

Appendix A: National Planning Policy Framework Consultation

Response

1. Introduction

Q1 Do you have any comments on the text of Chapter 1?

1.1 Paragraph 6 refers to the inclusion of statements and endorsed recommendations of the National Infrastructure Commission.

1.2 Written Ministerial Statements can cover a wide range of topics and potential projects and can be entirely for political gain. For example, the Secretary of State for Transport has made a succession of Written Statements about Heathrow Airport expansion that range from positive support to general consideration. Until these statements work their way through a democratic process and result in adopted policies, they should not carry any weight. Similarly, recommendations by the National Infrastructure Commission should only be material once they relate to a completed process or project identified through a democratic planning process.

1.3 In any event, a statement that is material to plans and programmes would be setting a development framework. Consequently, such statements would be required to be appraised in accordance with the Environmental Appraisal of Plans and Programme Regulations and the SEA Directive for them to have effect on plans and decisions. Failure to apply these regulations and to allow statements to carry material weight would seriously undermine due process. It would also expose the planning system to the whim of statements from Ministers without full application of a democratic process. Statements and recommendations should only become material to plans and applications, and set a development framework, once they have been fully appraised and adopted in accordance with standard practice.

2. Achieving Sustainable Development

Q2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

2.1 The current NPPF includes examples of policies which provide a specific reason for restricting development. Paragraph 11bi) of the draft NPPF however proposes to change this to the defined list set out in footnote 7.

2.2 Whilst the certainty around a defined list of policies in the NPPF is welcomed, the wording needs to be expanded further to include the need for other competing land uses, such as maintaining and expanding employment space, when this need is demonstrated as part of an evidence base.

2.3 There is a concern related to the proposals to accommodate need from neighbouring areas. It is unclear how this would be apportioned out with neighbouring local authorities and whether it would be amongst authorities within the same regional governance, or based solely on nearest proximity. The Council believes that further guidance is required on how this would work in practice, but the

proposal will be a particular concern for outer London boroughs given the substantial increases proposed in their housing targets via the draft London Plan.

Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

3.1 The Council has no specific comments to make at this stage.

Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

4.1 Whilst the Council does not currently host an adopted neighbourhood plan containing policies and allocations to meet an identified need, the hypothetical absence of an authorities' five year land supply should not render a neighbourhood plan redundant, so long as it is meeting its identified need on sites within its boundary. The inclusion of paragraph 14 is therefore supported.

3. Plan Making

Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

5.1 The Council notes the increased emphasis on meeting OAN for housing within the tests of soundness. This principle is already well established through its inclusion in the current NPPF and it is not considered that the amendments (as proposed) would increase the delivery of housing.

5.2 It is important to recognise that, for the most part, local authorities can only identify sites and grant planning consent for residential development. The development industry actually builds the housing and in many cases, does not bring sites forward in a timely manner. The test of soundness should therefore be for Local Authorities to demonstrate a sufficient supply of land, either through pipeline consents or via site allocations to meet objectively assessed needs.

Q6 Do you have any other comments on the text of Chapter 3?

6.1 The Council has no specific comments to make at this stage.

4. Decision Making

Q7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

7.1 The Council supports transparency in the viability process and the requirement to publish Financial Viability Appraisals (FVAs). Genuinely commercially sensitive information is sometimes incorporated within FVA's and therefore the ability to redact

parts of the FVA must be available. Such commercially sensitive information will include contingencies to deal with right to light claims

Q8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessments to accompany planning applications would be acceptable?

8.1 The Mayor of London already sets out circumstances in which viability assessments are required to accompany planning applications within the Affordable Housing and Viability Supplementary Planning Guidance (SPG). The threshold approach, set at 35% affordable housing, is in line with the Council's own affordable housing target and as such is broadly supported. Additional national guidance is therefore not required in Hillingdon's case.

Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

9.1 The use of review mechanisms to capture increases in the value of a large or multi-phased development is currently applied through S106 agreements. The benefits are that when land values are changing, the review mechanism helps to capture the final value of development and is therefore more reflective of the value of the final scheme. The mandating of review mechanisms would, however, raise a potential issue of resourcing and where additional staff capacity could be sought to undertake this work.

9.2 However, the principle of using review mechanisms is already outlined in the Mayor's Affordable Housing and Viability Supplementary Planning Guidance (SPG) and the Draft London Plan. Additional national guidance is therefore not required. If introduced, Government should ensure that the guidance addressing review mechanisms is in line with the Mayor of London's adopted position.

Q10 Do you have any comments on the text of Chapter 4?

10.1 It is noted that there is no statutory timeframe for pre-application advice responses, but the Council generally sets an 8 week turnaround period. This is a relatively short timeframe for a response at the pre-application stage and means it is unlikely that external consultees would provide a consultation response. It is therefore considered that the process of applicants consulting external consultees directly would be to the benefit of the pre-application system.

10.2 The increased emphasis on housing delivery may encourage developers to ignore other planning considerations. Too much emphasis has generally been placed on housing delivery throughout the draft NPPF.

5. Delivering a sufficient supply of homes

Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

11.1 The Council believes that Local Authorities must retain the right to allocate sites as it wishes. It should be noted that the sites identified for housing uses in local plans have been put forward to authorities by landowners through a 'call-for-sites' process. Consequently, specifying the proportion of sites of a specific size for housing is inconsistent with the manner in which sites are currently allocated. The site allocations are ultimately dependant on what landowners put forward to local authorities.

11.2 Given that land for housing is generally in short supply, a site's suitability for allocation is unlikely to be affected by its size. Sub-division of large sites may be possible, but this may well be counter-productive in terms of both achieving faster build out and in terms of increasing affordable housing provision. For these reasons, the Council does not consider it is appropriate to specify a percentage of delivery that should come from small sites.

Q12 Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

12.1 Local authorities should not be penalised for a failure to deliver a sufficient number of residential units. It is for an authority to identify a suitable number of sites, or to seek to meet such needs through the Duty to Cooperate. To revert to the Objectively Assessed Needs (OAN) figure where targets are not being met may only serve to make a bad situation worse. This would be likely to result in permissions being granted for residential uses in unsuitable and inaccessible locations, and for poor quality proposals. The proposed approach could also result in the opposite of what is intended, i.e. developers retaining brownfield sites in order to force the release of greenfield sites to meet housing targets. The Council considers that Local Authorities should be supported to identify sufficient sites to meet housing needs, instead of focusing on delivery.

12.2 In addition, the fairness of the application of the 'presumption in favour of sustainable development' is inextricably linked to the fairness of the housing requirement. For this reason, the Council does not agree with the presumption in favour of sustainable development where delivery is below 75%. The proposal is not considered to be an effective way of encouraging the housing industry to increase the rate of construction and may be counterproductive, as set out under Paragraph 12.1. Once a planning permission is granted, the Council itself cannot directly control build rates. Neither does it have any formal powers under which it can force a developer to start work or speed up the rate of construction. Please also refer to the comments under Question 14.

12.3 At present, the draft London Plan housing requirement for Hillingdon appears to be considerably greater than the housing requirement that results from the standard approach for assessing local housing need as set out in the draft Planning Practice Guidance. The amount of weighting to be assigned to the national figures within London must, therefore, be clarified by the Government and GLA. Despite Hillingdon delivering 749 homes a year on average for the past four monitoring years (a considerable margin above the current target of 559 homes per annum), a target

of 1,553 homes per annum is not achievable. The Council strongly objects to this target.

12.4 A Local Authority cannot be placed in the position where it faces handling unnecessary objections from either the GLA or the building federations around the provision of an insufficient number of homes within its submitted Plan. Failure to address this issue may well risk causing unnecessary delays in the adoption of Local Plans, accompanied by the construction of many thousands of poor quality homes in each of the areas affected by this uncertainty.

Q13 Do you agree with the new policy on exception sites for entry-level homes?

13.1 Exception sites by nature mean their development would be in conflict with adopted local planning policies and thus would not normally be acceptable in planning terms. Whilst the need for affordable housing is recognised, it is deemed inappropriate to locate them in areas considered unacceptable for residential development. Entry-level homes and other forms of affordable housing, like market housing, should be sought in sustainable locations and make up part of high quality schemes, which are supported by sufficient levels of infrastructure. It is therefore viewed that paragraph 72 should be deleted.

Q14 Do you have any other comments on the text of Chapter 5?

14.1 Paragraph 61 talks of 'strategic plans being based on a local housing needs assessment and addressing needs which cannot be met in neighbouring areas'. Many authorities have constraints which affect local land supply. Hillingdon has delivered an average of 749 homes over the last 4 years, in excess of the current target of 559 per annum. Yet it will not be possible to achieve the proposed new London Plan target of 1,553 per annum.

14.2 The only way in which the higher of the two targets could be met is if land restrictions are secondary to need, thereby helping to unlock additional sites for development. This is clearly an unacceptable position that would also not overcome other key barriers to growth, such as poor public transport infrastructure. As a general comment, a 'one size fits all' approach cannot fully respond to the complexity of housing needs and local housing markets.

14.3 There is some general tension between the proposals in Chapter 5 and the draft London Plan which affect London Boroughs. Such matters need to be addressed by the GLA and Government. For example, paragraph 62 of the draft NPPF identifies a range of groups including 'families with children', yet the consultation draft version of the London Plan has inexplicably removed the 36% target, in favour of concentrating on the delivery of 'numbers' and promoting site intensification over meeting 'need'. High land values and lower profit margins for developers already make the delivery of 3 and 4 bed homes more challenging in Greater London. Without sufficient policy support, this challenge is only likely to become ever more difficult into the future. More focus should therefore be given to the delivery of family homes.

14.4 The intention behind supporting the re-use of brownfield land by enabling a proportionate reduction in the amount payable for affordable housing may be well-intentioned. However, in Hillingdon, large vacant sites have successfully been brought forward with their associated developer contributions, due to the profitability of residential development in the area. The Council would also point out the London Plan position, which sets out that the use of vacant building credit to reduce affordable housing contributions in the manner suggested by the draft NPPF will 'not normally' be acceptable in London.

14.5 Similarly, paragraph 64 states that the provision of affordable housing should not be sought for developments that are not on major sites, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Where Local Authorities are constrained to permitting a high proportion of housing need on small sites, this will disproportionately impact their ability to deliver affordable housing. Multiple local authorities have successfully demonstrated, through local plan examinations, that it is viable to request affordable housing contributions on small sites when residential values are high.

14.6 Paragraph 65 implements the Housing White Paper proposal that at least 10% of homes on major sites should be available for affordable home ownership. The tenure split on affordable housing should not be set at a national level, as this will have an impact on a development's viability and thus needs to be considered at the local level, in order for localised residential values and market need to be taken into account.

14.7 Regarding paragraphs 77 and 78, planning authorities have very limited control over the 'causes' of under-delivery. Local authorities must not be penalised for circumstances which are out of their control. Once a planning permission is granted and handed back to those who have signed the S106, the use of conditions to coerce a start may not necessarily be beneficial. Developers may require time to access finance before the start of works on-site, a contractor may encounter unforeseen recruitment difficulties or difficulties in sourcing specific materials, even when work begins then unexpected discoveries may be found on site - all of which will elongate the timeframe for project completion. The publication of an action plan by a Local Authority outlining steps to increase delivery would be of limited relevance given that the Council itself cannot directly control build rates.

14.8 Reducing the implementation deadline within planning conditions is not a valid solution for improving build-out rates. The 'timely' delivery of a scheme is, in most cases, not linked to planning permission expiry dates, but the local market and its ability to absorb new housing, whilst maintaining the highest sale price for developers. Reducing the implementation period would likely just lead to an increase in applicants renewing planning applications where the principle of development is already established and put additional burden on already stretched planning teams. Affordable housing review mechanisms already exist, which authorities can impose or secure in order to encourage and incentivise the delivery of developments in a 'timely manner'.

6. Building a strong, competitive economy

Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

15.1 Paragraph 83 is welcomed. The requirement to produce an economic vision and strategy will provide Hillingdon with an opportunity to clearly state its aspirations in terms of sustaining current economic activity, encouraging inward investment and supporting the development of new technology and innovation. The economic aspects of planning are just as important as the housing aspects. This is not reflected in the amount of coverage given to economic policy, as opposed to housing matters.

15.2 It is considered that setting out criteria and strategic sites for inward investment would be a logical progression, in terms of adopting a vision and strategy for the sustainable economic growth of the borough. However, the practicality of identifying and 'earmarking' sites for specific employment initiatives is problematic. The pressure to deliver residential accommodation while simultaneously protecting employment sites is challenging. For certain sites, permitting genuine mixed use development which enables residential, employment and community facilities to be delivered is a more realistic proposition.

15.3 Paragraph 85 is too open to interpretation from developers seeking to develop Green Belt sites. The Council is concerned that some of the guidance in the section could be interpreted as supporting development in the Green Belt. The section would benefit from some cross-referencing with national Green Belt policy; the current form of wording will make the Council's position more difficult when trying to refuse inappropriate development in the Green Belt. The focus should be on ensuring that the ambiguously defined 'local business and community needs' are met in the most sustainable locations.

Q16 Do you have any other comments on the text of chapter 6?

16.1 The Council has no specific comments to make at this stage.

7. Ensuring the vitality of town centres

Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

17.1 The 'town centre first' approach is supported. The recognition of the role town centres have is welcomed, given the significant number of centres in Hillingdon. However, there is concern in the call to "define hierarchy" and promotion of "vitality and viability". This appears to suggest that a ranking for town centres is created, and hints that Councils should declare certain town centres as not being 'viable' in the longer term, only committing resources to centres at the higher end of the hierarchy or which are viewed as 'viable'. This approach disregards the economic and social importance of local and neighbourhood centres and would therefore not be supported.

17.2 While the sentiment behind ostensibly calling for a ten-year site allocation plan 'to meet the scale and type of development needed' may be well-meaning, in practice it is difficult to see how sites could be earmarked for 'specific usage' for such a long period. A practical example of this would be a scenario where a Council sought retail development in a particular part of the town centre, or an edge of centre location (taking account that paragraph 86 calls for 'town centre boundaries to be kept under review'), but the site in question was owned and managed by a developer looking to deliver a residential scheme. Under this example it is likely that there would be a risk of challenge for any proposals which conflicted with the site allocation, if and where alternative use(s) were proposed and accepted by the local planning authority.

Q18 Do you have any other comments on the text of Chapter 7?

18.1 The Council does not have any further comments to make at this stage.

8. Promoting healthy and safe communities

Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

19.1 The Council has no specific comments to make at this stage.

Q20 Do you have any other comments on the text of Chapter 8?

20.1 Paragraph 92 and 93 would normally be considered as best practice principle(s), and are therefore supported. Paragraph 94 has a sound approach, but lacks detail.

20.2 Paragraph 96 is a new policy relating to crime and threats. Its primary focus appears to relate more to major and large-scale threats than to other types of crime, which could be made clearer in the text. The policy's overall objectives seem reasonable, however it does state that new developments should be informed by security threats and their implications (summarised wording). If this requirement is to be interpreted as relating to all types of development, the Council would question whether the wording needs to better emphasise the need for an appropriate balance to be struck between security and other planning policy requirements. In addition, there is no reference to 'Secure by Design' in paragraph 96 - yet this is a core planning principle.

20.3 The policy does suggest that steps should be "appropriate" and "proportionate" but this is open to interpretation and may not go far enough. Operationally, where it has not been possible to fully take on board their requests, the Metropolitan Police's Crime Prevention Design Advisors have complained that planners are not qualified to assess what is 'appropriate' and 'proportionate' in terms of crime prevention measures, and that the Police requirements should take precedence over any others.

9. Promoting Sustainable Transport

Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

21.1 The Council has adopted a holistic approach to transport assessment that takes account of all aspects of transport provision. With this in mind, local authorities should be given the flexibility to set their own parking standards. It should be noted that the draft London Plan proposes stringent parking standards, which are not suitable for an outer London borough like Hillingdon.

Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?

22.1 Paragraph 105 (point e) of the draft states that planning policies should *"provide for any large scale facilities, and the infrastructure to support their operation and growth"*. The text refers to taking into account any relevant national policy statements (NPS) and specifically refers to airports.

22.2 The current draft airports NPS supports the expansion of Heathrow Airport. The current drafting of the NPPF implies, therefore, that Heathrow expansion is the type of nationally significant infrastructure that would need to be given weight in plan making. The Council are of the firm opinion that the draft Airports NPS is not fit for purpose and therefore cannot carry any such weight. There is a fundamental problem with giving credence to a project that has not been advanced in sufficient detail or to an NPS that fails to provide the sufficient detail.

22.3 For example, should the Airports NPS be adopted in its current state, then, notwithstanding any legal challenge, the Council would still be unable to attribute weight to it in plan making. The Airports NPS itself gives support for expansion at Heathrow via a north-west runway and claims it would also deliver a vast array of growth. However, it makes no attempt to quantify this growth or identify the geographical spread. In addition, to name just a few constraints to effective plan making, the NPS does not identify any development boundaries, specify flight paths, solve transport problems and identify ancillary land uses.

22.4 More simply put, should the NPPF stand as drafted the Council would be in the position to have to consider land allocations, policies and growth when it does not know a) where the runway will go, b) where roads will go, c) where the most noisy areas will be, d) whether air quality will still exceed legal limits, e) how many extra houses will need to be accommodated, f) which schools will be lost or made redundant by noise and therefore where these can be relocated, g) whether there is sufficient green space left to meet amenity and green space requirements and so on. It is also known that the Lakeside Energy from Waste plant will be lost requiring the Council to reconsider its waste strategy without a suitable alternative because the NPS makes no allowance for it all. In short, there are a significant number of unanswered questions which undermines the basic premise of the Airports NPS.

22.5 Ultimately, it is impossible for the Council to make an allowance in its planning policies for expansion of Heathrow with so little meaningful detail. Consequently, the only option for the Council would be to await the omissions identified above. This would result in a scenario whereby a detailed planning application is driving the strategic planning of the Council. This is wholly irrational.

22.6 The Council's clear position from a strategic planning perspective is that it will only be able to consider the implications of important infrastructure where it has been advanced to a suitable state and degree. The Council therefore strongly objects to the proposal that has been advanced as part of the draft NPPF which makes ill-thought through infrastructure schemes a material consideration for plan and policy making.

22.7 Paragraph f) makes specific reference to the Government's General Aviation Strategy. The General Aviation (GA) Strategy states:

"MoD policy is to encourage the civilian sector, including GA, to have access to military airfields wherever possible".

22.8 The London Borough of Hillingdon is home to RAF Northolt, an MOD base which includes a commercial operation at specified times. In 2013, the Base received permission from Central Government to increase their commercial flights from a self-imposed maximum of 7,000 flights a year to 12,000 flights a year. This decision was made by Central Government and is not a decision the Council had any control or influence over. As RAF Northolt operates in an urban environment with residential areas in close proximity, the Council has received a number of complaints from residents concerned about more noise, more flights and more traffic accessing the airfield. The Council would therefore suggest that the wording of para 105 f) is changed to include the underlined text:

recognise the importance of maintaining a national network of general aviation facilities - taking into account their economic value in serving business, leisure, training and emergency service needs whilst also assessing their environmental impact and putting in place mitigation measures to address these

Q23 Do you have any other comments on the text of Chapter 9?

23.1 The Council has no specific comments to make at this stage.

10. Supporting High Quality Communications

Q24 Do you have any comments on the text of Chapter 10?

24.1 Although policy support can be offered to the roll-out of new technology and mast sharing should be maximised, Local Authorities have no control over how or when this infrastructure is upgraded (paragraph 112). The use of existing masts may be preferable to new installations (paragraph 113) but a Council cannot force a telecommunications company to share masts with one of its competitors to reduce the number of new installations.

11. Making effective use of land

Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

25.1 The Council partially agrees with the approach set out. In some cases it is necessary to allocate land for future identified needs such as employment related uses. These uses can take many years to come forward and Councils must retain the ability to protect sites for their future intended use.

25.2 Regarding paragraph 121, recognition must be given that if and when such facilities are not available locally, housing developments require supporting infrastructure such as dentists and doctors surgeries, hospitals and schools in order to reduce the need to travel to access services. The development of such facilities also has implications for land take.

Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

26.1 The Council agrees with the sentiment that proposals should make optimum use of land. A preferable approach would be to encourage local authorities to adopt suitable higher densities around town centres that reflect local character, with proposals supplemented by the use of local design guides or character area appraisals to avoid development which ignores other considerations. However with regards to paragraph 122, it should be acknowledged that viability doesn't always respond to 'housing need', affordable housing need being the most significant of these. Despite the tougher policy requirements in London set out by the Mayor, viability has also not helped in the process of delivering affordable housing numbers. Such homes are required to help respond to, and address, the said need.

Q27 Do you have any other comments on the text of Chapter 11?

27.1 The Council considers that paragraph 117 lacks detail. Furthermore, it does not mention sustainable development, which is a concern. Paragraph 118 would normally be considered as best practice principles. As such, parts a), b), c) and d) are fully supported.

27.2 However, upward extensions will not always be a suitable approach, given the significant negative impacts such developments will have on local character and cherished street scenes. This form of intensification can place additional pressure on amenity and parking provision which relates to the donor building, with negative effects on the surrounding area and residents' quality of life if and where there is any overspill. Upward extensions will not always result in the creation of additional dwellings, but may result in a single larger house for HMOs if and where a successful subdivision cannot be achieved with separate access, parking and amenity space. Furthermore, the additional requirement to monitor the development of such sites would have a significant impact on Council resources. It is not clear how this would be met.

27.3 The Council would also question the merits of including a reference to 'airspace' in national policy at this stage. The NPPF is a national policy document and is there really a high demand for new housing in airspace developments above supermarkets in small rural towns, for example? The issue appears to be mostly limited to a select number of the very largest cities, headed by London.

27.4 Bespoke airspace developers are very small-scale in nature and many of the legal questions around airspace developments are still to be conclusively answered within not only planning, but also from the legal angle. e.g. property owners may 'own' the airspace above their land, but how high does the airspace right extend? Do the owners of newly-built flats also own their 'airspace', too? Or do their rights solely extend to the roof on which their flat was constructed? Engineering limits will naturally provide a 'cap' on the additional weight which can safely be added to an existing building, irrespective of what the mathematical housing capacity would be from rooftop and 'airspace' development.

27.5 Furthermore, despite the promotion of the term, where a large retail unit becomes vacant, what is to stop the owners simply demolishing the retail unit and applying for permission to rebuild a 'mixed use development' with A-class uses at ground floor level with residential above, thus avoiding any potential legal and planning uncertainties?

27.6 There will be viability issues and delays to the delivery programme if and where CPOs are required. Additional resources would be required to identify sites and to develop appropriate proposals for redevelopment. As mentioned in paragraphs 120 and 121, we would point out that there are practicalities regarding the commitment of resources to monitor sites, and both the process and democratic process which would then follow to change plans. It could not be an instant solution.

27.7 Evidence base documents would need to be produced to support alternative uses. This again requires additional resources and time, especially for community infrastructure uses. The market needs stability and continuity to bring forward proposals for sites. Where the status of land and sites is continually changed, and/or changing, then this could stagnate development opportunities rather than accelerate them. There would be a risk of challenge for any proposals which conflict with the site allocation, if and where alternative use(s) are proposed and accepted by the Local Authority.

27.8 The Council supports a balanced approach to development and further supports the recognition of the character and setting of a place that could be at risk if the area is over-developed. Quantity must be balanced with and against quality, in order to achieve appropriate and sustainable development solutions. It is also important to recognise that the location of any proposed increased densities must be supported by local transport improvements and supporting community and social infrastructure, including new schools and hospitals where required. Where additional provision is needed and this does not happen, there is a risk to local communities which will compound the issue of existing oversubscribed services by further lengthening waiting times and waiting lists.

12. Achieving well designed places

Q28 Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

28.1 The Council has no additional comments to make at this stage.

Q29 Do you have any other comments on the text of Chapter 12?

29.1 It is important that local authorities retain the flexibility to determine what constitutes good design in their borough through the production of appropriate guidance. The formation of community-led plans will result in lower densities, in light of the earlier highlighted concerns pertaining to local infrastructure provision that will have to be increased to support new development. Also the issues which pertain to character and setting are usually a moot point with local residents, due to the perception that new high density development will create undesirable change that does not respect local character.

29.2 The focus on producing Supplementary Planning Documents for design matters would have resource and time implications for the Council. Planning authority budgets are already stretched. Paragraph 125 also conflicts with the desired flexibility that paragraph 120 and 121 outlines to adapt sites to change and new demands, meaning the aforementioned guidance and plans will be redundant with this approach. It is considered that the presumption in favour of high density development running through the previous chapters will, inevitably, conflict with the character and setting of some existing areas.

29.3 The proposals at paragraph 128 will require additional resources and time to undertake design reviews and assemble design review panels. Planning authority budgets are already stretched and design review panels do not always produce the best results, while members are not familiar with the site/area/location and understand any local issues and concerns. This approach could therefore conflict with paragraphs 124 and 127.

29.4 Under paragraph 129 we would comment that schemes may 'comply' with policies but could be deployed inappropriately in design terms. Therefore, LPAs should not be constrained by this approach to determine whether the scheme is appropriate or not, regardless of compliance with overarching policies.

29.5 The latter sentence of paragraph 129 sets out that "*...Conversely, where the design of a development accords with clear expectations in local policies, design should not be used by the decision-maker as a valid reason to object to development*". Where design accords with the policy requirements, design could not be a reason for potential refusal of the application. However, this does not sit easily with the statement in the latter part of paragraph 127: "*Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot*". Paragraph 127 does not explain how LPAs should penalise applicants for not undertaking consultation, neither does it advise on the threshold which is 'acceptable' for engagement with

local residents. Is the Government intending to suggest that limited consultation will result in the refusal of a planning application?

29.6 Paragraph 130 is partially supported. Some further thought needs to be given to the income streams which are generated by advertising and contractual issues (leases etc.) which may cause viability issues for companies if and where any form of advertisement boards have to be removed. Advertisements can create negative impacts but a more rigorous approach to consenting such schemes is supported.

13. Protecting Green Belt land

Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are ‘not inappropriate’ in the Green Belt?

30.1 Any form of housing in the Green Belt should be subject to a ‘very special circumstances’ test. Under these proposals, the use of brownfield land would be considered as part of the test and the proposals would not be a worthwhile change to Green Belt policy. The text also notes that neighbourhood plans could make detailed amendments to Green Belt boundaries. Further guidance on this point would be useful, to prevent misunderstanding of what would be a very detailed amendment.

Q31 Do you have any other comments on the text of Chapter 13?

31.1 Some recognition needs to be given to the townscape impacts of building to higher densities. Concentrating on numbers alone cannot address ‘need’, unless the other complexities underpinning housing needs are also addressed. As a general comment, the draft NPPF places too much emphasis on housing delivery without sufficiently acknowledging the need for supporting infrastructure.

14. Meeting the challenge of climate change, flooding and coastal change

Q32 Do you have any comments on the text of Chapter 14?

32.1 The new NPPF includes reference to future flood risk, to cumulative impacts and a sequential approach to all forms of flooding, which is supported. This will help to ensure that all types of flood risk is managed, both now and in the future. The inclusion and strengthening of the position on the need for SuDS is also welcome.

32.2 However, further clarification on the practical application of these amendments will need to be provided in the Planning Practice Guidance on Flood Risk. This should identify the organisations involved and the level of new work required in delivering these elements. For example, the requirement of a Flood Risk Assessment for all applications identified in areas at risk of flooding - from any source - may require significant additional work and specialist comments required from both the LPA and LLFA in reviewing the FRAs.

32.3 There would be a need to agree a process for mapping constraints, which could operate in a similar way to the Environment Agency’s national mapping

programme. Future flood risk and sewer flooding would need to be factored in if this is to be included within all forms of flooding. Surface water flooding data is much less reliable and accurate in areas than fluvial flooding and so therefore less reliable to base a sequential approach on without detailed modelling. Data on the cumulative impact of developments would also be required, which may require an LPA to increase significantly the size of its Strategic Flood Risk Assessment (SFRA) to support evidence bases. It is not explicit that all sources of flooding should be considered in the prior approval process.

32.4 The potential effects in relation to flood risk of calling for boroughs to address any unmet need within neighbouring areas must also be given further thought. Rivers flow through several Council areas and, in order to actively assess and quantify the risk of flooding posed by new developments, the cumulative effects of development along the river would need to be considered. This may reveal that the most appropriate solution could be for larger scale infrastructure projects, such as new treatment plants or flood prevention barriers, rather than site-by-site piecemeal design measures.

Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

33.1 The Council has no specific comments to make at this stage.

15. Conserving and enhancing the natural environment

Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

34.1 The Council has no specific comments to make at this stage.

Q35 Do you have any other comments on the text of Chapter 15?

35.1 Air quality is addressed in paragraph 179. The text from the NPPF (2012) paragraph 124 remains and has been reinforced. However, given the recent emerging evidence on the detrimental impacts on health from air pollution, the paragraph should be reworded as set out below in italics, to properly reflect the purpose of the air quality legislation which is for local authorities to improve air quality for their populations and maintain that improvement. The wording is specific as it is taken from the Air Quality Directive.

“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants taking into account the presence of AQMAs and CAZs and the cumulative impacts from individual sites in local areas. In addition, opportunities to improve air quality and preserve the best ambient air quality should be identified, including the mitigation of impacts such as through traffic and travel management, and green infrastructure provision and enhancement.”

35.2 The remainder of paragraph 179 would then be inserted in its current form.

35.3 The 'agent of change' is broadly supported given it offers a higher level of protection for natural resources. This would introduce more flexibility in land use by allowing the possibility of housing adjacent to noise generating uses without resulting in a risk of complaints against existing employment uses. However, adding mitigation measures to a building may disrupt operations and could also mean the building is less adaptable for future uses in the same use class (e.g. a B2 use that would generate more noise / light / odour than the current use). There is however still an issue with Permitted Development Rights for new housing, which would be able to circumvent this 'agent of change' policy.

16. Conserving and enhancing the historic environment

Q36 Do you have any comments on the text of Chapter 16?

36.1 The Council broadly supports the higher level of protection afforded to heritage assets.

17. Facilitating the sustainable use of minerals

Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?

37.1 The Council has no specific comments to make at this stage.

Q38 Do you think that planning policy on minerals would be better contained in a separate document?

38.1 Yes, this would be better placed in a separate document.

Q39 Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

39.1 The Council has no specific comments to make at this stage.

Q40 Do you agree with the proposed transitional arrangements?

40.1 The Council has no specific comments to make at this stage.

Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

41.1 The Council has no specific comments to make at this stage.

Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

42.1 The Council has no specific comments to make at this stage.

Q43 Do you have any comments on the glossary?

43.1 The Council has no specific comments to make at this stage.