

# Levelling-up and Regeneration Bill: Reforms to National Planning Policy

## Horsham District Council Response, 28 February 2023

1. Horsham District Council is pleased to be able to contribute to this long-awaited consultation on changes to national planning policy. We have a history of constructive engagement on past changes to the planning system, including involvement in a previous task force. Our Planning Department has a strong experience of producing Local Plans and in determining major planning applications and we believe that we are well placed to provide 'coal face' feedback on the consultation questions.
2. We have set out in our responses below the measures in this consultation which have our support. Where we think measures can be improved or where the proposals would have negative impacts, we have made suggestions and/or made clear why the proposals generate concerns.
3. In summary, we:
  - are supportive of changes relating to rules around the 5 year housing land supply test and think the reforms better reflect the part local authorities play in the delivery of housing;
  - agree with changes to the soundness tests governing the examination of Local Plans but are unclear as to why they cannot be introduced immediately;
  - support measures to increase the speed of housing delivery and to hold the development industry to account;
  - disagree with the increased priority given to Green Belt land as this will put even greater pressure on authorities such as Horsham District Council, which still have valued and important landscapes, to bring forward housing that should be delivered in other local authority areas;
  - are supportive of measures to protect made Neighbourhood Plans from being overridden;
  - unclear how the introduction of subjective terms like beauty and ugliness into the planning system is helpful without clarity on how they are to be measured; and
  - express concern about the extent of National Development Management Policies and how they might reduce the ability of authorities to bring forward locally distinctive policies.

## Chapter 1 - Introduction

4. We recognise that there are no questions on this section, but we implore the government to keep to timescales referred to in this section of the consultation document – e.g. an updated NPPF by Spring, a wider consultation on the NPPF/NDMP later in the year, and timescales for when new-style Local Plans are expected. Whilst we recognise that government have stated that plan making should continue, the constant NPPF changes, updates and proposed new legislation has created considerable uncertainties, which inevitably impacts local decision making at the production of Local Plans.
5. In addition, it is very disappointing that no feedback or analysis has been provided on the responses to the previous consultation relating to the 2020 planning white paper. This lack of feedback discourages communities and organisations to provide their valuable insight into planning reforms. We trust that such feedback will be provided relating to this consultation.

## Chapter 2 – Policy objectives

6. Again, we recognise that there are no questions, but this section provides an impression that planning is based around gimmick based acronyms (BIDEN), which downgrades the real issues at stake. While the decision to emphasise good design is important and supported, we are concerned about the regular reference to ‘beauty’ throughout this document, given that it is not a definable metric and is highly subjective. Additionally, throughout all of the material it is still not clear how the delivery of design codes will be funded and resourced – this was a key query from the previous consultation that remains unanswered. The ambition for desiring good design is supported, but at the current time there is a lack of such skills in local authorities to produce design codes. Sufficient resourcing will be essential for government’s aspirations to be realised.

## Chapter 3 – Providing certainty through local and neighbourhood plans

### **Q1 Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?**

7. We think this a very positive measure and will create a greater incentive for authorities to put in place Local Plans, thus giving local communities and the development sector clarity and confidence in the plan-led system. Such a measure will also ensure that developers are more likely to provide Councils with accurate information on the speed of their developments to support allocations contained within Local Plans. This will assist accurate plan making and Local Plan inspectors at examination.
8. We think this measure correctly recognises that local authorities are responsible for creating conditions that allow identified needs to be met, but that the development industry is responsible for actually delivering development to meet those needs. As such, the sector should not benefit – or be perceived to benefit – from the existing problem whereby recently adopted Local Plans are overridden because particular sites have not come forward as quickly as had been expected or promised, in so doing undermining local decision-making and confidence from the general public. It will also have an added benefit of saving time and resources at appeals when every element of supply is examined in a long-winded and resource-intensive manner.

### **Q2 Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?**

9. We fully support the proposed change. The need for buffers has meant that Councils have had to demonstrate more housing (and land) than is necessary to meet needs. Consequently, HDC has previously found itself in a position where it had a 5 year housing land supply (5YHLS), but not when a 5% buffer was applied. We feel therefore that the current system is manifestly unfair. It leads to confusion with communities who do not understand why more than 5 years of supply is needed to demonstrate a 5YHLS, thereby punishing authorities who have provided a sufficient supply of housing in absolute terms.
10. Whilst it is for local planning authorities to create the conditions to allow sufficient supply to be delivered through its plan-making and decision-taking functions, it is ultimately for the development sector to obtain planning approvals and deliver homes. It is usually not the fault of authorities that applications do not come forward on allocated sites, for instance. Yet in such a situation, the development industry benefits from a lack of a 5YHLS in a way which undermines democratic local plan-making, as it increases the chances of speculative and generally unfavoured sites from obtaining permissions.

### **Q3 Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?**

11. We fully agree with this proposal. Plans create the conditions which provide confidence for the submission of planning applications on allocated sites, ultimately assisting those sites to deliver housing. Generally, allocations are actionable immediately and not phased throughout the plan period – some sites will therefore deliver ahead of that predicted in the trajectory (and some will happen at slower rates or potentially not at all). It is our experience, from our most recently adopted Local Plan (the Horsham District Planning Framework 2015) that sites come forward early in the plan period and as a consequence, we heavily overdelivered against our adopted housing target in the early years of the current Local Plan.
12. Given the circumstances described above, it is difficult to explain to our communities, that have seen unprecedented growth in the district, that we do not have a 5YHLS and appeals on unallocated sites have been lost on this basis. Had the calculation for a 5YHLS been able to account for the oversupply identified above, this may not have been the case. Essentially, many feel that it would have been optimal for the Council to discourage applications on allocations to even out delivery rates and smooth out the supply. This would have involved delaying otherwise appropriate development and goes against what the government desires. As such accounting for oversupply in any calculations would be a fairer way of ensuring that Councils who plan appropriately and approve allocations without delay aren't punished in future years of their Plans.

### **Q4 What should any planning guidance dealing with oversupply and undersupply say?**

13. We think that any guidance ought to reflect that annualised targets in Local Plans are averaged and are supported by housing trajectories which are likely to be 'bumpy' – i.e. delivery will be predicted to be above or below the annualised levels for different years. Thus, it is expected that in some five year periods the five year supply target will sometimes be less than the simple five times the averaged annualised target. Similarly, the guidance needs to identify that some Councils (for a range of different reasons) will have stepped trajectories. This will need to be taken into account in calculating the five year housing land supply for specific periods of time.
14. Given that 5YHLS will likely continue to be challenged through the appeals process, we think that guidance needs to be very clear as to the time periods by which over or undersupply is to be calculated from. As has been correctly recognised in the consultation material, the current system penalises authorities who get high levels of delivery in the early part of their plan period. As such, to reflect the long time periods that plans cover, we assert that it would be preferable to return to cumulative delivery rates over the entire plan period to be used to enable a residual assessment of the five year housing land supply looking forward. This is preferable to the current system and was generally successfully employed prior to the NPPF.

### **Q5 Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?**

15. Neighbourhood Plans produced by our Parish and Neighbourhood Councils are valued by both the Council and its communities. In Horsham District, we have wide coverage with 19 Neighbourhood Plans having been 'made', with a number of others at advanced stages of preparation. Given the efforts and considerable financial costs that communities make to meet needs through Neighbourhood Plans, we support measures that would provide additional protection to such documents. From experience, the current two-year period does not successfully act to discourage proposals on unallocated sites in areas where the criteria in paragraph 14 are met. Applications still come forward within this period and, if refused, would likely be heard at appeal and determined when the two year period has elapsed.
16. In this respect, the proposed strengthening of the existing provision to allow for additional protection for the five years after a Neighbourhood Plan is made is supported as this would further encourage local communities to consider benefits of development within their area and to identify sites that could deliver necessary development and better reflects the time, efforts and resources used by

communities in producing a Neighbourhood Plan. We are also supportive of the removal of the housing delivery test and 5YHLS test within this paragraph as Parish and Neighbourhood Councils cannot control development or its future supply outside of their parishes.

17. Whilst supportive of the measure, it needs to be clarified whether the five year time period would apply to existing plans or whether only new-style Neighbourhood Plans would benefit. It is the Council's view that this should apply retrospectively to existing neighbourhood plans given the efforts that they have made to prepare a plan and the benefits that this has for the local community.

## Chapter 4 – Planning for housing

### Q6 Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

18. We are supportive of the amendments proposed to paragraph 1 and 7 of the NPPF. In particular, the identification that homes and other development should be accompanied by supporting infrastructure is welcomed. We do think that it would also be beneficial if there was specific reference in the NPPF for infrastructure providers to input into Local Plan making in a timely manner, which would match with the draft provisions in the Levelling Up and Regeneration Bill to require assistance with plan making from public bodies.

### Q7 What are your views on the implications these changes may have on plan-making and housing supply?

19. Our detailed response to each element is set out in response to the following questions.
20. Overall, the suite of changes will make it easier for authorities to bring forward Local Plans. That is supported, in that the system should be plan-led and the current system is filled with obstacles that prevent plans from progressing towards adoption. Similarly, current Local and Neighbourhood Plans can be easily overridden should the development sector not bring forward allocated sites/approved sites as projected, with the consequence of speculative proposals being approved (often at appeal) to the detriment of local communities. Thus, strengthening the plan-led system by removing the tilted balance from recently made plans is supported.
21. Whilst we think the measures will collectively increase Local Plan coverage, we do not think that the measures will create additional housing above that which is provided now. For instance, the proposed changes to Green Belt policy will make it easier for those authorities with this designation to reduce their housing targets and put pressure on neighbouring authorities to meet some of their needs. As we explain in response to Q9, we do not support this specific measure.

### Q8 Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

22. It is the Council's view that the Standard Housing methodology is a 'blunt tool' for the calculation of housing targets that is not effective in practice, for reasons that we have outlined to government in previous consultations. In particular, we remain concerned about the importance of affordability in the calculation. This is as in Horsham, despite record delivery rates in the district, house prices continue to rise above wages – showing that house prices and affordability are not a simple reflection of supply and demand. We therefore continue to assert that less weight should be given to affordability in the calculation and that a factor should be applied to where growth and investment is to be directed in the name of levelling up.
23. Notwithstanding the above, it was always the case that the standard method was the starting point for plan-making and then the application of local circumstances would be used to form a plan requirement. In this sense, it is not immediately apparent what is changing. Explicit indications on what circumstances could justify departing from the standard method would be useful, but we ask that

it is not a closed list and would allow specific circumstances that could not be covered in a broad, national policy.

24. For example, there are often very significant and constraining environmental impacts identified through Appropriate Assessment or other environmental assessments that mean that the amount of housing identified through the standard method is not possible to achieve. A recent example is water neutrality, which has impacted Local Authorities in North West Sussex, particularly ourselves, but has not to date arisen elsewhere in the UK. We discuss the implications of water neutrality more fully in response to Q52.

**Q9 Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?**

**Q10 Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?**

25. We have merged the responses to these questions as they are interrelated.
26. There needs to be clarity on the purpose of national Green Belt policy in today's context. It is not an environmental designation relating inherently to landscape or ecology, but largely a tool to prevent urban sprawl, coalescence and historic urban character. While a very successful policy at the time to contain urban areas, the situation is not as it was some 75 years ago. We therefore think that Green Belt boundaries should be urgently reviewed, and where appropriate redrawn to reflect the very different needs of today's society. We note that Green Belts are locally valued where they are established – but the same is true of countryside locations which aren't afforded similar protection and also contain valued assets. Indeed, we would assert that the difference between Green Belt and the countryside is not well understood by the wider public – we received a number of comments on our draft Local Plan which sought for us to protect their Green Belt, despite Horsham District not being covered by the designation.
27. We therefore think that the proposals in relation to Green Belt is a retrograde change. We think that national policy should make clear that if unable to otherwise meet their needs, authorities with Green Belt should be required to review or alter them when making plans.
28. The existing situation where non-Green Belt authorities, such as HDC, get requests from authorities covered by Green Belt to meet unmet (primarily housing) needs would be exacerbated by the measures proposed. Often, such requests come from 'Green Belt authorities' not within either our primary or secondary housing market areas and in some instances, come from authorities that do not border HDC. It makes no logical sense for 'non-Green Belt' authorities, such as ours, to provide housing to be assigned to other authorities where there is no structural or functional relationship. To do so would almost certainly be at the expense of greenfield countryside with landscape sensitivities, and environmental value, including climate mitigation and flood attenuation.
29. In addition, authorities such as Horsham District are further away from many employment areas and have fewer sustainable transport options. The scale of growth accommodated would be insufficient to mitigate effectively, perpetuating unsustainable lifestyles and long distance (car based) travel. Furthermore, many villages and towns in Horsham District and other 'non-Green Belt authorities' are also now experiencing significant issues with coalescence and impact on urban character. This may generate an argument for additional Green Belt to provide the same protections to these towns and villages, particularly given that provision for this is set out in the NPPF. More sensibly, we assert that it would be preferable in such situations for those authorities to instead undertake focused reviews of the Green Belt to meet their needs at more sustainable locations, taking account of some of the mitigation measures that growth in 'non-Green Belt authorities' have developed as best practice, whilst ensuring that this can be done in a way that maintains its integrity in the context of the five Green Belt purposes.

30. In relation to densities, there needs to be some clarity as to what is meant by 'significantly'. At HDC, we have previously allocated new urban extensions to meet needs on the outskirts of older, more established settlements. It is inevitable that such development on greenfield sites do not completely match the character of existing development and their surroundings. Furthermore, we are currently encouraged to make best use of land that we allocate. If we are not permitted to use land efficiently, and only able to support low or medium level densities that are typical of existing towns and villages, we would have to allocate more greenfield land. Those allocations may need to be further away from services, transport hubs, employment uses, etc. This would be inherently less sustainable than ensuring the land allocated for development is efficiently used, albeit seen by many as 'out of character'. It should be recognised that it is possible to have very well-designed high-density development and poorly designed low-density development or vice versa. The design of development, and how it connects to the existing areas is therefore key, and should be applied, rather than any artificial density requirement.
31. It should also be recognised that the Green Belt reduces available land for development, raising land values and consequently putting pressure on available land to maximise development, which may lead to inappropriately high densities. On a strategic scale this fuels the housing affordability crisis and may reduce housing quality.
32. We therefore do not support the changes proposed to existing NPPF paragraph 140 (renumbered 142). We also recommend a rethink of how Green Belt policy is presented in national policy, to reflect our concerns. This could be achieved through both in policy and Planning Practice Guidance.
33. Notwithstanding the opposition to the reforms to Green Belt, we do recognise that the preventative nature of the existing Green Belt policy has been successful in preventing urban sprawl and in limiting coalescence between different settlements. In Horsham, due to high levels of growth and being without Green Belt, we are concerned that existing national policy is inadequate to prevent coalescence between our towns and villages and with such settlements in neighbouring authorities. As such, we believe that national policy should support authorities in the identification of strategic or local gaps in local plans (or at least not prohibit such designations) that both prevent coalescence and the loss of settlement character. Such areas could also support nature recovery corridors, community green space and access to the countryside for residents.

**Q11 Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?**

34. We agree that the level of information needed to support Local Plans is often disproportionate to the measures being proposed in Local Plans. We thus are supportive of amendments to national policy and to the soundness test that would reduce costs and time of producing evidence base documents and lessen the time Local Plans are subject to examination. However, given that other elements of the NPPF have not changed and require an evidence base to support a particular policy approach, it is at this time unclear the extent to which this may translate into change 'on the ground'. Further guidance on expectations at Local Plan examinations would therefore be welcomed.

**Q12 Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?**

35. We genuinely don't understand why this provision would not be immediate. As written, this proposal actually provides an incentive for authorities to delay stages in their plan making processes to benefit from a more straightforward and streamlined set of soundness tests. We ask that this alteration is extended to all Local Plans not currently at examination.

**Q13 Do you agree that we should make a change to the Framework on the application of the urban uplift?**

36. HDC is not directly affected by the urban uplift but shares a small border with Brighton and Hove City Council (BHCC), where the uplift applies. As such, if the uplift is to continue, we would welcome the proposed clarification that this uplift is not to be exported beyond BHCC's borders. It is for BHCC and

the other 19 most populated cities to provide evidence as to whether the uplift can be reasonably accommodated, or otherwise, within their boundaries. The uplift appears to be designed to deliver homes in sustainable locations with access to services and facilities that exist in big cities. It does not make sense for this element to be apportioned to large, rural areas where such facilities do not exist.

37. In terms of any potential contribution to meeting the uplift in areas bordering the cities, it should be clarified that this should only be considered in locations close to the city boundaries, and only if achievable without damage to protected or valued landscapes or to biodiversity. In our case, this would be near impossible to achieve due to the extensive South Downs National Park wrapping tightly around Brighton and Hove, including within Horsham District.

**Q14 What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?**

38. The Council is not subject to the uplift and thus is unsure on what support would be beneficial for affected authorities. However, we are sceptical of the practical utility of the uplift. From our experience and knowledge as a neighbour of BHCC, that given their very significant constraints, it is not clear what they can realistically do to ensure that they achieve housing delivery that meets the needs identified through the standard method, let alone with an additional 35% premium on top of this. It is the Council's view that the government should assign housing targets differently, by adding an uplift to authorities who will be prioritised in the name of 'levelling up' – i.e. where the majority of public investment is to be targeted. This is considered to be a more effective mechanism of meeting the government's stated goal of delivering 300,000 homes a year.

**Q15 How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?**

39. Please see the response to Q13 which relates to this. HDC does not recognise that it contains part of the urban area of Brighton and Hove and thus would not support having its housing requirement uplifted due to sharing a very small border with the administrative area of a large city, at which point there is a national park designation. Therefore, we ask that any changes to national policy on this matter is very carefully worded so as to not automatically compel neighbouring authorities, with very different characteristics, to meet development needs of large urban areas.

**Q16 Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?**

40. We would support such a change to planning policy. This would enable authorities to avoid being overly penalised by changes beyond their control that can delay progress of Local Plans, by being more able to refuse unwelcome speculative and/or premature applications that could undermine plan-making efforts as a result of it being less likely that the tilted balance would need to be applied.

**Q17 Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?**

41. The situation described in the existing Paragraph 220, does not affect HDC. However, if over four years have elapsed since the start of a Local Plan examination, it is worth asking as to whether the issues affecting plan production at those authorities will ever be resolved? Making a specific change to the NPPF to account for Local Plans in this situation would seem to therefore be of little use and may create additional complication to an already long process – it would potentially be of more assistance for DLUHC and/or the Secretary of State to directly intervene in such examinations to bring them to a swift conclusion.

**Q18 Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?**

42. In general, we are not supportive of any measures that effectively punish authorities for lack of delivery or future supply when the delivery and supply of housing is largely in the control of the development sector. It is too blunt a tool and does not account for particular issues that may arise and impact on house building.
43. Most notably in our district, the need to demonstrate water neutrality has had a severe effect on development following Natural England’s Position Statement relating to the North West Sussex Water Resource Zone. The Council is committed to overcoming the issue and is expending huge resource in trying to do so, but it is not the fault of HDC that the situation has arisen, but as things stand will be negatively impact by the housing delivery and supply tests going forward. Similarly other structural issues such as lack of investment in key infrastructure, reluctance of development industry to bring forward sites to avoid competition by other outlets, etc. can depress delivery rates.
44. Notwithstanding the above, if the current tests are to remain a part of the planning system, we support the proposal to also create a permissions-based test as it more accurately reflects the role that local authorities play in the planning system, in that we are rarely responsible for the delivery of sites and their build out rates. Guidance is needed as to whether the test will include outline permissions. Our view is that it should include outline permissions, or at least provide some form of allowance for them, given that it evidences that authorities have agreed in principle for development to come forward and it is for the development industry to then put forward reserved matters applications. Councils have relatively little influence in the speed by which reserved matters applications are brought forward and should not be punished for lack of progress on such sites.

**Q19 Do you consider that the 115% ‘switch-off’ figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?**

45. While accepting that not all applications approved ever get built out, this is largely not because of the actions of local authorities. In our view, if a local authority has approved 100% of its figure, it has carried out its core responsibility and should be able to determine applications without the tilted balance being applied. It would not prevent authorities from approving additional applications and the benefits of approving sustainable development are already set in the current NPPF and reinforced by additional incentives in this consultation document.
46. It is not clear why an additional buffer would be applied to account for failure by the development industry to deliver housing that has been approved. Adding a buffer provides a perverse incentive for the development industry to not build out sites that have permission in order to gain additional approvals through the tilted balance. Furthermore, there is no clear rationale or evidence provided by DLUHC as to why 15% is the appropriate figure to use (as opposed to 5% or 10%).

**Q20 Do you have views on a robust method for counting deliverable homes permissioned for these purposes?**

47. It is our view that if planning permission has been obtained, the amount of homes approved are technically deliverable in that those sites are capable of coming forward based on the actions of the developer. As such, given that developers are to be required to provide delivery timescales when planning permission is obtained, we think it would be appropriate if the delivery timescales submitted to the Council as part of the planning application are used.

**Q21 What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?**

48. With the changes proposed in the consultation, it would seem wise to postpone the consequences of the Housing Delivery Test until the new regime is in place. Otherwise, the position of different

authorities could quickly shift, impacting on the certainty that the planning system is supposed to create.

## Chapter 5 – A planning system for communities

### Q22 Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

49. We have undertaken work looking at the viability at social rented homes in the district, as part of the preparation of our Local Plan. We support increasing the provision of social rented homes, and affordable housing more generally, but recognise that under current funding arrangements, an increase in the amount of social rent may mean that fewer affordable homes overall would be viable in new developments if we were to insist on a greater proportion of social rented homes. We note that since grants were removed for affordable housing we have seen a significant reduction in the level of social rented homes being provided. Anecdotally, we have been told from registered providers and developers the social rent is unlikely to be viable to provide in Horsham District.
50. Alternatively, and preferably, greater direct investment in social rented housing provision would mitigate viability constraints: this would move us towards being able to deliver more optimal affordable housing tenures (i.e. more social rent) without impacting on the numbers of affordable homes delivered. We would note that the cost of doing so would be offset by reducing the burden on HM Treasury to top up existing unaffordable rents via Local Housing Allowance. The removal of the policy requirement to provide First Homes in new developments would also improve viability and thus increase the amount of affordable homes – including social rented homes.
51. It is unlikely that simply increasing the planning weight given to social housing provision in national policy will make any significant impact on its delivery and may simply raise community expectations whilst leaving viability issues unaddressed. It will be fiscal measures that make the real difference. The NPPF changes suggested also raises the issue of applicants being able to ‘buy’ planning permission by offering token increases in the proportion of social rented housing, compelling decision-makers to give less weight to housing quality, environmental impacts, and sustainability considerations. It would be more appropriate to allow LPAs full flexibility to set targets for affordable housing tenures that are appropriate to local circumstances and viability evidence (thus setting clear expectations in the Local Plan), rather than this being dictated through national policy.

### Q23 Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people’s housing?

52. We support the proposal to clarify that need for specialist older persons’ housing should be identified. We do however believe that guidance should be clear as to how such a need is to be assessed and presented.

### Q24 Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

53. We acknowledge that the desire for smaller sites, as expressed in the consultation document, is centred on urban authorities. However, it is our view that it is very difficult for large rural authorities to meet 10% of its needs on small sites in Local Plan and that this should be recognised in national policy. Furthermore the vast majority of available small sites in Horsham District are in urban areas. There is already a policy presumption in favour of development in these areas and there is a good rate of delivery of homes through windfall development. The specific need to allocate such sites seems an unnecessary duplication of work given that there is already a track record of delivery.
54. Firstly, we have wide coverage of Neighbourhood Plans in the district. In many instances, the communities have taken an active decision to allocate land for housing on small sites and protect other small sites through those Neighbourhood Plans in accordance with paragraph NPPF 70. This

depletes the sites available for consideration as small sites in Local Plans. We therefore think it would aid clarity if specific mention is made in criterion a) of current NPPF paragraph 69, to reflect that neighbourhood plans will assist in the desire to accommodate 10% of housing development on small sites.

55. In addition, it is impractical to expect every small site to be assessed through the Local Plan. Horsham District is 530sqkm, assessing every small site in the district would be practically impossible and go against the stated intention of the government to speed up the plan-making system. As it is, the Council already has around 800 sites in its SHLAA database.

**Q25 How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?**

56. An alternative to the current NPPF minimum 10% of housing approach would be to expect LPAs to demonstrate what proportion of their supply (as opposed to identified sites) is likely to be from small sites. This would likely take account of housing land availability assessments (e.g. SHELAA) but also take account of windfall supply trends and future windfall opportunities (i.e. as-yet unidentified sites). This should then be judged against efforts made by the LPA to encourage small site supply, including through their local plan policies, rather than against an arbitrary and one-size fits all national figure.
57. Because of the provisions of the existing Paragraph 64 of the NPPF, we are prevented from requiring affordable housing on sites that deliver less than 10 homes. We thus would recommend that this stipulation is removed and that instead, requirements be allowed to be set in Local Plans where the viability and need is evidenced. Such a change would further incentivise authorities and communities, through their respective plan-making processes, to allocate small-sites for housing development as it could provide much needed affordable housing.

**Q26 Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?**

58. We have no issue with organisations such as that discussed in the consultation document, being included as part of the definition of affordable housing if it makes it easier for such organisations to bring forward schemes. However, such organisations would need to be appropriately constituted and regulated in order to prevent commercial developers from posing as a community group and exploiting a loophole to deliver such sites for financial benefit rather than benefitting organisations targeted by this proposed reform. Thus, care will need to be taken when drafting the definition to avoid this eventuality.
59. Further, we are conscious that the definition of affordable housing is already almost an entire page in length and further additions to it would increase the complexity contained within it. A major frustration from the community in relation to affordable housing is that it is difficult to understand what affordable housing comprises of, and this change will increase this effect.

**Q27 Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?**

60. Anecdotally, we have been told that community groups often feel that they are prevented from bringing forward projects of their own because larger developers/registered providers have the ability to out bid them. Government may want to encourage or allow authorities to allocate land specifically to be brought forward by community groups (including Parish Councils) or at least for such groups to have first refusal when sites become available.

**Q28 Is there anything else that you think would help community groups in delivering affordable housing on exception sites?**

61. The key intervention that would have an impact would be much more meaningful resourcing being directed to community groups. This could include funding for support bodies to advise community

groups such as Community Housing Trusts, and/or direct financing of consultant support in relation to specific proposals.

**Q29 Is there anything else national planning policy could do to support community-led developments?**

62. We have no additional comments on this issue beyond those provided in the answers above.

**Q30 Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?**

**Q31 Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?**

63. In principle we are of the view that past behaviour in not bringing forward a site for development should be considered as part of a planning assessment. It is though unclear how in practice this could be implemented. Could this form the basis for a reason for refusal? Would this stand up at appeal? Could this lead to more legal challenges to decisions in the courts? The Council's concern is that any ability to consider this must be robust and meaningful. If it is not, it will set expectations that cannot be delivered, and it will not have the desired effect, which is to seek to ensure that appropriate development sites are built out to meet local needs.
64. We also agree that the development industry and not just local authorities need to bear some of the responsibility for the actual or perceived failings and broken promises that is often associated with the operation of the planning policy – which is described well in paragraphs 18-21 of this section of the consultation document. The Council is of the view that for far too long, the rhetoric from government carried forward into policy and guidance has been to effectively punish authorities for perceived inaction and failings, benefitting the development industry at large by encouraging speculative applications for development in unsustainable locations.
65. As such we welcome measures, such as that proposed, which will hold the development industry into account for actions that affect the trust of the communities in the planning system. Though we remain concerned that the principle will not be borne out in robust and meaningful policy changes, which will support this objective.
66. As well as determining the types of behaviours that would be taken into account and the different mechanisms, it is first necessary to consider and clarify who would be affected by the measures. Not all applicants are developers – some are landowners or land promoters. Given that permissions generally lie with the land, how could a planning authority realistically prevent 'bad developers' building approvals out when it is not involved in the sale or optioning of such land and/or may not know who will be the developer when determining the application? Similarly, will planning agents who secure permissions be affected by such provisions – will their behaviour be allowed to be considered through the proposals? Additionally, is it the applicant's personal liability or not – if not, it would seem likely that they would just create a new company with a different name to ensure that they are not affected in relation to any future applications. There are therefore a number of key issues that need to be resolved before any measures could meaningfully be introduced.
67. Assuming that it is clarified who the measures could be applied to, we think the scope of behaviours referenced in the document are appropriate – i.e. where development has been delivered without key community services, where development is proposed by those with a history of breaching enforcement notices, etc. We do think that it would be appropriate to extend the behaviours to those in the development industry who deliver unauthorised development and then try to apply retrospectively for planning permission.

**Q32 Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?**

68. We are not against the measures highlighted but would question their practical effect. Some of the proposals require more detail.
69. In relation to a), the publication of data relating to lack of provision of commitments is supported in general. However, there would need to be a fair amount of detail contained within this data so that Councils could understand what commitment a developer had reneged on and why this had occurred in relation to a particular development to allow it to be taken into account in future applications.
70. In relation to b), it is not always in the interest of a developer to maximise absorption rates as releasing new build properties slowly is likely to keep the cost of their product higher. Unless the development industry is compelled to release units on completion, it is difficult to see developers opting to maximise the absorption rate.
71. For c) whilst a useful tool in theory, this would only work in concert with financial or other penalties for slow build out/unrealistic delivery assertions. However, the consultation provides no details about the penalties but identifies that a separate consultation would be brought forward on such penalties – it is unclear as to why this was not included in this consultation. Without such penalties there would be nothing currently to prevent a developer from identifying a speedy timeline for the build out of development in order to secure approval, and then building out much slower than promised knowing that penalties for doing so are weak or don't exist. Yet the promise of fast delivery could have a major bearing on the approval of a scheme. There is, essentially, an incentive for developers to mislead whilst financial penalties to support the policy (i.e. the 'teeth') remain elusive.
72. In relation to all of the proposals, it is not clear as to the impact that such measures would have on schemes subject to outline planning applications. In many cases, such applications are brought forward by land promoters who may, at the point of determination, have no relationship with a developer.

## **Chapter 6 – Asking for beauty**

**Q33 Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?**

73. As is the case with the next question, it is unclear as to how adding in brackets to existing paragraph 20 "to ensure outcomes support beauty and placemaking" is going to have a quantifiable difference in how Local Plans are formed or how applications are dealt with. Local authorities already need to set out their approach to achieving good design in Local Plans and to achieve well designed places through its decision taking – the wording suggested doesn't change this.
74. We do think the change in existing paragraph 133 is of use, given that it is explicit in setting the government's expectation that design codes are the primary means of assessing and improving the design of development when they are produced. We would however reiterate the already widely-made view that preparation of meaningful design codes, which properly reflect local engagement, are extremely resource intensive and are best applied to fairly small geographical areas. This begs the question as to whether there will be additional DLUHC funding to support their roll-out; if not, this is likely to negatively impact on the production of design codes.

**Q34 Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?**

75. As a minor point, the word 'beautiful' does not appear as a tracked change in paragraph 84a in the version of the NPPF connected with this consultation – so it was not immediately clear that a change

had occurred/been suggested. Similarly, a change has been made to the existing paragraph 124e), rather than c) as you reference in the question.

76. Adding the word 'beautiful' into planning policy as is proposed will have very little practical effect on the determination of planning applications or how Local Plans are formulated. We recognise that the introduction of the term comes from findings from the Building Better, Building Beautiful Commission (BBBBC) and that they argue that planning ought to be less technocratic. However, the use of a subjective term means that, in reality, 'beauty' could be argued or self-defined to suit particular viewpoints and should be defined so as to allow beauty to be assessed in a measurable way.
77. We are also concerned that the prioritisation on beauty could lead to some unintended consequences. Reviewing the work of the BBBBC, it tends towards pastiche and quaint development – which may not be appropriate in all environments. Equally the focus on beauty seems to prioritise function over form. For instance, development in unsustainable locations could be deemed to be 'beautiful'; 'beautiful' cobbled streets would reduce accessibility for people with disabilities or children; and some development, e.g. certain types of industrial or agricultural uses, are unlikely to ever be 'beautiful' but should not be prevented based on appearance.

### **Q35 Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?**

78. The addition of a plans condition which clearly sets out the approved plans, including the elevational details, has been in operation at Horsham for some time. The additional text to existing paragraph 135 is though helpful by being more explicit that conditions can be sought to ensure well designed development is delivered and may make enforcement easier if the development does not deliver as expected.
79. It is the Council's view however that it would have been better to word this paragraph by putting the onus on the applicant to meet expectations, i.e. "Applicants should produce clear and accurate plans and drawings to provide visual clarity about the design of proposed development. They should use materials secured by conditions placed on approvals by local authorities. Local authorities are encouraged to take enforcement action where the quality of development does not meet conditions set." Putting the ambition of the policy in this way may discourage developers from not meeting their responsibilities.

### **Q36 Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?**

80. The specific mention of mansard roofs is bizarre and appears out of place. It is the Council's view that design elements such as this would sit better in local design codes, to reflect circumstances where the proliferation of mansard roofs would be appropriate. The Council would be extremely concerned if such an inclusion is reflective of the detail and types of policies that National Development Management Policies would cover.

## **Chapter 7 – Protecting the environment and tackling climate change**

### **Q37 How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?**

81. There could be environmental merit in restricting the use of artificial grass, but this seems too prescriptive, especially as it rarely falls within the definition of 'development', so it is hard to control via the planning system. This is as artificial grass is little different to outdoor mats, and with technological advancements could be produced in an alternative, environmentally friendly way. There would be greater environmental merit if the NPPF gave greater direction over the use of materials. It could place greater priority on the use of products and building materials formed from natural materials

which should be as locally sourced as practicable, and it could seek to discourage or restrict the use of synthetic materials (e.g. plastics, synthetic materials and resins derived from petrochemicals or non-organic sources - such as most makes of artificial grass and resin bound paths etc).

82. The NPPF could acknowledge, in the absence of durable organic alternatives, exceptions may be appropriate in respect of synthetic sport pitches because they enable efficient use of the land, and small-scale solar panels which facilitate wider environmental benefits through the production of renewable energy.
83. External lighting can also have a significant harmful impact on the environment, and when collectively considered, use significant energy. Given the potentially significant impact on wildlife and the environment, consideration could be given to the inclusion of all external lighting within the definition of 'development' and a requirement for express planning permission for outdoor lighting to give greater control over this when determining applications. Guidance could cover the need for lighting strategies, and if appropriate the type of lighting suitable for certain settings.
84. In addition to the above, the NPPF or NDMP could make explicit that native trees, hedgerows and hedges should be retained as far as practicable and that access/layout solutions must minimise their loss, and that any losses must be appropriately replaced taking into account wildlife connectivity.

**Q38 Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?**

85. There is merit in ensuring sufficient appropriate farmland is protected to build resilience to future crisis and shocks. However, the national Agricultural Land Classifications (ALC) map is becoming out of date as the grades can change over time depending on how the land has been managed. It is also costly for an applicant to undertake a thorough survey and local authorities are unlikely to have the resources to undertake such surveys on private land promoted for development. Additionally, the classifications are weighted towards arable land not all forms of farming. We thus think it should be updated nationally if the expectation is that it is used in identifying suitable locations for development and protection.
86. Potentially in conjunction with the ALC system, wider regard should be given to the underlying geology and context rather than just soil sampling to help establish whether the land could be important for agriculture. In addition to this, the historic use of the land should be taken into account, for example, downland may not be graded 1-3a according to the ALC but may be used for grazing sheep, goats, cattle, etc. bringing about significant biodiversity that wouldn't otherwise be present. As a consequence, the Council is of the view that there should be some mechanism to reflect the importance of grazing to farming on 'low' quality soils/agricultural land.
87. Consideration may also need to be given to ensuring there is sufficient land, in addition to food production, for the future provision of alternative materials such as flax, hemp and wood.

**Q39 What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?**

88. The Council does not have a firm view, but one approach could be the creation of a Quantifiable Carbon Reductions metric for development similar to the Biodiversity Net Gain metric. This metric would estimate the carbon budget for a development typology or particular masterplan and monitoring can be required to ensure that development delivers the carbon reduction envisaged. As localised metrics may be very expensive to develop individually, government should explore the creation of a central metric for use by authorities.

#### **Q40 Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?**

89. The Council supports the use of nature-based solutions (NBS), in principle. However, the extent to which NBS can contribute to climate change adaptation is not fully known nor the barriers to provision such as underground utilities, etc. The local environmental benefits may be more immediately obvious, but suitable natural sites for NBS may be limited.
90. The NPPF could place a priority on the provision of NBS wherever practicable and make clear that any engineered solution (e.g. provision of a waterway or a green link through a development) should be designed to be natural as possible and maximise its contribution to ecosystems and nature corridors. Any NBS should be appropriately linked with emerging Nature Recovery Networks and be appropriately managed in perpetuity. Where there is a lack of evidence that a NBS is operational long term precautionary measures may be required.
91. Policy could be made explicit in the NPPF that the presumption in favour of 'sustainable development' includes the provision of open space/natural planting and native trees and where practicable, on-site with a funded maintenance and management plan taking into account wildlife connectivity and 'environmental' links to other surrounding open spaces. This would help facilitate biodiversity, carbon capture (especially in relation to trees), help slow surface water run-off and help to provide urban cooling. Innovative water saving solutions should be promoted, particularly in areas such as Horsham District, where development is required to be water neutral and also in water stressed areas (which covers much of South East England).
92. The Council notes and supports in principle a review of policy and guidance on strategic flood risk assessment. We are, however, very conscious that more frequent reviews will cost money at a time when local authorities are already struggling financially. We would not therefore support an arbitrary deadline for SFRA review, rather recommend a discretionary review period to ensure that such reviews only happen when needed.
93. Whilst not mentioned in the consultation material, water efficiency is also highly important as we adapt to a changing climate. We think specific reference should be included within national policy that allows authorities in water stressed areas to set high standards within policy. With reference to the water neutrality issue in the Sussex North Water Resource Zone, we believe that there should be a specific allowance to require higher than national water efficiency standards to meet requirements that are generated by the Habitats Regulations.

## **Chapter 8 – Onshore wind and energy efficiency**

#### **Q41 Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?**

94. Horsham District is not home to any onshore wind farms and thus the proposed changes will have little practical impact at the current time. Notwithstanding this, the proposal would ensure that existing sites are reused and that they can benefit from advances to technology by becoming more efficient and/or produce more energy. Therefore, the proposed change is supported as it would make best use of land already set aside for this purpose.

#### **Q42 Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?**

95. As with our response to Q41, the general intent of the policy change is supported in order to make the most of existing wind energy infrastructure. It would aid clarity if the first sentence of the proposed alteration were to be extended to read "approve an application for the repowering and life-extension of existing renewables sites, where its impacts are or can be made acceptable in planning terms." (suggested addition underlined). Making such a change would make clear that the planning authority

would make decisions on planning grounds and that this element of the policy does not relate to the need for community support – which is covered in other aspects of the proposals.

**Q43 Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?**

96. The additional footnote 62 and changes to existing footnote 54 are broadly welcomed in that they provide further encouragement for a clean source of energy and explain the circumstances in which proposals for wind energy development should be supported by local authorities.
97. Despite the above and whilst we recognise the importance of community engagement in planning matters and can appreciate that wind energy development may be controversial for localities, it is not clear as to how government thinks that local authorities should measure 'community support'. As written, the footnotes seem to indicate that if a relatively small number of respondents to a planning application were to object to a scheme, authorities should not support it – even if the authority were to otherwise think it were appropriate and would represent sustainable development. Conversely, it could be interpreted that even if one person were to support an application for wind energy development in their community, that such a proposal could be considered as having community support. As a consequence, we feel that further guidance should be provided as to what is meant by 'community support'.

**Q44 Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?**

98. There is merit and support for the improvement of energy efficiency and energy performance. However, it is unclear how this, support for heat pumps and solar panels, etc., is to be interpreted alongside the need to protect amenity (including from noise, glare, etc.) and the proposed emphasis on beauty.
99. The use of the word 'particularly' rather than 'including' is queried as it can be interpreted that domestic efficiency improvements are less important than energy efficiency improvements in non-domestic buildings.
100. In addition to this, care is needed with retrofitting. This is especially so in relation to insulation measures, which can be external, that make a building more airtight – particularly within buildings with concrete floors with no operational fire chimney or similar natural air draw/venting system. This is as it can result in an increase in condensation and black mould growth and therefore generate negative health impacts. We also note that the advice to occupants with premises with black mould potentially runs counter to the benefits of greater insulation as they are advised to open windows/increase ventilation, increase heating, and to run dehumidifiers and/or mechanical ventilation systems which use energy. Therefore, the potential need for internal ventilation systems and impact on energy should therefore also be acknowledged and factored into policy and policy expanded to ensure that the need for good internal air quality is recognised and not prioritised by energy performance.
101. The paragraph could go further and potentially set a presumption in favour of retaining existing buildings given their embodied energy (to include energy used for extracting, making and transporting materials, construction etc. as well as that needed if the building were to be demolished).

## Chapter 9 – Preparing for the new system of plan-making

**Q45 Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?**

**Q46 Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?**

102. There is some inconsistency and confusion set out in the consultation document which needs addressing before we can provide support for the indicated timeline. From the material, it is suggested that by November 2024, LPAs with a plan which is more than 5 years old must begin the new plan-making process. Many authorities, potentially HDC, will likely be at examination of old-style plans at this date. Starting a new plan at that time, while still awaiting adoption of another will create resource issues within authorities and confusion in the communities which we serve. Clarity is therefore necessary for this eventuality.
103. Similarly, the timeline shows that June 2025 will be the cut-off point for submission of old-style plans and October 2026 will be the earliest date for commencement of new-style examinations. It is not clear what will happen during these two dates, but it would appear that Councils would not be able to submit Local Plans for examination for over a year. It would be useful for this to be clarified, but it is not clear as to how this would help the government's ambition to have comprehensive plan coverage.
104. Lastly, it is suggested that 31<sup>st</sup> December 2026 is the last date for adoption of old-style Local Plans. Given that old-style Local Plans could be submitted by 30<sup>th</sup> June 2025, this assumes that a Local Plan submitted at the cut-off date would be examined and adopted within an 18 month period. The experience for many authorities is that examinations last longer than such a period, particularly if resource issues at PINS persist and/or consultation on major modifications and/or multiple sets of hearing sessions are required. As such, the cut-off period described could have negative consequences and prevent adoption of plans for reasons that authorities cannot fully control.
105. The Council does not have a view on minerals and waste plans, or spatial development strategies.

**Q47 Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?**

106. It's not entirely clear why over two and a half years are needed to transition to the new system, albeit it is agreed that there should be a transitional period of time so as to prevent the occurrence where advanced Neighbourhood Plans would have to go back to earlier stages. Notwithstanding this point, should only new style neighbourhood plans qualify for the additional protection afforded by a revised NPPF paragraph 14, then we'd wish the timeline to be brought forward to enable our communities to benefit from the proposed change related to question 5 of this consultation.

**Q48 Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?**

107. While noting the desire to achieve plan-wide coverage by prompting Councils to finalise Local Plans, it is not clear why making existing SPDs that relate to already adopted Local Plans expire would be beneficial. SPDs provide clarity to existing Local Plans on specific issues to all stakeholders involved in the planning system and can be introduced relatively quickly to ensure that new national policy and guidance is reflected in a manner which reflects the local circumstances of a particular area. If they were to disappear without being adequately replaced, this could have unintended consequences and make it harder to approve some development proposals. We would urge this to be reconsidered. As described in many of our responses, the speed of plan-making stages is not always in the gift of local authorities – for instance, examinations may take longer than expected due to resourcing issues within the Planning Inspectorate or when waiting for input from key national bodies (i.e. Natural England, National Highways, etc.) and thus authorities should not be left with a policy gap owing to issues they cannot control.

## Chapter 10 – National Development Management Policies

### Q49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?

108. The Council is not generally in support of National Development Management Policies (NDMPs), given their power to override local policies set out in local and neighbourhood plans and/or prevent local authorities from introducing specific and distinct policies that reflect the particular issues affecting the district.
109. Nonetheless, if NDMPs are to become part of the planning system, the Council believes that their extent should be limited and underpinned by clear principles. In this respect, we do agree with the scope and principles identified in the consultation document – albeit we are concerned about the ‘selective’ additions proposed. Please see response to Q51 for our rationale.

### Q50 What other principles, if any, do you believe should inform the scope of National Development Management Policies?

110. The Council does not believe additional principles are necessary.

### Q51 Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

111. We are very nervous as to how ‘selective’ might be defined the government. In the examples listed, it would appear that NDMPs are envisaged for allotments and housing in town centres. We do not think such issues are suitable for broad-brush national policies that would prevent local policies being developed, local site circumstances to be considered and/or for existing policies to continue to be used.
112. For allotments, the need for such facilities should take into account local circumstances – such as condition of existing facilities, availability of plots, waiting lists, etc. Such matters can be taken into account when developing Local and/or Neighbourhood Plans, where an in-depth understanding of the demand for such facilities can be assessed. We would thus want to ensure that we could insist on our own locally derived standards rather than being made to adopt generic national standards.
113. With respect to town centres, a top-down national policy is unlikely to be sufficient to reflect that each town centre has different challenges that local and neighbourhood plans can address. We would be actively against a generic policy that would explicitly allow housing development in all town centres and in all circumstances. This would likely encourage the loss of non-residential uses to residential uses - leading to a loss of vitality in town centres and a reduction in services and facilities for the existing population – in so doing, making existing places less sustainable. We therefore believe that different town centres should be capable of having their own distinct policies, informed by knowledge that Local or Neighbourhood Plans can provide.

### Q52 Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

114. No specific comments are provided as to additional issues, we would not want NDMPs to cover water efficiency standards if it prevents local authorities, such as ours, from setting higher standards than that set out in the building regulations.
115. DLUHC will be aware that HDC have been heavily impacted by the position statement from Natural England on the matter of water neutrality in the Sussex North Water Resource Zone. This has resulted in less than 200 homes being permitted since September 2021, whereas in the three year prior to the Covid pandemic, our annual average delivery rate was almost 1,200 homes. We have worked closely with our neighbouring authorities, statutory bodies and government departments (including DLUHC) and have developed a shared evidence base with our neighbouring authorities to

allow our respective Local Plans to move forward. We have spent a lot of time and money on getting to the point where we are confident that we can demonstrate that plan led development would be water neutral. This will involve a multi-authority policy approach and the creation of a joint water offsetting scheme that plan-led development could access.

116. Our shared Local Plan policy will require, among other things, that new homes are built to a higher standard (average per capita consumption of 85 litres per day) than the current optional standard in the building regulations (average per capita consumption of 110 litres per day). Should the NDMP prevent our shared Local Plan policy from being used, this would likely have the impact of aborting work on our Local Plan and prevent plan-led development from going ahead until such time as Southern Water bring forward strategic infrastructure to overcome the need to abstract water from their facility at Pulborough. Standard requirements would also have the effect of reducing the amount of housing or other development that could be provided, limiting the ability for local people to access affordable homes, and harming the economy and ability for businesses to grow. This runs counter to the wider government objectives of housing delivery and economic growth. Given that our evidence demonstrates that technology is available that can reduce per capita consumption below the building regulations target, our view is also that this would stifle innovation in the area of water efficiency, which is required more widely given the water stress experienced across most of south east and eastern England. Such innovation will in the longer term also have a positive economic benefit in generating high quality employment opportunities.

## Chapter 11 – Enabling Levelling Up

### **Q53 What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?**

117. The Council's view is that there should be an explicit link between where investment is to be directed and the amount of development that is to be expected in those areas. Collectively, investment coupled with an increase in the amount of new development is likely to accord with the levelling up missions. There should not be the same expectations of development in areas where national investment is unlikely to be focused.

### **Q54 How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?**

118. As above, there should be an explicit link between the aims of the levelling up agenda and development expectations. Without such a link, it is not clear how the planning system contributes to the agenda.

### **Q55 Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?**

119. Firstly, national policy should make clear what is meant by 'gentle densification'. There is no definition of this included in the NPPF or guidance and it is not clear on how this is to be measured or assessed as part of the plan-making or decision-taking processes. Would a 20% increase in development density be gentle or severe? Would 50%, etc.? As such, we would very much agree that policy and guidance require expansion in order for authorities to be able to deliver the government's ambitions. Within this, there should be clear signposts to good design principles, character assessment and best practice in urban regeneration, in preference to reliance on numerically expressed densities (which can be misleading out of context and are somewhat of a blunt tool).
120. More generally, care needs to be taken in the encouragement of brownfield development in town centres. Changes should not result in a lesser commercial, retail or service offer in such centres or discourage the development of such uses. The risk is that explicit encouragement for residential development in such places increases commercial rents and costs, thus making existing uses unaffordable at such locations. In such a situation, this would contradict the goal of locating

development in sustainable places as it would make such locations less sustainable due to a dwindling of work, shopping and leisure opportunities.

**Q56 Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?**

121. We would welcome such proposals to clarify as to what the government's expectations are on these matters. We would note that there are other groups who experience heightened vulnerability or perception thereof, or experience particular barriers to being able to fully enjoy public spaces and streets. These include Black and BAME people, disabled people and LGBTQ+ people, to name a few.

## **Chapter 12 – Wider changes to national planning policy in the future**

**Q57 Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?**

122. The original planning practice guidance, which had electronic links to relevant NPPF paragraphs and vice versa, was felt to be intuitive and helpful for those that used it. It was disappointing that this feature was lost when the guidance was migrated to the [www.gov.uk](http://www.gov.uk) website. We think that there would be accessibility benefits if this were to be reinstated as it would help with the navigation of multiple documents and policy areas – particularly if national policy pertaining to plan-making and decision-taking is to be split into a new NPPF and NDMP, respectively.

**Q58 We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.**

123. No specific comments noted other than those made under Q56. We would note that a key part of Levelling Up should relate to different groups in our wider society, for example based on income, housing security (or lack of), race/ethnicity, disability, and gender, to name a few. This should be more clearly recognised throughout, rather than just the current focus on geographical differences.