

- 1) Do you have any views on how statutory National Development Management Policies could be introduced in the most effective manner, should a future decision be made to progress these?

The District Council has always expressed concern regarding the proposal to have statutory National Development Management Policies (NDMP), and welcomes the non-statutory approach taken in the NPPF. If the decision is taken to put the NDMP on a statutory footing the government should ensure that the consultation and subsequent adoption are phased so that they do not impact on Plan Making.

- 2) Do you agree with the new format and structure of the draft Framework which comprises separate plan-making policies and national decision-making policies? **Strongly agree,** ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

- a) Please provide your reasons, particularly if you disagree.

Clearly articulates national policy for both plan making and decision making.

- 3) Do you agree with the proposed set of annexes to be incorporated into the draft Framework? **Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) Please provide your reasons, particularly if you disagree.

N/A

- 4) Do you agree with incorporating Planning Policy for Traveller Sites within the draft Framework? **Strongly agree,** ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

- a) Please provide your reasons, particularly if you disagree.

The integration of planning policy for Traveller Sites into the wider planning policy is welcomed, whilst in the past there may have been justification for a separate document since the introduction of the NPPF this has not been the case. Holistically considering all sections of the community and their varying housing needs together is the most appropriate approach and reflects plan making and decision-making practice on the ground.

- 5) Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied? **Strongly agree, partly agree,** ~~neither agree nor disagree, partly disagree, strongly disagree~~

- a) Please provide your reasons, particularly if you disagree

N/A

- 6) Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1? **Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) Please provide your reasons, particularly if you disagree.

The introduction of the Spatial Development Strategy is welcomed by the District Council it will provide a sound framework for developing a local plan and sensibly apportioning growth across the region. This should include consideration of logistics which operates at a regional rather than local level. Similarly, it will be

important to ensure that the needs of the Gypsy Roma Traveller communities are considered alongside the overall housing number.

Whilst PM10 does talk about maintaining cooperation between plan-making authorities, given the role of SDS and the impact it will have on Local Planning Authorities (LPA) it is proposed that PM1 explicitly requires the strategic plan making authority to engage and involve the LPAs in the development of the SDS.

- 7) **Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **If not, do you think there should be a different approach, for example, that alterations should only be made to spatial development strategies every five years where there are significant changes to housing need in the strategy area?**

Given that this is a new system it is difficult to judge the impact of SDSs and how they will interact with Local Plans in practice. Changing the SDS too often, unless there has been significant change which requires addressing (not just housing figures but anything which is strategic in nature) could undermine Local Plan making, by moving the goal posts.

- 8) **If spatial development strategies are not altered every five years, should related policy on the requirements used in five year housing land supply and housing delivery test policies, set out in Annex D of the draft Framework, be updated to allow housing requirement figures from spatial development strategies to continue to be applied after 5 years, so long as there has not been a significant change in that area's local housing need? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **Please provide your reasons, particularly if you disagree.**

N/A

- 9) **Do you agree with the role, purpose and content of local plans set out in policy PM2? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **Please provide your reasons, particularly if you disagree.**

Generally, the policy provides a clear framework for the development of local plans. The authority is to some extent concerned that this policy interacting with various other elements of the Framework will effectively stifle 'local' approaches to policy making including setting overly national prescriptions on locations for growth and development management policies.

- 10) **Do you think that local plans should cover a period of at least 15 years from the point of adoption of the plan? Yes/No**

- a) **If not, do you think they should cover a period of at least 10 years, or a different period of time. Please explain why.**

Given the requirement to prepare a plan every five years the need for a plan of more than 10 years now seems unnecessary. SDSs will also provide a broad planning context as well.

- 11) Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies? Strongly agree, **partly agree**, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- Whilst it is agreed that the replication or restatement of national policy is unnecessary in most circumstances it is sometimes the case that national policy is not specific enough to address local circumstances. Local Plans should be able to translate national policy into local circumstances, and in doing so policies may have to restate national policy to make sense for implementation purposes. Whilst it is suggested that that policy allows for local circumstance it is not clear how that would cut across the modify requirement in PM6.
- 12) Do you agree with the approach to initiating plan-making in PM7? **Strongly agree**, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- N/A
- 13) Do you agree with the approach to the preparation of plan evidence set out in policy PM8? Strongly agree, **partly agree**, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- The cost and breadth of evidence for plan making have sustainably increased over the past 10 years, the reemergence of strategic planning will be a welcome opportunity for more joint evidence base work, however PM8 does not go far enough in clarifying the level of evidence required to support the requirements of the Framework.
- Paragraph 3 is welcomed as it sets an expectation that evidence will be considered up to date even if it has been prepared early in the plan making process if the data remains valid.
- 14) Do you agree with the approach to identifying land for development in PM9? **Strongly agree**, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- N/A
- 15) Do you agree with the policies on maintaining and demonstrating cross boundary cooperation set out in policy PM10 and policy PM11? Strongly agree, **partly agree**, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- Whilst the authority agrees with most elements of PM10 and PM11, it is concerned that PM10 paragraphs 3 and 4 could have internal inconsistencies. It could be that and SDS directs development to a broad location reliant on an infrastructure project or other requirement which results in the LPA considering that the proposal is no longer deliverable. The LPA should then be able to revisit this in their plan making rather than waiting for the SDS to be revisited which would tie in with the pragmatic approach in paragraph 4. This pragmatic approach needs to be reflected in Paragraph 3 as well.

- 16) Do you agree that policy PM12 increases certainty at plan-making stage regarding the contributions expected from development proposals? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- The approach set out in PM12, coupled with the ending of Supplementary Planning Documents, represents a significant change in developer contributions policies for many local authorities. This is an area that PPG and CULP guidance will be vital to ensure that policies relating to developer contributions are effective and meet the requirements in the PM12.
- 17) Do you agree that plans should set out the circumstances in which review mechanisms will be used, or should national policy set clearer expectations? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- This is something best left to Local Plans.
- 18) Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- The District Council would like to become a leader in addressing climate change by setting local standards and requirements in relation to energy efficiency and generation. PM13 stops the District Council from doing this, and whilst the need for brevity in plan making is accepted, addressing climate change should start at a local level.
- 19) Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) If not, please explain how this could be improved to ensure a proportionate assessment, making it clear which type of plan you are commenting on?
- N/A
- 20) Do you have any specific comments on the content of the plan-making chapter which are not already captured by the other questions in this section?
- No
- 21) Do you agree with the principles set out in policy DM1? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- Strongly agree – would encourage pre-application engagement
- 22) Do you agree with the policy DM2 on information requirements for planning applications? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

- a) **Please provide your reasons, particularly if you disagree.**
- Creates clear consistency in terms of requirements dependent on app type (and reduce conflict with agents/applicants etc)
- 23) **Do you have any views on whether such a policy could be better implemented through regulations?**
- No obvious benefit to being legislation over NPPF – NPPF allows some discretion on LPA's part to be proportionate.
- 24) **Do you agree with the principles set out in DM3? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**
- a) **Please provide your reasons, particularly if you disagree.**
- There is a reason we consult external and internal bodies on certain elements of proposals as planners do not necessarily have the expertise to be able to assess or fully understand certain reports or technical drawings for example. They would not be able to make the decision without the comments however we may get pressure from agents to issue decisions straight after the consultation period without having received comments, and conflict with agents as to whether there is sufficient information.
- 25) **Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**
- a) **Please provide your reasons, particularly if you disagree.**
- The list of what can be considered in terms of viability has provided clarity. The Council has some experience in review mechanisms for larger site, but most housing sites which are developed in the district are not of a size which have a long enough build rate to justify a review mechanism. We had hoped that for one of our large strategic site's viability would improve and more affordable housing would be secured, however this has not proved to be the case. The complexity of review mechanisms reduces transparency and certainty of affordable housing and infrastructure delivery.
- 26) **Do you have any further comments on the likely impact of policy DM5: Development viability?**
- None
- 27) **Do you have any views on how the process of modifying planning obligations under S106A, where needed once a section 106 agreement has been entered into, could be improved?**
- a) **If so, please provide views on specific changes that may improve the efficacy of S106A and the main obstacles that result in delay when seeking modification of planning obligations.**
- None
- 28) **Do you have any views on how the process of modifying planning obligations could be improved in advance of any legislative change, noting the government's commitment to boosting the supply of affordable housing.**

- a) If so, please provide views on the current use of s73 and, if any, the impact on affordable housing obligations.

None

- 29) Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations? **Strongly agree,** ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

Creates clarity on use of conditions and obligations – should reduce time spent on conditions for planners and reduce conflict with agents.

- 30) Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes? **Strongly agree,** ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

- a) Please provide your reasons, particularly if you disagree.

- 31) Do you agree with the new intentional unauthorised development policy in policy DM8? ~~Strongly agree, partly agree, neither agree nor disagree,~~ **partly disagree,** ~~strongly disagree.~~

- a) Please provide your reasons, particularly if you disagree.

As a starting point if a development is acceptable in principle (whether retrospective or not) it should be approved. Whilst it might frustrate residents and members about retrospective applications resulting in people ‘getting away with it’ this should not influence the decision-making process. The Council has concerns over how it be possible to evidence ‘intention’ and that the policy would dissuade applicants from submitting an application retrospectively in case it got refused on these grounds (part 1 does not give any weight to the retrospective nature).

- 32) Are there any specific types of harm arising from intentional unauthorised development, and any specific impacts from the proposed policy, which we should consider?

- a) If so, are there any particular additions or mitigations which we should consider?

Harm to biodiversity and protected species. Whilst the BNG legislation considers the ‘trashing’ of sites, it does not currently apply to retrospective planning approvals. There is compelling evidence that commencing development without planning consent and then applying for retrospective planning permission is being used as a way of avoiding biodiversity net gain. Therefore, the harm cannot be mitigated or compensated for effectively.

Impact on listed buildings (E.G demolition), conservation areas, trees/TPOs – damage that cannot be undone.

- 33) Do you agree with the new Article 4 direction policy in policy DM10? **Strongly agree,** ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

- a) Please provide your reasons, particularly if you disagree.

N/A

- 34) Do you agree with the proposed approach to setting a spatial strategy in development plans? **Strongly agree**, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

These represent an appropriate basis for preparing a spatial strategy.

- 35) Do you agree with the proposed definition of settlements in the glossary? **Strongly agree**, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

N/A

- 36) Do you agree with the revised approach to the presumption in favour of sustainable development? **Strongly agree**, **partly agree**, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

This approach reflects the policies that the Council already has in its Development Plan.

- 37) Do you agree to the proposed approach to development within settlements? **Strongly agree**, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

This approach reflects the policies that the Council already has in its development plan.

- 38) Do you agree to the proposed approach to development outside settlements? **Strongly agree**, partly agree, neither agree nor disagree, partly disagree, **strongly disagree**.

a) Please provide your reasons, particularly if you disagree.

The inclusion of development around stations in the national decision-making policy for development outside settlements is inappropriate. Decisions on significant developments of this nature should be taken by LPAs as part of the production of a local plan. These are strategic decisions that should not be progressed by planning applications.

- 39) Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria? **Strongly agree**, partly agree, neither agree nor disagree, partly disagree, **strongly disagree**.

a) Please provide your reasons.

1a could be read as meaning that development proposals which are for engineering operations and infrastructure relating to energy should be approved in areas outside of settlements. In Newark and Sherwood District several large-scale solar energy schemes have received planning consent or are currently being considered. We are concerned that if there is a presumption that schemes of this type will be approved if in line with national development management policies, the cumulative impacts will not receive appropriate consideration. It should be acknowledged that at some point the cumulative impacts of large-scale solar



energy schemes can become so significant that the benefits of further approvals for such schemes may be outweighed.

See also answer to Question 38.

- 40) **Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12? Strongly agree, partly agree, neither agree nor disagree, partly disagree, **strongly disagree**.**

- a) **Please provide your reasons, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers and other groups with protected characteristics.**

See answer to Question 38.

- 41) **Do you agree that neighbourhood plans should contain allocations to meet their identified housing requirement in order to qualify for this policy? Strongly agree, partly agree, neither agree or disagree, **partly disagree**, strongly disagree.**

- a) **If not, please provide your reasons**

In some circumstances a Neighbourhood Plan may not have needed to make an allocation – they may have a small-scale infill policy to deliver a small target, or it may have been made in a Local Plan – therefore they should also be protected for delivering a plan which properly addresses development requirements.

- 42) **Do you agree with the approach to planning for climate change in policy CC1? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

- a) **Please provide your reasons, particularly if you disagree.**

Policy CC1 provides a clearer and more integrated approach to climate mitigation and adaptation by consolidating and redrafting existing NPPF paragraphs 161, 162 and 164. This improves usability and ensures climate change is treated as a central consideration in plan -making.

The Council supports the strengthened requirement for development plans to propose development patterns that contribute to radical reductions in greenhouse gas emissions. This should embed climate considerations at the heart of how new spatial strategies are developed. Albeit the Council would underline the differences between urban and rural locations and require a supply of suitable and available land to service the requirement. Reference should therefore be made to the ability to create sustainable new places, which promote a different pattern of development.

Notwithstanding this, the policy could potentially introduce significant new evidence base requirements. Were they to be required in all circumstances then baseline carbon assessments and emissions-based- scenario testing would place additional resource and technical demands on local authorities, particularly within the reduced timescales of the new plan -making system. In most instances it is not considered that this ought to be necessary, with consideration of a location's spatial characteristics most influential on long-term carbon outcomes being sufficient (e.g. access to everyday services and facilities, public transport and service quality, access to employment opportunities,



infrastructure readiness and capacity and relative exposure to climate risks (flood risk etc)). This would offer a more proportionate, evidence-based- method, consistent with Net Zero objectives but avoiding the technical and resource -intensive demands of full baseline carbon assessments.

Were such assessments to become a plan-making expectation then further national guidance on proportionate methodologies, data requirements and integration with other statutory assessments will be essential to ensure effective implementation.

The wider emphasis on long -term climate risks, use of nature-based- solutions and the integration of green infrastructure is supported.

Overall, the Council supports the intent and direction of CC1 but would seek additional clarification and practical guidance to ensure its requirements can be delivered in a proportionate and effective way.

**43) Do you agree with the approach to mitigating climate change through planning decisions in policy CC2? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

**a) If not, what additional measures could be taken to ensure climate change mitigation is given appropriate consideration?**

Newark & Sherwood District Council supports a clearer, more directive approach to climate -change mitigation as set out in policy CC2. Consolidating relevant considerations into a single policy will bring benefits. In theory the policy would support the Council's ability to resist poorly located, car -dependent development and require clearer demonstration of low -carbon design and energy measures in proposals

The strengthened expectations relating to sustainable transport, energy efficiency measures, heat -network integration and the reuse of materials and existing structures are all welcomed.

However, reflecting the rural nature of Newark & Sherwood District it is important that the challenges around application of the policy in non-urban locations are recognised. In particular, the requirement under points *a.* and *b.* This would require, where relevant, for development proposals to be located where a genuine choice of sustainable transport modes exist, and to support good access to facilities to limit the need to travel. Clarity will need to be given as to what this means within rural contexts, and whether this differs to urban locations.

In this respect the proposed policy ties into TR3 'Locating Development in Sustainable Locations', with point *a.* of that policy being orientated around 'development proposals which could generate a significant amount of movements...' Notwithstanding this cross reference greater detail is required to shape interpretation of CC2 in rural locations. Especially where this concerns less than major scale housing development. As it stands the locational elements of the proposed policy lack precision over their application within rural contexts.

The proposed policy cross references DP3 on the use of design approaches which conserve energy and other resources. This is strongly supported – though it is noted would be restricted to building layouts, building orientation, massing, landscaping, and Materials. PM13 would remove the ability for local energy efficiency

standards to be set, with this being a matter left to the Building Regulations. Were this approach to be maintained then this Council would strongly argue for standards contained within Building Regulations to be incrementally stretched.

- 44) **Do you agree with the approach to climate change adaptation through planning decisions in policy CC3? ~~Strongly agree, partly agree,~~ neither agree nor disagree, ~~partly disagree, strongly disagree.~~**

- a) **What additional measures could be taken to ensure climate change adaptation is given appropriate consideration?**

Largely repeats the updated flood risk section (see separate question responses). Additional elements of climate change adaptation make sense and nothing further to add.

- 45) **Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated? ~~Strongly agree, partly agree,~~ neither agree nor disagree, partly disagree, ~~strongly disagree.~~**

- a) **Please provide your reasons**

The policy identifies some types of locations where development is, or is likely to be, at heightened risk from wildfires. But is unclear whether these locations should always be considered at risk. Were this to be the case then this would represent a significant change for Newark & Sherwood District. Edge of settlement and rural development are not uncommon within the Authority and are amongst the areas most likely to be at risk of wildfire – in the way the policy currently defines that risk.

Moreover, it is not stated whether risk should be formally assessed as part of the application process and what standards / evidence base requirements would be needed. This risks inconsistent interpretation and implementation.

Additional detail, and guidance, is necessary to ensure the policy is effective and proportionate.

- 46) **How should wildfire adaptation measures be integrated with wider principles for good design, and what additional guidance would be helpful?**

Provide greater direction over the circumstances where wildfire risks will need to be taken account of. Where this would require assessment to establish then the form of that assessment and the standard it would need to meet should be set.

In terms of the integration with wider principles of good design then further direction on how wildfire mitigation measures should be balanced with, other design considerations, such as biodiversity, open space provision, landscape character and accessibility (presumably points of access and egress should not overlap with areas to be retained as a fire break etc).

- 47) **Do you have any other comments on actions that could be taken through national planning policy to address climate change?**

None

- 48) **Do you agree the requirements for spatial development strategies and local plans in policy HO1 and policy HO2 are appropriate? ~~Strongly agree, partly agree,~~ neither agree nor disagree, partly disagree, ~~strongly disagree.~~**

- a) **Please provide your reasons, particularly if you disagree.**

HO1 sets the need and HO2 sets the requirement, but neither explicitly reference viability constraints; a cross-reference could improve / strengthen this. HO2 could benefit from some clarity over what “a significant change of circumstances” means.

- 49) **Is further guidance required on assessing the needs of different groups, including older people, disabled people, and those who require social and affordable housing? **Strongly agree**, ~~partly agree~~, ~~neither agree nor disagree~~, ~~partly disagree~~, ~~strongly disagree~~.**

- a) **If so, what elements should this guidance cover?**

Yes, additional guidance would be beneficial, as there remain practical gaps for local authorities when assessing the needs of different groups. While Policy HO2 is clear about what needs to be assessed, it is far less clear about how this should be undertaken in a consistent and standardised way, particularly for groups such as older people, disabled people, and those requiring affordable housing. The absence of methodological guidance (to a similar level of detail to the Housing and economic land availability assessment for example) creates the risk of inconsistent approaches, variable evidence quality, and quite possibly Plans that will be vulnerable at Examination. Providing supplementary guidance would help ensure greater consistency across authorities and reduce the likelihood of disputes during plan-making and examination.

- 50) **Do you agree with the approach to incorporating relevant policies of Planning Policy for Traveller Sites within this chapter? **Strongly agree**, ~~partly agree~~, ~~neither agree nor disagree~~, ~~partly disagree~~, ~~strongly disagree~~.**

- a) **Please provide your reasons, particularly if you disagree.**

The approach is supported and assists with mainstreaming national planning policy towards Traveller development. Relevant content from the Planning Policy for Traveller Sites has been integrated – save for a few exceptions (see responses to subsequent questions).

- 51) **Is further guidance needed on how authorities should assess the need for traveller sites and set requirement figures? **Strongly agree**, ~~partly agree~~, ~~neither agree nor disagree~~, ~~partly disagree~~, ~~strongly disagree~~.**

- a) **If so, what are the key principles this guidance should establish?**

This Authority has long argued for the need for a nationally set methodology for the undertaking of Gypsy and Traveller Accommodation Assessments. Substantive direction over the approach to be followed is not even currently provided through the Planning Policy for Traveller Sites, and less information has been transferred through to the draft updated Framework.

It is crucial that a standardised approach for assessments is established to ensure consistent application between areas. Establishing the level of survey required as part of an assessment is a necessary first step. Gypsy and Traveller Accommodation Assessments must be the only form of evidence base establishing development requirements which is undertaken, in effect, at household level. This makes them inflexible, prone to quickly becoming out-of-date, time consuming in terms of preparation (if two seasonal surveys are

required) and costly to undertake. This results in disproportionate expectations over the level of evidence required to plan for Traveller communities.

Current best practice followed as part of assessments make taking account of migration patterns extremely difficult and the prevalence of private sites removes the access to data on 'pitch turnover' rates, meaning it is frequently not possible to apply an allowance for such a trend. There are also complications relating to the planning definition of a Traveller which whilst appearing to have been simplified through the *Lisa Smith* judgement remain a complex matter. The design and introduction of a national standard methodology could look to directly address these current shortcomings.

- 52) **Do you agree the new Annex D to the draft Framework is sufficiently clear on how local planning authorities should set the appropriate buffer for their local plan 5-year housing land supply? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **Please provide your reasons, particularly if you disagree.**

Annex D is sufficiently clear because it sets out in a straightforward and structured way the specific options and exact circumstances in which it should be applied.

- 53) **Do you agree the new Annex D to the draft Framework is sufficiently clear on the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision-making? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **Please provide your reasons, particularly if you disagree.**

Annex D is sufficiently clear on the wider procedural elements of the 5-year housing land supply, the Housing Delivery Test and how they both relate to decision making because it provides a structured and coherent framework that links each step to the relevant policy mechanisms.

- 54) **Do you agree the requirements to establish a 5-year supply of deliverable traveller sites and monitor delivery are sufficiently clear? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **Please provide your reasons, particularly if you disagree.**

HO3 provides clarity. However, the Council suggests that greater clarity could be provided at paragraph 10 within Annex D. This ought to make clear that the provisions around the five-year housing land supply (paragraphs 8 and 9 within the Annex) concerning application of a buffer do not apply within the context of the five-year supply test for Traveller provision.

- 55) **Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **Please provide your reasons, particularly if you disagree.**

The phrase 'large-scale development' is not defined in the Glossary. Although examples are provided in Policy HO4 such as new settlements and significant extensions, the absence of a numeric or contextual threshold leaves room for

variable interpretation. The phrase 'Sustainable Community' also is not defined or referenced anywhere else in the document.

- 56) **Do you agree our proposed changes to the definition of designated rural areas will better support rural social and affordable housing? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

The proposed approach in HO5 is likely to better support rural social and affordable housing because it gives plan-makers greater flexibility to require affordable housing on non-major developments in designated rural areas. This policy change will hopefully tackle the chronic undersupply of rural affordable homes. The definition of what a 'designated rural area' constitutes needs improved clarity for example does 'other areas with a population of 3,000 or less' mean a settlement, parish, or LSOA? The effectiveness of this policy depends on which areas qualify.

- 57) **Do you agree with our proposals to ask authorities to set out the proportion of new housing that should be delivered to M4(2) and M4(3) standards? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

The proposal is sensible and a crucial step towards ensuring that new housing stock better meets the needs of an ageing population. These requirements should also apply to any new older persons living accommodation.

- 58) **Do you agree 40% of new housing delivered to M4(2) standards over the plan period is the right minimum proportion? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

- a) **Please provide your reasons, and would you support an alternative minimum percentage requirement?**

We agree that the proportion of older residents and people living with disabilities is rising significantly over plan periods and a numerical requirement ensures that new supply begins to reflect this shift and help future-proof housing stock.

- 59) **Do you agree the proposals to support the needs of different groups, through requiring authorities to identify sites or set requirements for parts of allocated sites are proportionate? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

- a) **Please provide your reasons, particularly if you disagree.**

We agree that the proportion of older residents and people living with disabilities is rising significantly over plan periods and a numerical requirement ensures that new supply begins to reflect this shift and help future-proof housing stock.

- 60) **Do you agree with our proposals to ask authorities to set out requirements for a broader mix of tenures to be provided on sites of 150 homes or more? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

- a) **Please provide your reasons and indicate if an alternative site size threshold would be preferable?**

Large scale sites have the size to support a mixed tenure approach and requiring a broader tenure mix on these sites is reasonable because smaller sites often cannot support this range without compromising design or viability. As proposed, the policy could help deliver more quickly because different tenures absorb demand from different markets.

However, it is unclear how the requirements will apply to schemes solely for specialist tenures such as student accommodation or retirement living which may be required in certain locations. Some brownfield sites are complex and may need more flexibility depending on site-specific factors such as contamination or heritage constraints which will impact on viability.

- 61) Do you agree with proposals for authorities to allocate land to accommodate 10% of the housing requirement on sites of between 1 and 2.5 hectares? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

**a) Please provide your reasons**

The principle is generally proportionate and supports a more diverse and deliverable land supply.

However, in rural areas such as Newark & Sherwood, the scale of land that must be identified is substantial, and recent evidence shows the availability of sites which meet these criteria are limited.

Newark & Sherwood's local housing need is currently 691dpa which equates to 13,820 dwellings over a 20-year period.

Under Policy HO6, 10% of this requirement (1,382 dwellings) would need to be allocated specifically on sites no larger than one hectare and another 1,382 dwellings allocated on sites between 1 and 2.5ha in size. This is a significant requirement, especially given the district's settlement pattern, environmental constraints (green belt and flood risk) and the limited number of mid-sized sites typically available.

To put this into context, in the summer 2025 call for sites exercise undertaken by Newark & Sherwood, only 34 sites (out of 189) were less than 1ha in size, and only 43 sites (out of 189) fell within the 1-2.5ha bracket. Even if every one of these sites proves suitable, available, and achievable, that none are excluded through further assessment and all remain deliverable, these sites have an initial pre-assessment indicative capacity of 2,324 dwellings. Of these, 463 dwellings fall partially within flood zone 3.

Therefore, the supply is significantly below the benchmark that will be required to meet the 20% threshold. This demonstrates how sensitive the requirement is to site suitability outcomes and how tight the land supply is within this size category locally. Many authorities will face similar or worse challenges, reinforcing the need for flexibility and clear guidance on how to interpret 'strong reasons' where meeting the percentage proves difficult.

- 62) Are any changes to policy HO7 needed in order to ensure that substantial weight is given to meeting relevant needs?**

The requirement for Spatial Development Strategies (SDSs) and local plans (where a SDSs is not place) to be based on a housing needs assessment (using the standard method) is welcomed and strengthens the focus of delivering houses that meet evidenced local demand (with an emphasis on social rent and housing for different groups including older people). This move should reinforce the case for affordable and mixed tenure development but will also require registered providers to engage with the Council at an early stage to influence evidence bases and policy outcomes.



- 63) **Do you agree that proposals to add military affordable housing to the definition of affordable housing, and allow military housing to be delivered as part of affordable housing requirements, will successfully enable the provision of military homes? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

a) **Please provide your reasons, particularly if you disagree.**

We welcome the changes made in relation to social and affordable housing including the needs of those who require social rent and other groups such as a requirement for military affordable housing to be delivered as part of affordable housing requirements.

The NPPF definition of affordable housing already includes essential local workers, and this category already covers military personnel. However, the proposed changes would give greater flexibility in delivering military affordable housing, as it would no longer need to comply with development plan policies on the required mix of affordable housing tenures.

Whilst this authority agrees with the proposal there may be other authorities where this may outweigh the requirement of other groups.

- 64) **Do you agree flexibility relating to the size of market homes provided will better enable developments providing affordable housing? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

a) **Please provide your reasons, particularly if you disagree.**

The proposed size of market dwellings should reflect housing need in the locality. Allowing flexibility in the size of market dwellings — by taking a market led rather than needs led approach on sites that meet or exceed affordable housing requirements — is likely to increase developer profit, providing an incentive to deliver affordable housing on site. However, this could also lead to a shortage of smaller market homes, as developers may favour larger, more profitable dwellings. This would risk failing to meet identified local housing needs and could undermine local planning policies and the objectives of Policy HO7.

- 65) **Would requiring a minimum proportion of social rent, unless otherwise specified in development plans, support the delivery of greater number of social rent homes? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

a) **If so, what would be an appropriate minimum proportion and development size threshold taking into account development viability?**

The Council welcomes the changes made throughout the NPPF in relation to social and affordable housing, including considering the needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements, removing national requirements relating to First Homes, small sites and affordable home ownership and strengthening the delivery of mixed tenure developments. It is also welcome that Social Rent has been defined separately in the NPPF Glossary. It is suggested that 30% of the overall affordable housing contribution is defined as social rent subject to viability. This could be applied on all major developments.



**66) Are changes to planning policy needed to ensure that affordable temporary accommodation, such as stepping stone housing, is appropriately supported, including flexibilities around space standards?**

**a) If so, what changes would be beneficial?**

Yes, the Council acknowledges the difficulties in providing moving on housing for younger individuals and would welcome flexibility and support around revenue funding.

The proposed policy change would allow greater flexibility in granting planning permission for affordable temporary accommodation. However, it is unclear whether a policy change on its own would be sufficient, or whether an amendment to the Planning and Infrastructure Act would also be required to enable this in practice. It is noted that Baroness Thornhill tabled an amendment—After Clause 52 (Amendment 184)—which was not moved.

**67) Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree,~~ **strongly disagree.****

**a) If so, would it be desirable to limit the circumstances in which cash contributions in lieu of on-site delivery can be provided – for example, should it not be permitted on land released from the Green Belt where the Golden Rules apply? Please explain your answer.**

It would be very desirable to limit the circumstances where a commuted sum payment could be made. The development of green belt land should justify that an off-site payment is not acceptable.

**b) If you do not believe applicants should have blanket discretion to discharge social and affordable housing requirements through commuted sums, do you think cash contributions in lieu of on-site delivery should be permitted in certain circumstances – for example where it could be evidenced that onsite delivery would prevent a scheme from being delivered? Please explain your answer**

It is acknowledged that the introduction of a new ‘medium development’ category and expectations for allocating land for this purpose should create more opportunities for smaller and medium sized developers and Registered Providers and simplify the planning process by encouraging greater engagement. The proposal to allow developers of these sites to make financial contributions in lieu of on-site provision would reduce considerably the S106 acquisition opportunities for Registered providers including those in smaller rural settlements, thereby reducing affordability in these areas.

There may be valid circumstances where on-site delivery would prevent a scheme from being delivered such as site constraints or lack of need/demand however in such circumstances any alternative arrangements must be limited and need to reflect how they can support housing need and mixed communities. On site delivery provides homes that are needed. Commuted sum payments very rarely reflect the full cost of delivering affordable homes.

**68) What risks and benefits would you expect this policy to have? Please explain your answer. The government is particularly interested in views on the potential impact**

**on SME housing delivery, overall housing delivery, land values, build out rates, overall social and affordable housing delivery, and Registered Providers (including SME providers).**

The main risks to SME delivery include a reduction in Section 106 acquisition opportunities for Registered Providers and local authorities. If affordable housing is not delivered on site, there is a risk that it would only come forward on 100% affordable housing sites, limiting integration with market housing. This could undermine the ability to meet local needs and support mixed, balanced communities.

The potential benefits include creating opportunities for small developers and Registered Providers to bring forward schemes. However, any development should still be required to meet an identified need.

- 69) What guidance or wider changes would be needed to enable Local Planning Authorities to spend commuted sums more effectively and more quickly? Please explain your answer.**

The authority currently monitors Section 106 (S106) spend closely, and the funding is ringfenced for affordable housing delivery. Under the proposed approach, S106 agreements could remove the existing time limits and allow spending to take place across a wider geographical area within the district.

Homes England's guidelines on the use of S106 funds could also be broadened to allow commuted sums from one site to be used to purchase affordable housing secured through S106 on another site.

However, commuted sums that must be held for long periods before spending is possible are often impractical. Providing greater flexibility in how commuted sums can be used would support more effective and timely delivery of affordable housing.

- 70) Would further guidance be helpful in supporting authorities to calculate the appropriate value of cash contributions in lieu?**

Yes

- a) If so, what elements and principles should this guidance set out? Please explain your answer. For example, guidance could make clear that contributions in lieu should be an amount which is the equivalent value of providing affordable housing on site, based on a comparison of the Gross Development Value of the proposed scheme with the Gross Development Value of the scheme assuming affordable housing was provided onsite.**

The Council would welcome detailed S106 guidance on an appropriate method for calculating cash contributions that reflect the economic reality of providing off site affordable housing. The Council would wish to see national guidance on S106 engagement that details a range of methods the Council can use to determine the correct amount, this amount should reflect market values (i.e. the value a registered provider pays). There should be a third-party resolution mechanism that could reduce potential delays to achieving a planning consent.

- 71) Do you support proposals to enable off site delivery where affordable housing delivery can be optimised to produce better outcomes in terms of quality or quantity? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

**a) Please provide your reasons, particularly if you disagree.**

If the proposal results in higher quality homes, this would be supported. However, S106 secured affordable housing helps to create integrated communities, and moving delivery off site could compromise this objective.

One potential benefit of accepting a financial contribution in lieu of onsite affordable housing on small and medium sized sites is that the funding could be directed towards a larger, more comprehensive affordable housing scheme or used to purchase existing housing stock. This approach is likely to be more attractive to Registered Providers and easier for them to manage.

**72) Do you agree with the criteria set out regarding the locations of specialist housing for older people? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~ **Strongly agree, partly agree****

**a) Please provide your reasons, particularly if you disagree.**

It is important to provide accommodation for older people where they would have the greatest opportunity for independence. Having access to services to meet their day-to-day needs within walking/wheeling distance would provide for this. However, this may be difficult to achieve in more rural areas where there could still be a local need for this type of housing.

**73) Do you agree with the criteria set out regarding the locations of community-based specialist accommodation, including changes to the glossary? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~ **Strongly agree, partly agree****

**a) Please provide your reasons, particularly if you disagree.**

N/A

**74) Do you agree with the criteria set out regarding the locations of purpose-built student accommodation and large-scale shared living accommodation, including changes to the glossary? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~ **Strongly agree, partly agree****

**a) Please provide your reasons, particularly if you disagree.**

The restrictions proposed have the potential to limit the provision/expansion of rural campus-based student accommodation which could be a negative impact.

**75) Do you agree the proposals provide adequate additional support for rural exception sites? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~ **Strongly agree, partly agree****

**a) Please provide your reasons, including what other changes may be needed to increase their uptake?**

The proposed amendments to rural policy – particularly the recognition of Rural Exception Sites (RES) and the introduction of benchmark land values – are expected to enhance scheme viability and strengthen the affordability of rural housing delivery. However, the absence of a dedicated RES Permission in Principle risks undermining these benefits by constraining rural delivery

**76) Do you agree with proposals to remove First Homes exception sites as a discrete form of exception site? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~ **Strongly agree, partly agree****

**a) Please provide your reasons, particularly if you disagree.**

The removal of First Homes Exception Sites will benefit the delivery of rural exception sites.

**77) Do you agree proposals for a benchmark land value for rural exception sites will help to bring forward more rural affordable homes? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~ **Strongly agree, partly agree****

**a) If so, which approach and value as set out in the narrative for policy HO10 of the consultation document is the most beneficial for government to set out?**

The proposals to use a benchmark land value of £10,000 would enhance scheme viability and support the affordability of rural housing delivery. However, current exception site values vary across the country and the absence of a dedicated rural exception site permission in principle would destabilise these benefits by restricting rural housing delivery.

**78) Do you agree the proposals to set out requirements for traveller sites at policy HO12 adequately capture relevant aspects from Planning Policy for Traveller Sites, whilst ensuring fair treatment for traveller sites in the planning system? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~ **Strongly disagree****

**79) Please provide your reasons, particularly if you disagree.**

It is considered that the policy should provide greater steer over what constitutes an appropriate location for Traveller sites. Point b. of the policy is vague as many types of location could enable access to education, welfare, and education and health services – particularly where that access is facilitated via private motor vehicle.

Newark & Sherwood District is a large rural Authority with a longstanding historic connection to Traveller communities. There are sizeable Traveller communities at Newark and Ollerton and a range of more rural sites on the edge of villages and within the countryside. The long-held view of the Authority is that the Traveller community face severe disadvantages within the land market, and because of its dysfunction there is an over allocation of land which is marginal in nature for this use.

From our experience land which enters the planning system for Traveller accommodation will either possess features that affect its suitability (exposure to flood risk, land contamination or undesirable neighbouring uses etc) or is land that is unlikely to be suitable for alternative uses with higher land values (either now or in the future). This means that submission of land within village, rural and countryside locations is not uncommon. It is imagined that this is a picture reflected nationally.

Policy H in the Planning Policy for Traveller Sites (PPTS) outlines that new Traveller sites in open countryside away from existing settlements or outside areas allocated in a Development Plan should be very strictly limited. This would not be carried through into the new Framework. Nor is it clear whether Traveller accommodation would be considered ‘homes’ for the purposes of HO11 (Isolated homes in the countryside).

Therefore, if there will no longer be local planning policy to determine the suitability of a location in principle for Traveller accommodation then it is vital that more direction is provided through national policy than is currently provided. To fail to do so will further disadvantage Traveller communities and place additional strain on the appeal process to bring this definition.

There is also the matter of the scale of new sites to consider, if updated national policy is to foster the creation of integrated communities. As outlined above, Newark & Sherwood's recent experience has been one dominated by the submission of sites in village, rural and open countryside environments. Policy H of the PPTS further requires consideration to be given to the scale of new sites proposed in rural areas – ensuring that they do not dominate the nearest settled community or place undue pressure on local infrastructure. Whilst this could be worded more sympathetically than 'dominate' it would seem to this Authority that the policy requirement is right in principle. Where the principle is acceptable in a rural location then it is critical that the size of new Traveller sites is consistent with the scale and function of the nearest settlement.

During the Easter period last year, the Authority faced an unauthorised encampment of a significant scale (40 pitches). Whilst the land has now been vacated and the occupants have not chosen to seek consent, had this been the case and the proposed new national policy been in place then the scale of the site and its impact on the nearest settled community would not have been a matter explicitly covered within relevant planning policy.

The proposed policy also lacks any requirement to consider the landscape and visual impact of sites in rural locations – something which will need to be corrected. Appropriate cross references to flood risk ought to also be provided, given the vulnerability of the use and that in this Authority's experience it has been a recurrent policy constraint on proposals for Traveller accommodation.

- 80) Do you agree the proposals in policy HO13 will help to ensure development proposals are built out in a reasonable period? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

N/A

- 81) Do you agree the requirements to take a flexible approach to the consenting framework for large scale residential and mixed-use development is sufficient to ensure the opportunities of large-scale development are supported? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

N/A

- 82) Are any more specific approaches or definitions needed to support the delivery of very large (super strategic) sites, including new towns? **Yes**, ~~no~~

a) Please provide your reasons.

The new requirement to ensure that development proposals which would be inconsistent with emerging plans for large scale development can be resisted, to better safeguard these development opportunities needs to be reworded to make it clearer.

- 83) Do you agree with the proposed changes to the Housing Delivery Test rule book? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

The use of the up-to-date housing requirement in the most recently Adopted Plan is appropriate. The removal of the “lower of rule” could make it harder to meet the Five-Year Housing Land Supply due to increased buffers being required.

- 84) Do you agree that more emphasis should be placed on relevant national strategies and the need for flexibility in planning for economic growth, as drafted in policy E1? **Strongly agree**, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

N/A

- 85) Do you agree with the approach to meeting the need for business land and premises in policy E2? **Strongly agree**, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

N/A

- 86) Do you agree with the proposed new decision-making policy supporting freight and logistics development in policy E3? Strongly agree, **partly agree**, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Although we agree with this policy, it is most appropriate to consider the siting of new large-scale freight and logistics development as part of the SDS and the Local Plan.

- 87) Do you agree with the approach to rural business development in policy E4? **Strongly agree**, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

N/A

- 88) Do you agree with the proposed changes to policy for planning for town centres? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree,~~ **strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

The updated policy support for strategies which accommodate additional floorspace, broaden the mix of uses (including residential) and bring vacant sites/buildings back into use is supported. Though it is considered that in order to support the vitality and viability of Town Centres this should in the first instance be orientated around uses falling into the Main Town Centre Use definition which is being retained, and then those other forms of use which also support Town Centre vitality and viability – such as residential uses.

The Council would strongly object to the removal of the specific reference to markets within the current framework – and is not convinced over the justification that they sit outside of planning control. Thriving markets make considerable contributions towards Town Centre vitality and viability and clearly provide a suitable space for small-scale independent retail traders (selling food, convenience, and comparison items). It would appear appropriate for future

strategies to be required to support markets where they exist, consider the scope introduction of new ones as part of supporting a rounded Town Centre offer and critically ensure that proposals for new forms of retail have their likely impact on markets considered.

Amending the timespan over which Town Centre allocations should be made from a minimum of ten years to the full Plan Period is also objected to. This is not considered to be realistic. Town Centres and retailer trends have been subject to considerable flux over the last decade – indeed over this timespan the Authority has seen the continued deliverability of retail site allocations it made now being questioned by their site promoters. The current shorter timespan seems more suited to an area of planning which has been subject to such dynamic change. Running counter to the narrative provided in the consultation document requiring site allocation to meet needs over an entire plan period will likely lead to less flexibility rather than more when the surrounding contexts for Town Centres is so uncertain.

The steer towards the use of Design Guides, Design Codes and Masterplans to support Town centre strategies is strongly supported. However, in respect of master planning this Authority has had recent experience of seeking to advance a Town Centre Masterplan and found that to shape the composition and distribution of uses within the area has in effect been undermined through introduction of the E Use Class. The level of control needed to carefully consider the principle of uses within parts of a Town Centre will in most cases no longer exist. The breadth of the use class in effect leaves this as a matter for the market to resolve. However, the shaping of the composition and distribution of uses across a centre is fundamental to the exercise of master planning and it is questioned how this can be achieved in a conventional way whilst so much change can occur without it constituting development in its own right. The introduction of a cut-off date for the adoption of new Supplementary Planning Documents (SPDs) has the potential to negatively affect Guides, Codes and Masterplans currently under production – indeed it has required this Authority to make choices over which SPDs it will be able to deliver within this timespan and where its priorities lay. This has resulted in an emerging Design Code for Newark Town Centre not being carried forward.

- 89) **Do you agree with the approach to development in town centres in policy TC2?**  
**Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

a) **If not, please explain how you would achieve this aim differently?**

We strongly agree with the approach to give substantial weight to proposals that support the overall vitality and viability of the Centre. Encouraging a broad range of uses is supported – though given ‘diversification’ is the objective it is considered that more direction needs to be provided over what appropriate forms of diversification would be. This should seek to prioritise Main Town Centre uses and then uses beyond this definition which can also contribute towards vitality and viability.

The protection proposed for local community access to shops and facilities is strongly supported.

- 90) **What impacts, if any, have you observed on the operation of planning policy for town centres since the introduction of Use class E?**



Introduction of the E use class has made the control and shaping of the composition and distribution of uses across Town Centres increasingly difficult to achieve. In doing so it has also rendered previous designations such as shopping frontages redundant. The position is in effect one of maximum flexibility, and with the market being deferred to in order to determine occupation of Town Centre units. The only way that control can be achieved is through increased Local Authority ownership of Town Centre assets. The breadth of change possible within the E Use Class makes the concentration and co-location of uses difficult to plan for. As a result, the experience of this Authority is that this potential scope of change has made Town Centre Master planning less comprehensive- as the reality is that change cannot be shaped as it once was. Leaving other areas such as the public realm and active travel as those where change can be driven.

Beyond more strategic considerations the level of change possible within the use class subverts the Sequential Test and has resulted in change occurring without the need to consider whether it could first be accommodated in a sequentially preferable location. It is difficult to conclude that the breadth of use class is consistent with a Town Centre first approach.

- 91) **Do you believe the sequential test in policy TC3 should be retained?** **Strongly agree,** ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) **Please provide your reasons, particularly if you disagree.**

We strongly agree with the approach to retain the sequential test as it remains a critical tool for directing main town centre uses to the most sustainable and appropriate locations. Whilst the introduction of Use Class E shows that increased flexibility has helped some units return to active use, it has also reduced local authorities' ability to manage the mix and distribution of uses. It is possible that out-of-centre Class E premises could be repurposed in ways that undermine the town centres first approach. Retaining the sequential test provides an essential safeguard, which should continue to sit at the heart of national Town Centre planning policy supporting vitality, viability, and the long-term resilience of Town Centres.

- 92) **Do you agree with the approach to town centre impact assessments in policy TC4?** **Strongly agree,** ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) **Please provide your reasons, particularly if you disagree.**

We strongly agree with the approach taken to continue to allow locally set retail impact test thresholds. However, we do not consider that removal of paragraph 95 is the right approach- significant adverse impact represents a substantial threshold to meet, and proposals resulting in this level of impact will undoubtedly be detrimental towards the vitality and viability of a Centre. The Council's preference is that the steer currently provided by national planning policy towards refusal of applications meeting this threshold be retained. However, if it were to be amended then this should be done in a way which provides direction over the considerable weight to be afforded to this impact within the planning balance.

- 93) **Do you agree that the updated policies provide clearer and stronger support for the rollout of 5G and gigabit broadband?** **Strongly agree,** ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) **Please provide your reasons, particularly if you disagree.**

The policy is clear and concise.

- 94) Do you agree the requirements for minimising visual impact and reusing existing structures are practical for applicants and local planning authorities? **Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

The proposals are broadly practical

- 95) Do you agree the supporting information requirements are proportionate and sufficient without creating unnecessary burdens? **Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Limiting what is required to that which is necessary is welcomed and better aligned with the legislative provision. However, there is no requirement to evidence how C01 1b has been achieved and that visual impact will be a key consideration.

- 96) Do you agree with the approach to planning for energy and water infrastructure in policy W1? **Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree, what alternative approach would you suggest?

N/A

- 97) Do you agree with the amendments to current Framework policy on planning for renewable and low-carbon energy development and electricity network infrastructure in policy W2? **Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree

N/A

- 98) Do you agree with the proposed approach to supporting development for renewable and low carbon development and electricity network infrastructure in policy W3? **Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree, and any changes you would make to improve the policy.

Whilst the Framework should be read as a whole, this policy should highlight potential impacts of such development on the landscape and local communities.

- 99) Do you agree with the proposed approach to supporting development for water infrastructure in policy W4? **Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

N/A

**Minerals and Waste Questions not applicable to the Local Planning Authority**

- 100) Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- 101) Do you agree with how policy M1 sets out how the development plan should consider oil and gas? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- 102) Do you agree with the proposed addition of critical and growth minerals to the glossary definition of 'minerals of national and local importance'? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- 103) Do you agree criteria b of policy M2 strikes the right balance between preventing minerals sterilisation and facilitating nonminerals development? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- 104) Do you agree policy M3 appropriately reflects the importance of critical and growth minerals? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- 105) Do you agree with the exclusion of development involving onshore oil and gas extraction from policy M3? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- 106) Please provide your reasons, particularly if you disagree.
- 107) Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- 108) Please provide your reasons, particularly if you disagree.
- 109) Do you agree with approach to coal, oil and gas in policy M5? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- 110) Are there any other exceptional circumstances in which coal extraction should be permitted? Yes/No
- 111) If yes, please outline the exceptional circumstances in which you think coal extraction should be permitted.
- 112) Do you agree policy M6 strikes the right balance between preventing the sterilisation of minerals reserves and minerals-related activities, and facilitating non-minerals development? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

- 113) Does policy M6 provide sufficient clarity on the role of Minerals Consultation Areas? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

- 114) Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

- 115) If not, what further guidance is needed?

None

- 116) Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Policy L2 provides guidance on what areas of land are encouraged to be developed and, in the ways they should be utilised, but it is not considered that this should be read in isolation.

- 117) Do you agree policy L2 identifies appropriate typologies of development to support intensification? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) If not, what typologies should be added or removed and why?

Newark & Sherwood District has a varied 'character' some of which is sensitive to development, especially where this would be intensive and could result in negative impact. Although the policy states 'sensitive to the surrounding area' there is no distinction for important landscapes or designated heritage assets or archaeological features.

- 118) Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

None

- 119) Do you agree policy L2 (d)(i) achieves its intent to enable appropriate development that may differ from the existing street scene, particularly in cases such as corner plot redevelopment and upwards extensions. Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

None

- 120) Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

- a) **Please provide your reasons, particularly if you disagree.**

For sites with large front gardens (which would be amenity space), it could be that their development results in new dwellings that have a poor level of 'amenity space' as it would not be located in a private area as the rest of the garden is taken over by buildings.

- 121) **Do you agree policy L3 provides clear guidance on achieving appropriate densities for residential and mixed-use schemes? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **If not, please explain how guidance could be clearer?**

- 122) **Do you agree with the minimum density requirements set out within policy L3? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **Please provide your reasons, particularly if you disagree.**

n/a

- b) **Could these minimum density requirements lead to adverse impacts on Gypsies and Travellers and other groups with protected characteristics? Please provide your reasons, including any evidence**

n/a

- 123) **Do you agree that using dwellings per hectare is an appropriate metric for setting minimum density requirements? Additionally, is our definition of 'net developable area' within the NPPF suitable for this policy? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **Please provide your reasons, particularly if you disagree.**

n/a

- 124) **Do you agree with the proposed definition of a 'well-connected' station used to help set higher minimum density standards in targeted growth locations? In particular, are the parameters we're using for the number of Travel to Work Areas and service frequency appropriate for defining a 'well connected' station? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **Please provide your reasons and preferred alternatives.**

These proposals suggest development in locations where developments of this density are completely inappropriate in scale terms and would locate development in many rural districts in places with no services other than a station. National Development Management Policies should not be making strategic decisions about the location of development in this way.

- 125) **Are there other types of location (such as urban core, or other types of public transport node) where minimum density standards should be set nationally? Yes/No**

- a) **If so, how should these locations be defined in a clear and unambiguous way and what should these density standards be?**

n/a

- 126) Should we define a specific range of residential densities for land around stations classified as 'well-connected'?

No.

- 127) If so, what should that range be, and which locations should it apply to?

n/a

- 128) Do you agree policy L4 provides clear high-level guidance on good design for residential extensions? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

- 129) Please provide your reasons, particularly if you disagree.

The policy is extremely broad in placing the focus on scale and form, there is no mention of the use of materials and respecting the original form of the dwelling. No distinction is made between extensions of dwellings in more rural / remote areas and urban locations. There is concern that the footnote relates to the existing building on the date of publication, which is not considered appropriate and fails to provide an appropriate baseline position for dwellings that have been extended multiple times. Good design is subjective and the policy only refers to extensions blending in with the existing dwelling and its immediate surroundings (albeit limited to consideration of scale and form), often extensions are constructed in different materials to the host dwelling, but this does not necessarily mean its harmful.

- 130) Do you agree that policy GB1 provides appropriate criteria for establishing new Green Belts? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

- 131) Please provide your reasons, particularly if you disagree.

The strategic extent of the Green Belt within the District is already established.

- 132) Do you agree policy GB2 gives sufficient detail on the expected roles spatial development strategies and local plans play in assessing Green belt land? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

- a) Please provide your reasons, particularly if you disagree.

There is clear direction provided with the strategic role and broad locations to be considered for future amendments being set through spatial development strategies, and subsequent more detailed localised review to take place through local plans. However, it is considered that further guidance should be provided in those situations where there is either no SDS in place and that strategic review of the Green Belt is yet to occur. Does this mean any local plan being prepared in this scenario should take the strategic role and extent of the designation as fixed?

- 133) Do you agree with proposals to better enable development opportunities around suitable stations to be brought forward? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

- a) Please provide your reasons, particularly if you disagree.

See general response from the Council to the proposals concerning Train Stations, this response in terms of the Green Belt needs to be read within that wider context. Specifically in terms of the Green Belt, then not all train stations within the designation may occupy edge of settlement locations and where an

alteration to Green Belt boundaries would seem more obvious. Where the station is divorced from a settlement how would the boundaries be amended in this circumstance and how would the level of amendment be established if there if land around the station has not been put forward for development? This risks arbitrary amendments being made to Green Belt boundaries and a designation which is repeatedly amended.

- 134) Do you agree the expectations set out in policy GB5 are appropriate and deliverable in Local Plans? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

- 135) Please provide your reasons, particularly if you disagree.**

In most instances insufficient information may be available to allow Development Plans to meet this requirement. It is not understood why there is the need for points a-c as specific Green Belt expectations, distinct from other types of locations, they are universally specific aspirations. This moves the designation away from what its primary purpose should be, which is to prevent coalescence.

Point d is strongly objected to, where land is removed from the designation then a judgement has been reached over its contributions towards the purposes of the designation, whether very special circumstances exist and if there are other considerations. There should therefore be no need for compensatory improvements to the environmental quality and accessibility of remaining Green Belt land to be made from a purely loss of Green Belt land perspective – for a start this may not even have been relevant to how the removal of the land was considered in terms relevant to the designation.

- 136) Do you agree policies GB6 and GB7 set out appropriate tests for considering development on Green Belt land? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

- a) Please provide your reasons, particularly if you disagree.**

In part, however GB7 cross references to TR3 to support locating development in sustainable locations and it is considered, as outlined in other responses, that there is insufficient guidance provided within that policy over what this means for rural locations. Rural locations exist within the Green Belt and so it is crucial that further detail is provided over sustainable transport locations in different types of setting – and what can be considered ‘sustainable’ in rural ones.

The content in part h needs to be considered within the context provided by the Councils response elsewhere on development around train stations. However, specific to the Green Belt it is not considered appropriate to limit consideration of impact on openness to whether this has been minimised. What does minimise mean in practice? Particularly given that major development could be supported, subject to compliance with GB8. There could be situations where a scheme of a significant scale seeks to reduce its impact through choices made around design and landscape/visual mitigation – but that this still results in a significant loss of openness. However, this impact would have been ‘minimised,’ and so would this be sufficient to not be considered harmful to the designation and not require demonstration of very special circumstances?

- 137) Do you agree policy GB7(1h) successfully targets appropriate development types and locations in the Green Belt, including that it applies only to housing and mixed-**



**use development capable of meeting the density requirements in chapter 12?**  
~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

See response to question 136. In terms of density requirements, the District has train stations, including within the Green Belt, which are likely to meet the proposed thresholds where development around them would be supported. This includes locations village and rural locations where 40 dwellings per hectare would be inconsistent with a desire to support well designed places, there does not appear to be any regard to landscape and visual considerations either. Not all the locations the policy would apply to will be urban in nature. In some situations, clearly 40 dwellings per hectare may be inconsistent with maintaining the openness of the Green Belt – context is important and it is not considered that a blanket national requirement takes sufficient account of this.

- 138) Please provide your reasons, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers.**

Integration of Traveller accommodation needs into part g is supported and would be consistent with the wider intentions of the reforms. If these circumstances would support bricks and mortar housing, then they should equally apply to Traveller accommodation. What constitutes a sustainable location in terms of Traveller sites will however need to be better articulated – would this cross reference back to HO12? If so, see the Councils objections to this policy as proposed – which falls short of providing the level of clarity required.

- 139) Do you agree that site-specific viability assessment should be permitted on development proposals subject to the Golden Rules in these three circumstances?**  
~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

- a) Please provide your reasons, particularly if you disagree.**

The circumstances seem reasonable and account for what could be genuinely unforeseen issues. However, the Council would not want to see any further expansion of the circumstances.

- 140) With regards to previously developed land, are there further changes to policy or guidance that could be made to help ensure site-specific viability assessments are used only for genuinely previously developed land, and not predominantly greenfield sites?**

Clear steer should be provided that previously land which has either been remediated or has its future remediation required through condition will be treated as greenfield land.

- 141) Do you agree with setting an affordable housing ‘floor’ for schemes subject to the Golden Rules accompanied by a viability assessment subject to the terms set out?**  
~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

- 142) Please explain your answer, including your view on the appropriate approach to setting a ‘floor,’ and the right level for this?**

The Council strongly agrees with the establishment of a minimum affordable housing contribution – subject to the limited range of caveats as proposed. This should be retained, and no further caveats introduced. The right level remains 50% or 15% above the relevant level in an up-to-date local plan.

- 143) Do you agree with local planning authorities testing viability at the plan making stage using a standardised Benchmark Land Values scenario of 10 times Existing Use Value for greenfield, Green Belt land? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please explain your answer.

The ability for plan-makers (and viability practitioners working on their behalf) to have clear and strong justification to adopt a higher benchmark land value within the Green Belt is welcomed.

- 144) Do you have any other comments on the use of nationally standardised Benchmark Land Values for local planning authorities to test viability at the plan-making stage?

None – see responses to Annex B

- 145) Do you agree that proposed changes to the grey belt definition will improve the operability of the grey belt definition, without undermining the general protections given to other footnote 7 areas? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

The proposal would make the Grey Belt definition easier and more consistent to apply, and so is supported. Footnote 7 would still form part of the overall planning balance on decisions and so contribute towards the outcome, just not whether the land is defined as Grey Belt or not. This should be rooted within an assessment of whether the land is previously developed and/or whether it strongly contributes towards relevant purposes of the designation.

- 146) Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree,~~ **strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

This policy would require design coding of the whole district, which would be unachievable in the development plan document itself, and would need in depth exploration in an SPD.

- 147) Do you agree with the approach to design tools set out in policy DP2? **Strongly agree, partly agree**, ~~neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

Further clarification is needed as to when design guides/codes/masterplans are necessary. Nevertheless, we agree with the proposed approach.

- 148) Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

However, giving substantial weight to ‘outstanding/innovative design which promotes high levels of sustainability’ will cause conflicts with the development plan. Would suggest toning this down to moderate. Singling out a consistency with

form and layout again provides a limited set of design parameters, hindering innovative design

- 149) Do you agree with the proposed approach to using design review and other design processes in policy DP4? **Strongly agree**, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) If not, what else would help secure better design and placemaking outcomes?

N/A

- 150) Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through plan-making? **Strongly agree**, **partly agree**, ~~neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

Policy TR1 provides a strong and effective basis for embedding sustainable transport into the vision, strategy, and spatial choices of local plans. As previously mentioned, there is no definition for 'large-scale developments' in the glossary and whilst examples are provided, the absence of a numeric or contextual threshold leaves room for variable interpretation.

Some authorities, such as Newark & Sherwood, may face challenges where transport services are limited, settlements are dispersed, and active travel options are constrained. More guidance on proportionate rural application would be helpful, so the policy is flexible without weakening its intent.

- 151) Do you agree that policy TR2 strikes an appropriate balance between supporting maximum parking standards where they can deliver planning benefits, and requiring a degree of flexibility and consideration of business requirements in setting those standards? ~~Strongly agree~~, **partly agree**, ~~neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

TR2 provides a balanced framework that supports maximum parking standards where they deliver clear planning benefits, whilst still allowing local authorities to apply flexibility when setting those standards.

- 152) Do you agree with the changes proposed in policy TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

We support the inclusion of a reference to 'generate a significant amount of movement' as this moves away from a reliance on site size as a proxy for transport impact which will support a more accurate approach. The introduction of the Connectivity Tool provides a standardised, consistent, and transparent baseline for comparing accessibility across the different UK locations using a clear and repeatable methodology.

- 153) Do you agree that proposed policy TR4 provides a sufficient basis for the effective integration of transport considerations in creating well-designed places? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- No answer proposed
- 154) Do you agree with policy TR5 as a basis for supporting the provision and retention of roadside facilities where there is an identified need? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- No answer proposed.
- 155) Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and travel plans will be required, and for considering impacts on the transport network? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~
- a) Please provide your reasons, particularly if you disagree.
- Further clarity on the definition of what constitutes ‘significant amounts of movement’ and ‘all reasonable future scenarios’ might be beneficial or provide supporting guidance to ensure consistent interpretation.
- 156) Do you agree the proposed text in policy TR7 provide an effective basis for assessing proposals for marine ports, airports, and general aviation facilities? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- No answer proposed
- 157) Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) Please provide your reasons, particularly if you disagree.
- No answer proposed.
- 158) Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~
- a) Please provide your reasons, particularly if you disagree.
- We strongly support the approach of expecting that development plans will allocate land for a variety of recreational uses and community facilities. We also support the emphasis on engaging with local communities and service providers, as this will help ensure that the delivery of social infrastructure aligns with local needs and priorities. The focus on securing sufficient education facilities is similarly welcomed.

- 159) Do you agree that Local Green Space should be ‘close’ to the community it serves? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

Designating local green space which is close to communities would allow more residents to easily access such spaces. However, we would welcome further clarity on what is meant by the term ‘close,’ and whether this could be quantified by the distance or number of metres that should separate designated green space from the communities it serves.

- 160) Do you agree that the proposed policies at HC3 and HC4 will support the provision of community facilities and public service infrastructure serving new development? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

The authority already draws on the findings of its Infrastructure Delivery Plan when assessing the impacts of development on local infrastructure. The requirement in national policy to consider how significant numbers of additional people living in, working in, or visiting the area, would affect existing infrastructure is therefore welcomed. We also support the continued use of planning obligations and the Community Infrastructure Levy to secure essential infrastructure and recognise the importance of ensuring these obligations are in place to enable timely delivery of necessary facilities.

However, the proposal to utilise national standards for green space provision where locally specific standards are not specified in the Plan may pose issues. National standards may not reflect the local context and could lead to an under provision of green space.

- 161) Do you have any views on whether further clarity is required to improve the application of this policy, including the term ‘fast food outlets,’ and the types of uses to which it applies?

We would welcome further clarification on what constitutes a fast-food outlet, as this definition will help officers assess applications more accurately and consistently. For example, not all fast-food outlets are inherently unhealthy. A business that provides quick service but focuses on fresh salads, grilled options, or whole-food ingredients may operate in a fast-food format without fitting the typical health-related assumptions.

In addition, we consider that attempting to micromanage the distinction between hot food takeaways and fast-food outlets could prove challenging in practice. For instance, if a takeaway sells a salad, would this be classified as a healthy option, or would the assessment depend on whether more than say 30% of the menu is considered unhealthy? Similarly, a hot food takeaway located within a town centre may fulfil a clear role in the local economy and evening economy—so would such premises also be subject to restriction regardless of their context? Further guidance on how these judgements should be made would help to ensure consistent and proportionate decision-making.

- 162) Do you agree with the proposed approach to retaining key community facilities and public service infrastructure in policy HC6? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree,~~ **strongly disagree.**

**a) Please provide your reasons, particularly if you disagree.**

The statement that “*the policy applies only where the facility would be the last of its type in the area concerned*” is unworkable and lacks clarity. The term “local area” is undefined and could be interpreted in multiple, conflicting ways, for example does it refer to a town, a village, a town centre, a neighbourhood, or a suburb? Each of these has completely different physical scales, functions, and catchments. Without a clear definition, officers cannot apply this policy consistently or defensibly. As drafted, the requirement is vague, creates unnecessary uncertainty for applicants, and would make decision-making arbitrary and open to challenge. Further precision is essential if the policy is to be implemented effectively.

A village may have two pubs; one primarily a drinking establishment and another focused-on food. Under the current wording, the closure of one could be permitted simply because the other remains, despite the fact they provide distinctly different offers to the community. This fails to recognise the functional diversity within similar “types” of facilities and could unintentionally undermine local services that play different roles.

- 163) Do you agree with the approach taken to recreational facilities in policy HC7, including the addition of ‘and/or’ with reference to quantity and quality of replacement provision? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

**a) Please provide your reasons, particularly if you disagree.**

We support the overall approach set out in Policy HC7, as it reflects the direction of the 2024 NPPF. However, we believe that a facility should only be considered for loss where it would be replaced by equivalent or better provision in terms of both its quality and quantity. We are concerned that allowing loss based on only one factor could lead to a significant amount of new, but substandard, recreational provision. For this reason, the policy should not use ‘and/or.’

- 164) Do you agree with the clarification that Local Green Space should not fall into areas regarded as grey belt or where Green Belt policy on previously developed land apply? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

**a) Please provide your reasons, particularly if you disagree.**

This would remove ambiguity about how the policy is applied.

- 165) Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

**a) Please provide your reasons, particularly if you disagree.**

n/a

- 166) Are any additional tools or guidance needed to enable better decision making on contaminated land?**

No answer needed.

- 167) Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~
- a) Please provide your reasons, particularly if you disagree.
- The criteria listed provide a comprehensive overview of considerations for pollution and living conditions of occupiers/neighbours. The only query the Council have would be how LPAs are to interpret 'acceptable' or 'unacceptable' thresholds, I assume we would defer to our in-house experts.
- 168) Do you agree policy P4 makes sufficiently clear how decision-makers should apply the agent of change principle? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~
- a) Please provide your reasons, particularly if you disagree.
- n/a
- 169) Do you agree policy P5 provides sufficient basis for addressing possible malicious threats and other hazards when considering development proposals? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~
- a) Please provide your reasons, particularly if you disagree.
- n/a
- 170) Do you agree that substantial weight should be given to the benefits of development for defence and public protection purposes? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~
- a) Please provide your reasons, particularly if you disagree.
- n/a
- 171) Do you agree with the proposed changes set out in policy F3 to improve how Coastal Change Management Areas are identified and taken into account in development plans? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~
- a) Please provide your reasons, particularly if you disagree.
- n/a
- 172) Do you agree with the proposed clarifications to the sequential test set out in policy F5? **Strongly agree**, **partly agree**, ~~neither agree nor disagree, partly disagree, strongly disagree.~~
- a) Please provide your reasons, particularly if you disagree.
- The policy clearly lists when not to apply the sequential test. It also clarifies to not apply if for surface water flood risk only.
- However, to provide for a policy which is consistently implementable then it will need to be supported by guidance over how to define a catchment for the Test. This is more obvious with some forms of development than others. Particularly, with respect to housing proposals, how should a catchment be defined for this use? Applications are often supported by a case that the catchment for the Test should be limited to the specific settlement the housing proposal is located



within. In some instances, this has the potential to be overly restrictive, and to run counter to the purpose of the Test. With the parameters for its application being defined in such a way that they constrain consideration of land which would otherwise be suitable and reasonably available elsewhere. This is often an issue where the proposal is made in a smaller settlement subject to widespread flood risk.

Part 2 to the policy outlines those circumstances where the Sequential Test would not need to be applied. Point *a.* would allow this to occur where sites allocated through the Development have been subject to the Test as part of plan preparation. However, it is considered that the caveats to this present in F6 and the Exceptions Test ought to be similarly applicable here. This would concern situations where there has been a significant increase in the risk of flooding to the site subsequently, or the nature of the development itself has changed significantly from that which was allocated to introduce a more vulnerable use

Point *b.i* to the part 2 would mean that where a Strategic Flood Risk Assessment shows that no built development (including access or escape routes) would be located on an area at risk of flooding, from any source, now and in the future then the Test would not need to be used. No objection is raised to this in principle – but greater clarity is sought for circumstances where flood risk would affect those same access or escape routes marginally beyond the application boundary as they likely sit outside of the control of the applicant, and would have the effect of potentially cutting the site off during a flood risk event.

It is considered that to make the policy effective and implementable it will need to be supported by sufficient detailed guidance. Where this is not provided then it risks inconsistent application and definition being brought via the appeal process.

**173) Do you agree with the proposed approach to the exception test set out in policy F6? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

**a) Please provide your reasons, particularly if you disagree**

The integration of the various flood risk tables from the Planning Practice Guidance into national policy is helpful and brings clarity over their status. Especially in respect of Table 3 which details circumstances where development should be refused. However, it is considered that additional clarity over the relationship between the Sequential and Exception Tests should be provided. Confirming that if the Sequential Test is passed but the proposed use is incompatible with the level of flood risk- with Table 3 identifying it should be refused— that this incompatibility overrides the outcome of the Sequential Test.

**174) Do you agree with the proposed requirement in policy F8 for sustainable drainage systems to be designed in accordance with the National Standards? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

**a) Please provide your reasons, particularly if you disagree.**

The linking of the policy to national standards is supported.

**175) Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **Please provide your reasons, particularly if you disagree.**

Proposals are supported and the assistance this could provide for the ecological improvement of watercourses is noted.

- 176) **Do you agree with the proposed changes to policy for managing development in areas affected by coastal change? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **Please provide your reasons, particularly if you disagree.**

n/a

- 177) **The National Coastal Erosion Risk Map sets out where areas may be vulnerable to coastal change based on different scenarios. Do you have views on how these scenarios should be applied to ensure a proportionate approach in applying this policy?**

- 178) **Do you agree with the proposed new additions to Table 2: Flood Risk Vulnerability Classifications? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

- a) **Should any other forms of development should be added? Please give your reasoning and clearly identify which proposed or additional uses you are referring to.**

- 179) **Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery? ~~Strongly agree, partly agree, neither agree nor disagree,~~ partly disagree, strongly disagree.**

- a) **Please provide your reasons, particularly if you disagree.**

Whilst the proposed approach mostly strikes the right balance there is particular concern regarding potential tensions with other aspects of the framework, particularly the 'brownfield-first' approach to development. Whilst 'brownfield' encompasses a wide range of types of land, it does include 'open mosaic habitat on previously developed land' which is a habitat of principle importance and therefore is a feature that N1 1b. rightly seeks to conserve. We feel that currently the proposed NPPF does not allow an informed balance to be reached regarding this priority habitat as nowhere within those aspects of the NPPF concerned with use of brownfield is there any acknowledgement of the fact that some brownfield sites are of high and important biodiversity value. We consider this was a weakness in previous versions of the NPPF, but one which the current proposed revision has an opportunity to address but currently does not do.

A subtle but important change is one from the previous NPPF paragraph 187d) which stated that policies and decisions should provide net gains for biodiversity. This requirement for all development to at least not result in a net loss for biodiversity is removed in the proposed NPPF with delivery of net gains restricted to those developments that will be subject to mandatory biodiversity gain when plan-making policies are being considered, and no mention of any need for other developments to at least ensure that they do not result in a measurable biodiversity loss. The cumulative impact of this should not be underestimated and

will dilute the gains resulting from mandatory biodiversity net gain, resulting in a distorted assessment of the true delivery of biodiversity net gain.

- 180) In what circumstances would it be reasonable to seek more than 10% biodiversity net gain on sites being allocated in the development plan, especially where this could support meeting biodiversity net gain obligations on other neighbouring sites in a particular area?**

We think it would be difficult to justify more than 10% biodiversity net gain on a site basis unless there was a clear and nationally adopted set of criteria to determine where this would be appropriate. We also consider that the rationale of such sites then being able to support the biodiversity net gain obligations on other neighbouring sites has not considered the potentially damaging effect on the emerging free market for biodiversity units via commercially operating habitat banks. Therefore, if local plans are to be restricted from seeking more than 10% biodiversity net gain across all developments subject to mandatory biodiversity net gain, we consider it better to not have the potential option to seek more on specific sites. What is not realised is that although the mandatory requirement is a minimum 10% gain, many developments provide more than this due to a variety of reasons like satisfying the habitat trading rules embedded in the Statutory Biodiversity Metric.

- 181) Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

- a) Please provide your reasons, particularly if you disagree.**

In respect of N2 1a and 1c, there is particular concern regarding potential tensions with other aspects of the framework, particularly the 'brownfield-first' approach to development. Whilst 'brownfield' encompasses a wide range of types of land, it does include 'open mosaic habitat on previously developed land' which is a habitat of principle importance and therefore is a feature that N2 1a and 1c. should be seeking to conserve. Currently, within those aspects of the NPPF concerned with use of brownfield there is no acknowledgement of the fact that some brownfield sites are of high and important biodiversity value. We consider this was a weakness in previous versions of the NPPF, but one which the current proposed revision has an opportunity to address but currently does not do.

Whilst we strongly support the objectives of N2 1f, we consider the current terminology would benefit from more clarity. Integrated nest boxes are formed of many types and designs for different target species. 'Swift boxes' target just a single, albeit important, species, but these need to be in groups of at least 3 as swifts are communal nesters, uptake rates can be low, and because of height and orientation requirements these are not suitable on many buildings. Focussing on just this one species is likely to result in significant missed opportunities to provide enhancements for other important bird species with features like 'sparrow terrace nest boxes'. We would therefore recommend the following amendment, using the term 'wildlife boxes' to ensure that this important aspect of N2 1f delivers the maximum benefit across a range of species: "f....*Development should incorporate integrated wildlife boxes into their*

*construction unless there are compelling technical reasons which prevent their use, or would make them ineffective;...”*

**182) Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

**a) Please provide your reasons, including how policy can be improved to ensure compliance**

**No answer provided.**

**183) Do you agree policy N6 provides clarity on the treatment of internationally, nationally, and locally recognised site within the planning system? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

**a) Please provide your reasons, particularly if you disagree.**

N6 1a provides two options i. and ii detailing where a development proposal affecting an international site would be acceptable; i is concerned with the outcome of an ‘appropriate assessment’. We are very concerned that this is potentially not a viable option given that the Habitats Regulations Assessment (HRA) Handbook, published by DTA Publications which has provided the authoritative guidance for the preparation of most ‘appropriate assessments’ in the UK for decades, has been withdrawn as the publishers consider that the guidance and supporting case law can no longer be relied upon now that the Planning and Infrastructure Act has gained Royal Assent and Environmental Delivery Plans have been introduced via Part 3 of the Act. Therefore, we consider that it will not be possible to undertake a defensible ‘appropriate assessment’ therefore leaving just Environmental Delivery Plans as the only viable option.

N6 c.i considers that development proposals should not be supported if there would be a significant adverse effect on the integrity of the site. With no supporting definition of what the integrity of a Local Nature Reserve or local wildlife site is, or how a ‘significant’ impact should be determined, there is a marked lack of clarity in this aspect of N6.

**184) Are there any further issues for planning policy that we need to consider as we take forward the implementation of Environmental Delivery Plans?**

N6 1a provides two options i. and ii detailing where a development proposal affecting an international site would be acceptable; i is concerned with the outcome of an ‘appropriate assessment’. We are very concerned that this is potentially not a viable option given that the Habitats Regulations Assessment (HRA) Handbook, published by DTA Publications which has provided the authoritative guidance for the preparation of most ‘appropriate assessments’ in the UK for decades, has been withdrawn as the publishers consider that the guidance and supporting case law can no longer be relied upon now that the Planning and Infrastructure Act has gained Royal Assent and Environmental Delivery Plans have been introduced via Part 3 of the Act. Therefore, we consider that it will not be possible to undertake a defensible ‘appropriate assessment’ therefore leaving just Environmental Delivery Plans as the only viable option.

Consequently, there is an urgency for the Environmental Delivery Plans to be developed and become available.

- 185) Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons.

It would make the policy application more consistent across all heritage assets.

- 186) Do you have any evidence as to the impact of implementing the additional regard duties for development?

No

- 187) Do you agree with the approach to plan-making for the historic environment, including the specific requirements for World Heritage Sites and Conservation Areas, set out in policies H1 – H3? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

It is a promising idea, but the Council is concerned regarding periodic reviews of Conservation Area and the resources that are required to do this. There are also concerns about whether design codes, particularly when applied in a rigid, 'black and white,' manner, can be used effectively across different sites.

- 188) Do you agree with the approach to assessing the effects of development on heritage assets set out in policy H5? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

The quality of heritage submissions is currently extremely poor, creating a significant additional workload for officers. Improving the standard of these submissions would help enable faster, more efficient decision-making.

- 189) Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

The changing of one word is more than semantics and does reduce the perceived weighting, however, it is acknowledged that the wording of Sections 16, 66 and 72 would still provide the statutory duties and remain paramount.

- 190) Do you agree with the new policies in relation to world heritage, conservation areas, and archaeological assets in policies HE8 – HE10? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

The wording has a better structure and provides greater detail and clarity on assessment of proposals within Conservation Areas.

**191) Do you have any other comments on the revisions to the heritage chapter?**

**Positives: -**

- The new structure is more logical and brings together principles for designated and non-designated assets.
- Greater consistency across all heritage assets by aligning terminology and requirements.
- Now includes explicit inclusion of positive effects and enhancement as valid outcomes for heritage proposals.
- The requirement for periodic review of conservation areas could help update and improve designations over time.
- Clearer requirements for applicants to assess and justify impacts, which could improve the quality of submissions.

**Concerns: -**

- Public benefits now explicitly include energy efficiency and low carbon heating measures, which may affect the balance between heritage protection and sustainability.
- Decision makers are tasked with judging the adequacy and accuracy of Applicant's robust supporting statements, but the process for resolving disagreements is not clearly defined.

**192) Do you agree with the transitional arrangements approach to decision making? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

- a) Please provide your reasons, particularly if you disagree.

N/A

**193) Do you have any further thoughts on the policies outlined in this consultation?**

**No answer proposed.**

**194) Do you agree with the list of Written Ministerial Statements set out in Annex A to the draft Framework whose planning content would be superseded by the policies proposed in this consultation? ~~Strongly agree, partly agree,~~ **neither agree nor disagree**, ~~partly disagree, strongly disagree.~~**

- a) Please provide your reasons, particularly if you disagree.

N/A

**195) Do you consider the planning regime, including reforms being delivered through the Planning and Infrastructure Act, provide sufficient flexibility for energy generation projects co-located with data centres to be consented under either the NSIP or TCPA regime? **Strongly agree**, ~~partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~**

- a) Please give reasons.

The reforms proposed would allow greater flexibility for energy projects co-located with data centres to be assessed under a single regime as deemed appropriate. It

would allow flexibility to make sure both parts of a project can be assessed under one regime and prevent disjointed assessment and delays.

- 196) Would raising the Planning Act 2008 energy generation thresholds for renewable projects that are co-located with data centres in England (for the reason outlined above) be beneficial? Yes/No**

- a) If so, what do you believe would be the appropriate threshold? Please provide your reasons.**

It would be beneficial for energy generation thresholds for renewable energy projects which are co-located with data centres to be increased. This would give the developer more certainty on how their project will be assessed and under which regime. It would also potentially give the LPA a greater role in decision making for these types of projects at a local level. However, resourcing and expertise would be potential issues. For example, making sure LPAs have the in-house resource and expertise to deal with larger projects coming through that would normally go through the NSIP regime. Currently the threshold is 50 megawatts in the Planning Act 2008, raising this to 75 megawatts might be a good incremental change that could be managed by LPAs. Raising any further could potentially double the size of the projects LPAs are used to, whereas 75 megawatts would be a more balanced / incremental increase.

- 197) Do you have any views on how we should define 'co-located energy infrastructure'? Please provide your reasons.**

In terms of a definition for 'co-located energy infrastructure,' it would be important that any definition require a single project approach with some explicit link between the two parts of the project. The proposal would have to demonstrate a direct and clear link, for example the same applicant/developer, physical proximity, power connection links, usability links, end user links, etc.

- 198) Do you think the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for other use types of projects should be increased, or should this be limited to projects co-located with data centres? Yes/No**

- a) Please provide your reasons.**

Unsure – are views are explored in more detail below in Q199.

- 199) What benefits or risks do you foresee from making this change? Please provide your reasons.**

If the thresholds for all energy generation projects increased, it would certainly have repercussions on LPAs in terms of availability of resource and expertise. Benefits and risks are detailed below.

**Benefits:**

It could allow more decisions to go through the LPA at a local level, meaning greater community engagement and involvement, supporting ideals of localism.

It would allow greater flexibility and certainty for developers on the decision-making process and outcomes.

**Risks:**



As an authority with a high number of solar farm applications, there could be political sensitivities and community conflicts around such applications, especially if we see larger projects coming through at an LPA level, opposed to being NSIPS. The LPA would be at the coalface of this as decision maker on potentially larger projects.

This would have knock on impacts regarding appeals and the costs to LPAs involved in defending decisions.

If the thresholds were to be increased it would certainly raise questions of how LPAs can deal with larger schemes in terms of resource and if there is the in-house expertise required, or if there would be increased reliance on external consultants to support LPAs in determining larger scale projects at a local level.

- 200) Would you support the use of growth testing for strategic, multi-phase schemes?**  
~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

**a) Please explain your answer.**

Clauses can already be included in legal agreements to secure developer contributions which allow for a review period at certain stages/triggers. The use of growth setting at the outset has the potential to cause uncertainty of delivery of planning obligations and an underestimation of growth on behalf of developers. Applying/reviewing developer contributions at each stage of a phased development to ensure what is being requested is required at the time of the implementation of each stage, in a similar way to the application of CIL charges, would work for some contributions. However, this is likely to cause uncertainty for both developers and communities.

- 201) Would you support the optional use of growth testing for regeneration schemes?**  
~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

**a) Please explain your answer**

As explained in Question 200, the Council has similar concerns relating to uncertainty. However, it may be possible to demonstrate through growth testing that sites more likely to face viability challenges could provide planning obligations in the future which would be welcomed.

- 202) Do you agree greater specificity, including single figures, which local planning authorities could choose to diverge from where there is evidence for doing so, would improve speed and certainty?** ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

**a) Please explain your answer. If you agree, the government welcomes views on the appropriate figure – for example, whether 17.5% would be an appropriate reflection of the industry standard for most market-led development.**

If clear expectations are provided up front, it would provide greater certainty for developers. However, 17.5% is high and 15% would be more appropriate based on the local context.

- 203) Are there any site types, tenures, or development models to which alternative, lower figures to 15-20% of Gross Development Value might reasonably apply?**

Affordable housing schemes

- a) Please explain your answer. The government is particularly interested in views on whether clarifying an appropriate profit of 6% on Gross Development Value for affordable housing tenures would make viability assessments more transparent and speed up decision-making.**

As set out in existing planning guidance, agree: *A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk.* Setting an appropriate profit (6% suggested) on Gross Development Value for affordable housing tenures would make viability assessments more transparent and should speed up decision making.

- 204) Are there further ways the government can bring greater specificity and certainty over profit expectations across landowners, site promoters, and developers such that the system provides for the level of profit necessary for development to proceed, reducing the need for subjective expectations?**

Yes

- a) Please explain your answer.**

A policy that sets specific profit figures for certain types and scale of developments, including a clear set of criteria/thresholds. Outside of these criteria, room for divergence from a specific figure could then be allowed subject to evidence.

- 205) Existing Viability Planning Practice Guidance refers to developer return in terms a percentage of gross development value. In what ways might the continued use of gross development value be usefully standardised?**

There are currently multiple ways of calculation GDV – a standardised method could be adopted to provide consistency.

- 206) Do you agree there (sic) circumstances in which metrics other than profit on gross development value would support more or faster housing delivery, or help to maximise compliance with plan policy? ~~Strongly agree, partly agree,~~ **neither agree nor disagree**, ~~partly disagree, strongly disagree.~~**

- a) Please explain your answer.**

n/a

- 207) Are there types of development on which metrics other than profit on gross development value should be routinely accepted as a measure of return e.g. strategic sites large multi-phased schemes, or build to rent schemes?**

- a) Please explain your answer.**

No answer proposed.

208) Do you agree that guidance should be updated to reflect the fact a premium may not be required in all circumstances? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) In what circumstances might a premium, or the usual premium, not be required?

No answer proposed.

b) What impact (if any) would you foresee if this change were made?

No answer proposed.

209) Do you agree that extant consents should not be assumed to be sufficient proof of alternative use value, unless other provisions relating to set out in plans are met? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please explain your answer.

For the reasons set out in the consultation document – extant planning consents for an alternative use could potentially drive-up land values artificially. As a result, there's a risk of contributions being negotiated down.

210) If extant consents were not to be assumed as sufficient proof of alternative use value, should this be at the discretion of the decision-maker, or should another metric (e.g. period of time since consent granted) be used? ~~Decision maker discretion / Another metric / Neither~~

a) If another metric, please set out your preferred approach and rationale.

If an alternative metric e.g. period of time since consent granted it should be supported by details of how the site was marketed.

211) What further steps should the government take to ensure non-policy compliant schemes are not used to inform the determination of benchmark land values in the viability assessments that underpin plan-making?

The existing PPG guidance works relatively well but bringing into policy would strengthen it.

212) Do you agree that the residual land value of the development proposal should be cross-checked with the residual land values of comparable schemes; to help set the viability assessment in context. ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please explain your answer.

It is difficult to see how this would work in practice, especially in a rural context where the pool of comparable schemes is likely to be very limited. It may prove more of a hinderance than a help.

213) Do you agree that a 2.5-hectare threshold is appropriate? ~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons, particularly if you disagree.

n/a

214) Do you agree that a unit threshold of between 10 and 49 units is appropriate? **Strongly agree**, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

n/a

215) Do you foresee risks or operability issues anticipated with the proposed definition of medium development? **Yes/No**.

The potential for sites to be subdivided to seek the benefits of medium sized development rather than an entire site being delivered as a large site and planned holistically.

216) If so, please explain your answer and provide views on potential mitigations.

217) Do you have any views on whether the current small development exemption should be extended to cover a wider range of sites – indicatively to sites of fewer than 50 dwellings, or fewer than 120 bedspaces in purpose-built student accommodation?

a) Please provide your reasons.

No answer proposed

218) If the exemption were to be extended, do you have any views on whether the development of 120 purpose-built student accommodation bedspaces is an appropriate equivalent to a development of 50 dwellings for the purposes of the levy exemption?

a) Please provide your reasons.

No answer proposed

219) If the exemption were to be extended, do you have any views on whether the exemption should be based solely on the existing metrics (dwellings/bedspaces) or whether there should also be an area threshold.

No answer proposed

220) If you do have views on possible changes to the small developments levy exemption, please specify the potential impact of the possible change of the levy exemption on people with protected characteristics as defined in section 149 of the Equality Act 2010.

No answer proposed

221) What do you consider to be the potential economic, competitive, and behavioural impacts of possible changes to the levy exemption? Please provide any evidence or examples to support your response.

No answer proposed

222) Do you agree with the proposal to extend the Permission in Principle application route to medium development? **Strongly agree**, partly agree, neither agree nor disagree, **partly disagree**, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

PIPs are very controversial and involve a lot of work already. It can often give agents/landowners false hope of development which can fail due to technical matters at the next stage.

- 223) Do you have views about whether there should be changes to the regulatory procedures for these applications, including whether there should be a requirement for a short planning statement?**

Yes, additional information should be submitted, statement, ecology, highways especially, and allow decision makers to consider more and the fee should be proportionate to the work required.

- 224) Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic?**

- a) If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.**

The integration of policy for Travellers into the NPPF is welcomed however longstanding issues relating to the failure of the land market to meet GRT community needs continue to exist.

- 225) Is there anything that could be done to mitigate any impact identified?**

The Council would welcome support and investment from the Government in this area of policy.