?

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?

- 2.41 **No.**
- 2.42 Local Plans must be justified and properly evidenced.
- 2.43 The purpose and effect of the 'justified' soundness test can be summarised in the supporting text currently provided at Paragraph 35:
- "an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence"*
- 2.44 All of the above will be lost if the requirement to justify the Local Plan is removed, ultimately affecting its deliverability and, the appropriate identification of need and appropriate allocation of new development sites.
- 2.45 In any case, this would appear at odds with a key rhetoric in the changes that would allow LPAs to produce an alternative housing target to the Standard Method, which is the advisory starting point. The NPPF would still require that "exceptional circumstances" as part of a justification to proceed with an

- alternative figure. Beyond housing, we must remember that this also aligns with other development uses too.
- 2.46 Considering ‘reasonable alternatives’ is a challenging and sometimes time-consuming part of a local plan examination but without this process it cannot be demonstrated that the plan is ultimately deliverable and will result in new homes in the locations where they are needed. However, removing this part of the exercise does not mean that the whole test of ‘justified’ should be removed. It is argued in the consultation document that ‘evidence will still be needed’ but it is not clear how this evidence will be required, secured, and properly scrutinised if a local plan no longer needs to be justified.
- 2.47 Perhaps the change should be to retitle the test “*evidenced*” and then the descriptor is simply that a local plan is “proportionally evidenced...”
- 2.48 An alternative option could be to change the ‘effective’ test of soundness “*effective and evidenced*” and the proportionate evidence base is moved over into a combined test which covers deliverability and a proportionate evidence base.
- 2.49 The soundness test of ‘effective’ needs to be elevated. The evidence for the deliverability of sites needs to have greater detail, and joint working should not just be “across borders” but also needs to set out how joint working with strategic partners and statutory consultees will deliver the plan and its contents. In this way development delivery and plan monitoring will be more proactive and ultimately lead to the timely delivery of allocated sites, and their associated infrastructure.
- 2.50 Beyond the proposed removal of ‘justified’, we are also concerned with the proposed removal of the Duty to Cooperate (to be enacted by the LURB) and revisions to paragraph 35(a) that would remove, as part of demonstrating the plan has been ‘positively prepared’, that Local Plans should be “informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development”.
- 2.51 Whilst we recognise that the Duty to Cooperate is a challenging issue for Local Plans at Examination, this often falls back to not being justified, or LPA not positively preparing their Local Plans as they have not prepared an appropriate strategy for meeting their needs or those of their neighbours. This is a clear failing of the Duty; it does not require substantive outcomes, only discussions.
- 2.52 It is noted that the Duty will be replaced by an ‘alignment policy’, though it can be logically assumed that this will be far less demanding than the Duty it is replacing, and this is of great concern given the failings of the Duty as outlined in the preceding paragraph.
- 2.53 Ultimately, it is our view these proposals (alongside other provisions of the revised NPPF) remove the need to take tough, strategic decisions for meeting unmet housing (and other) needs that will therefore continue to go unmet. This need will not vanish into the ether. This benefit of a “streamlined Local Plan drafting and examination process” will be limited if more work is required to meet known needs, and that work is also required more regularly. We have pointed out in our answers elsewhere that this will be an inevitable result that will increase the need for strategic planning.
- 2.54 We agree that Plans that have reached an advanced stage should not be subject to the provisions of the revised NPPF, as it would slow down plan delivery overall. This should also be extended to other provisions, such as Green Belt removal. It is not clear how the 3-month grace period to reach Reg 19 will be managed, if LPAs have an out-of-date LDS. We would also advocate that those LPAs that have been without an up-to-date Local Plan for a considerable amount of time to not benefit from transitional arrangements.
- 2.55 Finally, whilst this proposal makes sense, by virtue of the provisions of paragraph 225, Local Plans can be delayed in order to circumvent the ‘justified’ test of soundness. The wider provisions of the Framework will not stop LPAs seeking to amend their plans, for example, Mole Valley District Council has already sought revisions to remove Green Belt allocations.

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

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?

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?

- 2.56 The use of the 'urban uplift' appears to be arbitrary and will inevitably lead to constrained urban areas having increased housing needs for which they do not have sufficient development sites. This will put greater stress of land in the Green Belt. There is an unfortunate vicious circle in the consultation which places greater strain on urban areas to find space for new homes, but these cannot be located in the most logical location, at its urban edge. As is set out in response to other questions here, there are sustainable locations in the Green Belt that can be released from it and allocated for development.
- 2.57 The role of the Duty-to-cooperate in this exercise should not be underestimated, and it will continue to be invaluable. It is likely that the "alignment policy" foreshadowed in the LURB consultation will provide the guidance for dealing with this issue – and others – so it must be a clear and robust policy which requires a solution to unmet needs, not simply their 'consideration.' Urban uplifts if not met in the subject urban area, must be met as close to them as possible, and if this means selective reviewing of Green Belt boundaries then sobeit.
- 2.58 A nebulous 'policy alignment test' and voluntary Spatial Development Strategies will not do the heavy lifting that the Duty to Cooperate does, which itself was never going to be a satisfactory replacement for statutory strategic planning.

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?

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?

- 2.59 The proposal for a four-year rolling land supply requirement appears arbitrary at best. There is no clear justification to change it, and especially when the five-year supply concept is so well understood and effectively used.
- 2.60 As is set out in earlier responses there is a need for LPAs to actively monitor housing delivery, and it should be as part of proactive partnership working. There needs to be retained the 'stick' of penalties if the housing targets are not met, and kept up to date, and the five-year supply process is an effective way of achieving this.
- 2.61 Regarding Paragraph 226, it is not clear why specific exemption should be given to those authorities preparing a plan. The purpose of Local Plan Examination is to scrutinise the suitability of the policies and development allocations involved. Simply expecting potential site allocations to be deliverable risks undermining the examination process.
- 2.62 Therefore, if a Local Plan is out-of-date, the LPA should be subject to the 5YHLS housing supply requirement as it should be otherwise under the provisions of paragraph 61. This is stated within the document to be preventative of "speculative development", but the triggering of the tilted balance at paragraph 11(d) is there specifically to mitigate these issues. We are moreover concerned that the existing provisions mean it can be an "easy win" for local authorities to get out of a 5-Year Housing Land Supply. There should be time bound limits within which Local Plans must be submitted for this 'four-year supply protection' to be used, with the aim of encouraging those authorities to produce an up-to-date Local Plan. It is alluded that further changes to the Framework are likely to come into place

(notwithstanding the proposals for National Development Management Policies) which could lead to further justifications for the delay of plan-making. We would advise that a more holistic version of the NPPF is updated, rather than dripping it through.

- 2.63 The additional guidance on constraints should be approached with caution, and balance and matters such as the Green Belt cannot be seen as an outright bar to development in plan making.
- 2.64 However, if the constraints guidance is adopted as proposed then 'yes,' the implementation transitional arrangements should continue to apply for plans submitted on or before 24 January 2019. These plans need to be adopted (or withdrawn) as soon as possible to ensure that up to date plan coverage is achieved across the country.

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?

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?

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

- 2.65 This is a problematic proposal, because it does little to engage with the chronic problem of homes that are needed by communities. Counting consents does not mean that the houses which people need are available to live in.
- 2.66 To frame the issue as 'developer behaviour' which is to 'blame' for sites not completing is unfair. There are a range of reasons why sites might not come forward for development – including landownership issues, infrastructure capacity / delivery, politics, neighbour issues, material availability and market conditions – and as such a more balanced approach is required here. The first step is to require a more robust 'test' of deliverability at the local plan examination stage, the next to require partnership working and proactive monitoring between LPA, developers and other stakeholders in delivering a local plan and its contents, especially allocated development sites. This is more than simply relying on the application process to guide development.
- 2.67 If there was a more proactive role for LPAs post allocating sites, and indeed post consenting them, then this exercise of 'switching off' the application of the presumption in favour of sustainable development would be appropriate but it remains passive, and similar to 'counting houses.' Simply giving consents does not deliver homes.
- 2.68 Frankly, picking any percentage of consents above a housing target is inevitably arbitrary but experience would suggest that 'lapse rates' in planning permissions is around 20%, therefore a target of 120% would be more appropriate.

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

- 2.69 Akin to the views put forward in our previous responses, we consider the Housing Delivery Test results should be published and existing buffers continued to be applied. At this time consistency is likely to be the most appropriate approach, and in 2023 at least, the use of the HDT result should not change.

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?

- 2.70 We note the Government's intention to make changes to the NPPF to make clear that local planning authorities should give greater importance in planning for Social Rent homes, when addressing their overall housing requirements in their development plan and making planning decisions.
- 2.71 It is stated that securing social rent homes will already be the priority for many local planning authorities, and the Government wants national planning policy to support this.
- 2.72 Whilst we fully understand why there is pressure being exerted to give greater priority to Social Rent provision, the Government will also need to be mindful of the importance of having regard to the level of actual local need in terms of housing tenure needs. This inevitably differs between different local authority areas.
- 2.73 Any measures that prioritise homes for social rent will have important associated cost implications. Accordingly, further clarity should be provided to landowners and developers in advance of their implementation, in order that they can be properly factored into future land deals.
- 2.74 Given the fact that the delivery of affordable homes provision is heavily dependent upon funding from Section 106 Agreements, it is critical that suitable regard is had to the full cost implications of both national and local policy changes. It needs to be recognised that development sites will have various associated competing demands for funding, and that priority to one particular aspect may well have negative implications for other competing demands.

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

- 2.75 **Yes.**
- 2.76 Carter Jonas is supportive of changes to support the supply of specialist older person's housing.
- 2.77 As acknowledged in the consultation, the population of the UK is ageing rapidly. It is predicted that around 1-in-4 will be aged 65 or over by 2041. In quantitative terms the population aged 65+ is set to increase from 11.2 million today to 17.2 million by 2040.
- 2.78 A report commissioned by the Associated Retirement Community Operators (ARCO) finds that specialist retirement housing is hugely beneficial because it; helps older people stay healthier for longer, especially when coupled with access to round-the-clock care; reduces the burden on the NHS; delays transfer into care homes, and; frees up housing lower down the ladder.
- 2.79 Current government guidance recognises the need for provision of specialist housing for older people as being critical.
- 2.80 Although not suitable for everyone, the provision of specialist housing for older people has significant social benefits that extend far beyond the individuals concerned and into the wider society at large. Currently the proportion of new housing that is delivered as specialist older persons accommodation is very small (estimated to be around 7,000 units per annum). The UK lags behind many other countries in this regard. Part of the reason for such low levels of delivery is attributed to the planning system.
- 2.81 In this context we suggest that the proposed changes to national planning policy could go further. Existing supply issues related to the planning system are identified as follows:
- Clarity of different typologies of accommodation and their use classification;
 - Consistency of approach between LPAs, in particular concerning CIL and affordable housing, and;
 - Absence of or weak policy for the delivery of specialist housing, putting specialist housing providers in direct competition with housebuilders for the acquisition of land
- 2.82 Opportunities should be taken to amend national planning policy to provide clarity over the distinction in use classification terms between the different typologies of older persons housing identified at

paragraph 010 of the NPPG concerning Housing for Older and Disabled People. In particular, clarification should be provided concerning the circumstances in which 'housing with care' schemes should be judged to fall within the existing C2 use class.

- 2.83 There is an inconsistent approach across LPAs as regards CIL liabilities and affordable housing requirements for specialist older people's housing schemes. This inconsistency creates uncertainty for operators and can go to the heart of the viability of such schemes. In particular many 'housing with care' models such as integrated retirement communities are not compatible with the provision of affordable housing units. National planning policy should make clear that housing with care schemes that fall within a C2 use classification should not be required to deliver affordable housing.
- 2.84 Where development plans do not specially allocate land for the provision of specialist older people's accommodation the providers of such accommodation often find that they must compete with general house builders for land acquisition. The financial model for such providers means that they are often not able to compete effectively with housebuilders. The National planning policy should be used to require LPAs to assess the need for new specialist older people's housing in their areas and to make corresponding land allocations for the specific delivery of such sites.

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)?

- 2.85 We are concerned that too many LPAs are producing Local Plans that are very heavily dependent upon large urban extension and new settlements. These often have unrealistic delivery assumptions associated with them. Such plans often lack a balanced 'portfolio' of smaller sites to allow for early, and regular delivery of new homes across the various communities that need them.
- 2.86 Small and medium sized sites play a vital role in ensuring that a continuous pipeline of sites that can be maintained as they are usually quicker and easier to develop than larger scale allocations.
- 2.87 The policy could potentially be strengthened by requiring a percentage higher than 10% of the overall housing requirement to be identified and allocated in Local Plans on sites no larger than one hectare in size.

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?

- 2.88 LPAs should be required to publish the latest affordable housing need requirement figures for their individual areas. In our experience, many LPAs simply fail to retain such information, or where reliable data is available, it is often well out of date.
- 2.89 The publication of this data could then be used as a basis for ensuring suitable Local Plan or Neighbourhood Development Plan allocations in order to try to address this need. This should be in the form of a mix of private and affordable housing. Paragraph 69 could be amended so as to bolster small sites delivery by explicitly referring to the important role that mixed private and public housing allocation schemes can play in this process.
- 2.90 Further consideration should also be given to the fees associated with Permission in Principle Brownfield Register applications in order to make them more attractive.

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?

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?

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

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

- 2.91 In our experience, where the need for such provision is taken on board by an appropriate Registered Provider this has significantly slowed down development schemes. It would seem both sensible and logical to amend the definition of “affordable housing for rent” in the Framework glossary to create greater flexibility and ensure that it is easier for organisations that are not Registered Providers to develop new affordable homes.
- 2.92 We consider that a greater level of provision will be achieved using such a cross-subsidisation approach than would be the case by relying just on an exceptions policy. In our opinion, that approach is heavily reliant upon willing landowners to bring sites forward, usually on the outskirts of villages where normal housing would not be permitted. Exceptions policies do not currently provide sufficient inducements for this to occur on a more widespread basis. This means that in many areas it delivers little, if any, additional provision.
- 2.93 We believe that the key to supporting more affordable housing provision is by ensuring that any planning policy changes boost the supply of all types of housing and tenures. It should not be forgotten that many people still aspire to owning their own home. Only by significantly boosting the overall housing supply, is this likely to be achievable and reduce the current chronic demand for affordable housing.
- 2.94 As we have already referred to in response to Q.25, in our opinion LPAs should be required to publish the latest affordable housing need requirement figures for their individual areas. It is only by knowing the full extent of the affordability problem, can appropriate policy responses be made at a local level.

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

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

- 2.95 Option 1 would make such behaviour a material consideration when LPA determine planning applications so that any previous irresponsible behaviour can be taken into account alongside other planning considerations.
- 2.96 Option 2 would allow LPA to decline to determine applications submitted by applicants who have a demonstrated track record of past irresponsible behaviour prior to the application being considered on its planning merits.
- 2.97 We do not support decision makers taking an applicant’s past behaviour into account, so oppose both of these options.
- 2.98 Such an approach could potentially be open to abuse and mean that decisions might be taken based upon poor past experiences with an individual or company. There may have been reasons for the past behaviour that was ultimately outside the control of either the company or the individual (e.g., the recent delays in construction owing to Covid 19.).

- 2.99 Where poor behaviour has occurred in the past, we consider that more appropriate actions or remedies are available (e.g., enforcement). In addition, there are practical difficulties with such an approach as what if an applicant changed their name or what if the applicant will not be the actual developer of the site.
- 2.100 It is a fundamental principle of the planning system that decisions are taken based upon the planning merits of a scheme. It would be highly retrograde and damaging if this were to change.

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?

- 2.101 The 3 proposed build out policy measures are:
- Publishing data on developers of sites over a certain size in cases where they fail to build out according to their commitments.
 - Requiring developers to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate (the rate at which homes are sold or occupied).
 - Amending the NPPF to highlight that delivery can be a material consideration in planning applications. This could mean that applications with trajectories that propose a slow delivery rate may be refused in certain circumstances.
- 2.102 We consider that there would be inherent difficulties associated with all three suggested measures. Furthermore, we also believe there to be a distinct lack of clear evidence to demonstrate that developers are building out more slowly than is justified. It is not in the interest of developers or their shareholders to sit on sites for any longer than is necessary, incurring additional costs and interest payments.
- 2.103 There are often very sound reasons why developments are built out slowly. The whole planning process can be slow and difficult to navigate. Even once planning permission is obtained there are materials to be agreed and conditions to be discharged. In addition, significant amounts of key infrastructure often have to be provided before the construction of dwellings can commence. For these reasons, build out rates.
- 2.104 Requiring developers to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate could be extremely problematic. Who decides what an appropriate absorption rate is? How long would a developer be given? What happens if a developer only builds particular product types?
- 2.105 Furthermore, there would also clearly be both cost and time implications associated with any applications required to amend dwelling types. It is important that landowners and developers are not deterred from bringing sites forward due to increased uncertainty and costs. Such changes could pose considerable risks and danger to small house builders given the risk of potentially greater costs associated with development.
- 2.106 Trajectories that propose a slow delivery rate may simply be realistic and take account of major constraints that need to be addressed. Whereas trajectories that show a very high delivery rate might in reality be completely unrealistic and undeliverable. Trajectories need to be both realistic and robust.
- 2.107 There is also a clear role, and responsibility, for LPA in this area. The first step is to require a more robust 'test' of deliverability at the local plan examination stage, the next to require partnership working and proactive monitoring between LPA, developers and other stakeholders in delivering a local plan and its contents, especially allocated development sites. This is more than simply relying on the application process to guide development.

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?

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?

2.108 **No.**

2.109 We fully support recent policy changes that emphasise the importance of ensuring that places are well-designed. However, we consider that the NPPF (2021 version), Planning Practice Guidance (Design: Process and tools) and the National Design Guide already provide an extensive range of recently published design guidance.

2.110 Beauty is undefined and is a highly subjective concept. Given that LPAs are, and will be, producing design codes for their areas, we do not see any need or benefit from adding explicit references to encouraging 'beautiful development'.

2.111 Furthermore, we believe that by overly focusing upon 'beauty', there is a real danger that design innovation could be stifled and blocked. Similarly, planning applications are likely to take longer to determine as arguments entail as to whether individual proposals constitute 'beautiful development.'

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

2.112 **No.**

2.113 We consider that there is a risk that more detailed planning conditions to cover this matter will result in overly lengthy and excessive sets of planning conditions being imposed, without any real need or benefit.

2.114 Outline planning consents often already include references to design codes and parameters plans. We believe that the design approach and visual impact needs to be addressed as part of the planning application process. Consequently, it would be inappropriate to leave it until the end of the process to be dealt with by planning conditions.

2.115 Furthermore, it is considered important to ensure that planning conditions are clear and address technical matters. They should not be made overly complex or confusing.

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?

2.116 **No.**

2.117 We believe that mansard roofs are a minor policy matter and that the proposed changes provide a level of detail that is probably unnecessary.

2.118 We also have concerns that encouraging LPAs to consider these as a means of increasing the number of new homes could impact living standards. Thus, if this is to be considered, it is vital that stringent design measures are adhered to.

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?

- 2.119 National policy should promote small scale interventions, with details provided through Design Codes and SPDs. Providing on site biodiversity enhancements is logical and we understand many of our clients, including developers and housebuilders are positively embracing such matters.
- 2.120 Promoting landscaping which benefits biodiversity e.g., supporting native planting, green roofs and restricting the likes of artificial grass or hard landscaping where inappropriate is logical to assist the delivery of BNG on site. National policy can promote such measures, in principle, but the details are best kept to design guidance and SPDs. There will also be site specific considerations in each and every case.

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

- 2.121 Whilst understanding the logic and reasoning behind this proposal, it is important to recognise that in some areas of the country, much of the potential land available to accommodate future housing growth is on land that constitutes the best and most versatile (Grades 1-3a).
- 2.122 It is vital that any policy changes do not restrict future housing supply in those areas. Otherwise, this approach will only worsen the current housing crisis and affordability concerns as alluded to elsewhere through these representations.
- 2.123 It is particularly important that agricultural land that is in close proximity to existing settlements is capable of being released (subject to further detail being published in respect of footnote 58) in order to enable sustainable development to occur.

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?

- 2.124 Carbon impact assessments should inform spatial development strategies and sustainability assessments for planning applications. These will be important for weighing up the benefits of edge of major settlements / green belt sites or new towns / rural dispersal, for example.
- 2.125 However, the approach taken needs to also be weighed against other social and economic impacts; and should not discriminate against for example the housing and development needs of rural / more remote communities. The focus should be on reducing the whole-life carbon cycle of developments and which considers all aspects, including limiting embodied carbon emissions through building more sustainably rather than simply focusing on Local Planning Authorities promoting sustainable development through reducing the requirement to travel.

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?

- 2.126 The flood risk sequential test and current national policies directing sensitive development away from areas of high flood risk is important. Local Planning Authorities should also work in partnership with the Environment Agency and other relevant bodies to ensure flood mitigation and defences are well maintained to enable development to still be delivered as required in areas which are constrained by high flood risk.

- 2.127 Nature based solutions can be advantageous and should be promoted in general through the NPPF; however, specific measures will need to be set out in design guidance, SPDs and site allocation policies as there will be local and site-specific considerations, plus any measures adopted may need to be balanced against other requirements/considerations.

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

- 2.128 **Yes.**
- 2.129 The re-powering and maintenance of existing renewable energy sites will be very important as part of the strategy to achieve obligations on reducing carbon emissions through being able to implement/incorporate the latest technologies.

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

- 2.130 We agree that local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.
- 2.131 We agree with the support for life-extension of existing renewables sites which will be critical to achieving carbon reduction requirements through being able to implement the latest technologies.

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?

- 2.132 Whilst community engagement is important and energy schemes need to be sensitively located and designed, we are concerned that if planning policy places too much weight on local decision making, a greater number of such developments will have to be overturned due to local opposition. Consequently, this could mean the UK fails to meet binding legal requirements on reducing emissions and continues to depend upon imported energy at the expense of domestic energy security.
- 2.133 Whilst the public attitudes tracker shows the majority public support such developments, it is another question whether local residents would still positively support projects planned near to where they live.
- 2.134 The loosening of wording of current footnote 54 (now 63) to replace 'fully' with 'satisfactorily' and 'their backing' with 'community support' is probably helpful. However, the blanket requirement for areas to be identified as being suitable for wind energy development in the development plan or through a SPD is onerous, which could limit the potential supply of land available for such development.
- 2.135 The addition of footnote 62 is beneficial, by adding an additional way by which wind energy projects can come forward through Development Orders. This should arguably be extended to other forms of renewable energy projects to benefit from a wider range of opportunities.

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?

- 2.136 We are supportive of efforts to combat climate change by promoting energy efficiency improvements, whilst ensuring that local amenity and heritage continue to be protected.

- 2.137 In relation to the adaptation of large buildings, reference is made to particularly large non-domestic buildings to improve their energy performance (including through installation of heat pumps and solar panels). We would suspect that the former, might well cost significant more than the latter to install.
- 2.138 Given current sky-high energy costs, measures that make older and larger buildings more sustainable and viable to operate are strongly supported.

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?

- 2.139 We agree that it is critical that work should continue on plans before the new system is in place and the timelines seems reasonable with plan makers having to June 2025 to submit their current plans and subsequently adopting them by December 2026.
- 2.140 However, it is unclear what precisely would happen to those plans in the system that have failed to get adopted by then. We assume that they will need to be either completely withdrawn or amended and resubmitted under the new system.
- 2.141 Attempts to aid the efficient production of Local Plan is welcomed, as is the simplification of content. There is a clear need to avoid Local Plan Examinations stretching out over many years of time (e.g., Welwyn Hatfield and North Hertfordshire).
- 2.142 However, we consider that it is even more important that the Plans that are produced and eventually adopted, are fully justified, and evidenced, and substantive in nature, carrying appropriate weight and depth. It is no good having a speedier plan making system if the plans emanating from it are watered down and weaker or would fail to deliver the numbers of homes and jobs that are needed in the local area.
- 2.143 Like many other commentators, we are extremely concerned that LPAs might use the proposed changes to the plan making system as an excuse to delay their plan making activities until a point in time when there is greater clarity on the final scope and timing of the national reforms. Some local authorities might even choose to wait until after the next General Election in case further substantive changes might subsequently then be made.

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

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

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

- 2.144 We support the proposed requirement for LPAs and minerals and waste 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.
- 2.145 We note that LPAs that have prepared a local plan, spatial development strategy or minerals and waste plan which is more than 5 years old when the new system goes live (and are not proactively working towards the 30 June 2025 submission deadline under the current system, as set out above), will be required to begin preparing a new style local plan, spatial development strategy or minerals and waste plan straight away.
- 2.146 At the moment, it is considered problematic that far too many local authorities still have adopted SPDs in place that have become well out of date and in many cases, somewhat obsolete. Consequently, we support the proposed expiry period for such documents.

- 2.147 However, we do have concerns regarding the proposal to afford the new Supplementary Plans the same weight as a local plan or minerals and waste plan. If this is to be the case, they will need to be subjected to much more independent scrutiny than has been the case with regard to the adoption of SPDs.

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

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

- 2.148 The principle of establishing National Development Management policies is considered both sensible and sound. Using the existing parts of NPPF that apply to decision making such as conserving heritage assets, preventing inappropriate development in the Green Belt and areas of high flood risk seems a logical starting point. Notwithstanding this, we hold fundamental concerns regarding the need for a fundamental review of Green Belt policy in order to ensure that acute housing requirement needs are capable of being met in a timely and sustainable manner.
- 2.149 It is recognised that National Development Management policies present an opportunity to cut duplication and allow for the Government to introduce policy amendments in a faster and more responsive way. This will be particularly beneficial in relation to those policy changes that are required to be introduced within more urgent timelines.
- 2.150 Given that not all local authorities always have the same depth of Adopted Local Plan policy content on certain key policy areas, a national approach would ensure that they are suitably covered throughout the country. It would also aid applicants and developers as they would know that the national policy content would apply to nationally important issues encountered throughout the whole country. Thus, avoiding the current situation whereby, they can be faced by quite different policy approaches even between neighbouring local authorities.

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

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?

- 2.151 We note that it is stated that a national policy on carbon measurements and reduction could set a baseline, whilst enabling authorities to set further measures in their own plans based on parameters set in national policies, possibly through an optional technical standard to allow for consistency and sound decision making.
- 2.152 Whilst we are fully supportive of ensuring consistency and sound decision making, we consider that there is a danger that further Local Plan measures might have insignificant regard to their implementation costs and potentially significant adverse effect on overall housing delivery.
- 2.153 It is specified that there might not be a need for a national policy on allotments and that this might be incorporated into a wider policy on protection of green spaces. We consider it important that any such policy makes provision for the redevelopment of such sites where it has been established that such sites are no longer needed or viable.
- 2.154 The introduction of a national policy supporting housing in town centres and built-up areas would seem to be desirable and could be capable of boosting the delivery of brownfield development.

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?

- 2.155 In order to achieve many of the above goals, we believe that every effort needs to be made to support the development industry, which is vital to bolstering both national and local economies. Greater levels of development activity will boost expenditure and economic growth, and aid investment through Community Infrastructure Levy (CIL) S106 Agreement contributions, and New Homes Bonus. Increased housing provision and increased supply will also assist in reducing house price pressures and making the step from rented to owner occupied accommodation more accessible and affordable.
- 2.156 Devolution arrangements need to facilitate easier and faster decision making that promotes local growth and generates additional funding to provide the infrastructure and services needed to tackle inequality and reduce housing inequalities.
- 2.157 We are also extremely concerned that the proposed planning reforms has resulted in a significant number of LPAs using uncertainty as a justification for suspending or delaying work on their new Local Plans. The consequence of this is very likely to be lower housing provision and economic activity, which will hinder, rather than help, efforts to level up.

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?

- 2.158 See above response to Q.53.

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?

- 2.159 There are undoubtedly opportunities to boost brownfield delivery in many towns and city centres. Measures that would help facilitate the prompt delivery of such development schemes would be largely welcomed. Particularly where they can demonstrate strong sustainability attributes.
- 2.160 However, careful regard must also be had to ensuring that urban brownfield development sites does not result in an unacceptable loss of important local community assets such as green spaces and wildlife rich sites.
- 2.161 Furthermore, whilst greater urban brownfield development is generally supported, there must be a recognition that in many instances and locations it will only be capable of delivering a limited quantum of additional development. Consequently, there will still be a need for a very large proportion of new development, (including housing and to deliver the full range, type and tenures) to be delivered on greenfield sites in order to ensure that needs are met in as close proximity as possible as to where they actually occur.

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?

- 2.162 We are unclear why this is the only question that defers the topic to next year's wider review when it could have been included in this consultation draft. However, whilst we agree that the safety of women, girls, and other vulnerable groups in private as well as public spaces should be a key priority, we would strongly suggest that the safety of all people, irrelevant of gender or ability, should be an integral part of design and place-making.

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?

2.163 Whenever, national planning policy is amended, it would be useful to ensure that as well as the new text, there is accompanying information near to it, which clearly identifies what changes have been made and when. Thus, providing an audit trail of policy changes over time.

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.

2.164 N/A.

3. CONCLUSION

- 3.1 Carter Jonas trusts that these submissions are clear and useful to the Government in its deliberations.
- 3.2 Our responses have sought to take a fair and balanced approach to the consultation – favouring no ‘one-side’ and seeking to ensure any eventual changes bring about sound and logical changes to the system.
- 3.3 It is, nevertheless, important to re-emphasise the scale of the issues facing the UK in the delivery of sustainable development. There can be no debate that; we are in the midst of a housing crisis.
- 3.4 The consultation has raised some critical questions but appears to be reaching the wrong conclusions on matters such as housing need and supply and the purpose, and function of the Green Belt.
- 3.5 Other matters, including those of the natural environment and carbon management are critical to all our lives, and everything that we do, so it is vital that the planning system leads the way in finding a balanced and sustainable future for people and the environment.
- 3.6 There are some matters regarding design and affordable homes, and homes for older people that are welcome, if the detail would benefit from some refinement.
- 3.7 Any proposed changes to the system that would, whether by intention or otherwise, place the delivery of sustainable development at risk, or act to suppress it, should not be progressed.
- 3.8 We welcome the opportunity to engage further on these critical matters, as the provision of development in the right places and at the right time is critical to the delivery of sustainable development. In turn, the delivery of sustainable development is critical to the future economic stability of the country and the delivery of a socially responsible and fair society.

