

National Planning Policy Framework: proposed reforms and other changes to the planning system

Horsham District Council Officer Response 5 March 2026

1. We are pleased to be able to contribute to the consultation on proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system. Though the consultation has had input from elected members, this is an officer-level response. It incorporates the views from a range of departments across the Council, including planning and housing and beyond.
2. It is considered that the proposals, when taken together, will centralise the planning system. There will be little local planning authorities can do to introduce policy or make decisions that reflect local circumstances given that the NPPF will standardise policies and processes across the country. Given that planning is about places and all places are unique, we think that this is a regressive step that will have unintended consequences and risks increasing community resentment to the planning system. We heavily question whether this will enable growth as intended and believe that it is unlikely to deliver the Government's house building targets, which in our view are unachievable without state intervention.
3. We note language, including on page 5, 7 and 8, about consultation responses being read by artificial intelligence (AI). Whilst we recognise the potential value of AI as a tool, we have concerns that the design of this consultation seems to be focussed on aiding AI processing rather than to enable Government to understand the issues thoroughly. Along with concerns about the Government not taking on board important views from the consultation questions, it also results in a highly repetitious response in places. For those who will read this response document fully, we therefore apologise – but this is what we have been asked to do.
4. We also wish to highlight concerns about the 'scale' used in most questions – from strongly agree to strongly disagree. This often makes little sense in relation to the question asked. For example, it is not obvious as to what the differences between partly disagree and partly agree are - if one partly disagrees with something it is likely to mean that that they also partly agree (and vice versa). In short, the design of the consultation is, in places, quite poor and we would question as to whether the Government will get useful feedback from just analysing the response based on the scoring scale alone.
5. Leaving aside issues relating to how meaningful the consultation is, we fundamentally agree with the central premise of the consultation that the planning system is both critical but not working well. The causes for this are near countless and some of these are discussed in response to the various questions. We accept that reform is therefore needed and support some of the proposals that should have positive results.
6. It should be recognised that a central cause of the problems that are affecting the planning system is the uncertainty caused by Government itself. The past 5 years has seen a near endless set of consultations and proposals – some of which were never brought into force, some of which were introduced and then dropped, and others for which clarity is awaited. Too frequently have promised reforms been delayed without any communication explaining why. Even at the time that this consultation was launched, the regulations for the new plan-making system weren't available and there remains no clarity on environmental assessment (for both plan-making and decision-making), or a national scheme of delegation. In addition, the duty to

cooperate was supposed to be legally removed by now and the introduction of related provisions, such as the Future Homes Standard, have been continuously delayed.

7. The system cannot function well with continued uncertainty and delay coming from the top. We therefore call on Government, as suggested in this consultation, to complete its reforms and then allow a long period of time for the system to bed in. This should be done without further delay.
8. Though there is no specific question to put this forward, our view is that the language used in the consultation document is critical of local authorities in their decision-making and plan-making activities but does not seek to hold the development industry to account as part of this process. For example, there is nothing in the document about the development industry's lack of desire to meaningfully increase build out rates and to be required to deliver at speeds they indicate in planning applications or in submissions to Local Plans. The material would indicate that all that is needed is for Councils to be more permissive in determining applications and in allocating more land for development whereas, in reality, it is ultimately the development industry that makes the decision whether schemes are delivered or not.
9. We provide responses to most of the questions posed in the consultation, but have not responded to matters not relevant to our planning powers in Horsham District (e.g. we do not set our views on minerals and waste planning, nor provide comments on questions relating to the green belt). On matters that we think are most critical to the operation of the planning system in Horsham District, our views can be summarised as being the below:
 - We are **strongly against** the proposed approach that supports affordable housing requirements in the proposed 'medium' category of sites to be met as financial contributions. This is the type of site that will most commonly come forward in most of our small and medium settlements and will mean that such sites will not contribute to mixed and sustainable communities as it is unclear how such contributions would be converted into delivery.
 - Though we are strongly supportive of measures to bring forward brownfield sites, we **strongly disagree** that a presumption should occur when Councils can demonstrate that needs have been met and/or that a sufficient supply exists, including through its development plan. The measures, as proposed, could see important existing urban uses lost to residential development, because they are less economically valuable to the landowner.
 - We do **not agree** the measures to require minimum densities in areas near to railway stations are appropriate for some rural contexts. We have some very rural settlements near railway stations where we would heavily question as to whether 50 dwellings per hectare would be appropriate and would, additionally, question as to whether they should be considered sustainable for large scale growth. Such settlements are devoid of even local retail options and are unlikely to use rail to get everyday food items, for instance.
 - Though the scope and responsibilities of Spatial Development Strategies (SDSs) and Local Plans have been set out, there are a number of elements where their relationship is unclear. Government should provide more explanation as to its expectations as to where an LPA or Mayoral Authority should be dealing with particular issues. Without such clarity, there is a risk of duplication, confusion and conflict between different levels of plan-making.

Non-statutory National Policy

Question 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?

10. On balance, we think the Government has struck the right approach when it comes to introducing national policy. For the reasons set out in the consultation material, we largely agree that the need to ensure flexibility/responsiveness to new issues are important given the complexity that arises from introducing policy through legislation. That said, we hope that the Government does not seek to consistently tinker with national policy, as the system needs time to bed down before the effect of the changes can be known.
11. Notwithstanding the above, as we make clear in response to other questions, we are strongly of the view that national policy should not be overly prescriptive, nor should it override or place undue limitations on locally produced policies. It is our view, as we set out more fully in response to other questions, that the Government has gone too far in reducing the scope and effectiveness of the development plan. In particular, the provisions within Annex A which ensures that adopted policies may be given very little weight in decision making, appears incompatible with a system that is supposed to be plan-led.

Changes to structure

Question 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.

12. Partly agree.

Question 2a: Please provide your reasons, particularly if you disagree.

13. We largely support the changes in format and structure. The document is set out in a logical manner and makes it very clear whether the policies apply to plan-making or decision making. We are also supportive that in some instances it sets out expectations on those proposing development – this is a positive step and reflects that the local authorities are not the only actor in the planning system.
14. However, we are conscious that the format and detailed nature of the document represent a step-change in how national policy is set out and that there are significant changes proposed in relation to some planning issues. As a consequence, there will be a period of adjustment for Officers to become familiar with policy wording, references, when the final version is published. The Government should be aware that there will be some inevitable disruption as the changes bed in. To aid this, it would be useful for Government to include as an annex a list of all policies and an expected way in which policies should be referenced.

Question 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.

15. Partly disagree.

Question 3a: Please provide your reasons, particularly if you disagree.

16. It is a logical step to make clear that the information in the annexes is to be considered policy and not guidance. We are therefore supportive of this element of the proposal.

17. That said we have extreme concern about the effect of paragraph 2 of Annex A. Policies in the development plan could be judged to be in 'any way' inconsistent just because different language is used for the same meaning and would mean that adopted policies are to be given very limited weight. We would question as to whether this is actually intended, but it has been interpreted by many in that way. We recommend that 'any way' needs to be removed from the final draft and made clear that very limited weight should only be given to policies where they are, in general terms, inconsistent with national policy if that is the intent of the provision.
18. Furthermore, we are against the principle of the proposal and think it to be unjustifiable. If a development plan has recently been adopted and the need for a local policy position to exist to respond to particular circumstances in an area has been justified through a thorough examination, it is not clear why specific local policies should be given very limited weight - even if it departs from the general approach to a matter as set out in national policy. This acts to discourage authorities to deal with potentially knotty issues and put resources into the preparation of Local Plans. This needs a rethink, in our view, to ensure that the system remains plan-led as is the stated intent.

Question 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.

19. Neither agree nor disagree.

Question 4a: Please provide your reasons, particularly if you disagree.

20. We have mixed views in relation to this. On the face of it, it makes sense that policy in relation to Gypsy and Traveller (G&T) sites are contained in the same national policy document – given that policies for almost every other land use are contained in the NPPF. It has not been obvious to some Officers as to why policy on G&T sites were historically separated in this way.
21. Notwithstanding the above, from an Officer usability perspective it has been helpful to have all relevant national policy for G&T sites in a bespoke document when it comes to determining applications and dealing with appeals. In addition, it may be easier for members of the G&T community to have national policy expressed in a single, clear document rather than having to search for all relevant G&T policies in a large, updated document – such as the proposed NPPF – that contains policy on all land use matters.
22. Considering both viewpoints, while also mindful of Government's desire to have policy contained within a single document, we would suggest that an appropriate way forward would be to include a specific G&T chapter within the new NPPF which identifies all relevant policies.

Chapter 1

Question 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.

23. Partly agree.

Question 5a: Please provide your reasons, particularly if you disagree

24. We think it is important that the Government uses consistent language throughout the document in relation to weight (and indeed other matters). That said, it would be useful to define a weighting hierarchy and to introduce a nationally-used scale. We have seen at appeals, for

instance, that different Inspectors and appellants try to establish different scales – adding unnecessary complexity to proceedings.

Chapter 2: Plan Making Policies

PM1: Spatial Development Strategies

Question 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.

25. Partly agree.

Question 6a: Please provide your reasons, particularly if you disagree.

26. We largely agree with what is proposed but think that the wording of some criteria need tightening or redrafting. In relation to criterion a, it is not clear whether the Government are proposing that the SDSs can reapportion needs arising from one authority in a Mayoral Combined Authority (MCA) to another authority within the MCA. We think that this is likely the intent, but the wording is currently ambiguous.
27. In reference to criterion b, it is not clear what is meant by ‘major’ and ‘large’ in the context of this policy. Government should be clear and define the size and scale of development that the SDS can identify to prevent any confusion and remove potential conflict between Mayoral and local planning authorities. Similarly, it will need to be made clear what is ‘strategic infrastructure’ in the context of criterion f. By not defining this, it risks duplication between authorities or some matters being overlooked if the different types of authorities conflict in what they believe is relevant to them.

Question 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.

28. Strongly disagree.

Question 7a: 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?

29. Part of the reason for the effective failure of the plan-led system in the southeast of England (and in other places) is the lack of stability when it comes to housing targets. Under the current system, housing need figures change both regularly and dramatically. This makes it increasingly difficult – particularly in areas with high affordability ratios - to have a clear picture of what a housing requirement will be when a Local Plan is being prepared. From a Local Planning Authority (LPA) perspective, one of the apparent advantages of the proposed system is setting a clear, unambiguous target for LPAs to plan for.
30. Above all, the planning system needs the certainty that adopted SDSs could provide. If SDSs have to be regularly altered to update calculations on housing needs, the same problem that besets the current system will also arise. As we have found in the current system, when housing expectations move, some evidence work is aborted and/or further work is necessary. It is our view that it would not be beneficial to have to plan for different housing need figures when a Local Plan has passed multiple Gateway checks.

31. It is therefore our view that SDSs should not be altered any quicker than every five years. If Government feels compelled to require changes to SDSs in a shorter timeframe where a 'significant' change in needs is identified, it needs to be very clear what 'significant' is. We would state that would only be in situations where needs have more than doubled using the same methodology that was in operation at the time the original SDS was adopted.

Question 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.

32. Partly agree.

Question 8a: Please provide your reasons, particularly if you disagree.

33. We strongly agree with the principle of the proposal – the planning system should be plan-led rather than formula-led. Thus, unless things have substantially changed, an SDS should remain in date until it is altered through the agreed process.
34. However, we think that the Government will need to be precise as to what amounts to being 'significant' in the context of the proposal – otherwise this will lead to much confusion and litigation. For example, a significant change in an area's local housing needs could be in circumstances in which need has doubled using the same methodology that was in operation at the time the original SDS was adopted, but it could also be argued that this is the case with a 25% increase. This will need to be clearly set out and precisely defined.

PM2: Local Plans

Question 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.

35. Partly disagree.

Question 9a: Please provide your reasons, particularly if you disagree.

36. We think the intent of the Government is clear, though the Council is of the view that the limiting of the scope of Local Plans does not allow the planning system to properly reflect local circumstances and/or planning matters which are locally important to the community.
37. As is common with responses to other elements of the consultation, we are of the view that the Government should be more precise when it comes to the wording of 3b – this is as it is not clear as to what amounts to 'significantly'. This needs to be made clear to avoid confusion and litigation.

Question 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

38. No.

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

39. We think that a minimum of ten years would be appropriate. The current regime leads to situations where unforeseen issues leading to increased time in plan preparation requiring modifications becoming necessary during the examination to extend plan-period. This in itself, takes unnecessary time to undertake. An allowance for a minimum 10-year period (whilst allowing authorities to plan for a longer period should they wish) would mitigate against the problems in the current system.
40. Alternatively, if the Government is wedded to a minimum 15 year period, we think the clock should start at the point of the notification period, thereby limiting the need to alter plan periods through the preparation of the Local Plan.

PM6: General principles for Plan-making

Question 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.

41. Partly disagree.

Question 11a: Please provide your reasons, particularly if you disagree.

42. We agree that the policy is clear in intent. However, the criteria, taken together act to limit the scope of new-style local plans. We do not agree with the principle and believe that local authorities, in consultation with their communities, should be allowed to bring forward planning policies based on the specific characteristics of their areas and knowledge as to what is locally important.
43. We would add that the provisions could be judged to be internally conflicting. As an example, criterion d asks that stakeholders and communities identify issues that they think Local Plans ought to cover, but other elements of this policy would essentially prevent Local Plans from dealing with the issues raised.

PM7: Initiating plan-making for local plans and minerals and waste plans

Question 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.

44. Partly agree.

Question 12a: Please provide your reasons, particularly if you disagree

45. In relation to criterion b, the consultation documents do not reflect the situation that our (and other authorities) find themselves in with respect of Local Government Reorganisation. It is not possible to know how different stages of the Local Plan will be signed off by elected members post 1 April 2028, as our authority will not exist. There should be some recognition that in such areas, there is likely to be practical difficulties that will negatively impact the preparation of a Local Plan in the time window envisaged.
46. Separately, there seems to be no recognition that political/corporate direction can change during the preparation of a Local Plan. There are many examples of authorities beginning again or repeating a stage of plan preparation when a new administration is elected, and in so doing

reflecting the democratically elected views of that community. It is not clear as to what Government expects authorities to do when such situations arise.

PM8: Evidence for plan-making

Question 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.

47. Partly agree.

Question 13a: Please provide your reasons, particularly if you disagree.

48. We welcome the emphasis of needing a proportional evidence base both in this policy and elsewhere, which should reduce costs, time and complexity of plan-making.
49. We note that there is no reference, either here or elsewhere, to needing to undertake a sustainability appraisal. It would be helpful if it could be confirmed by Government at the earliest opportunity whether this is to be a requirement of the new system.
50. Historically, some of the most costly and time-consuming evidence to prepare has been in relation to transport modelling. This has often been to meet requirements from the Highways Authority (in our case West Sussex County Council) and National Highways, so that they could analyse the impacts of planned development on the transport network. It would be useful, in either policy or related guidance, if the Government could make clear that statutory consultees should not insist that evidence is prepared over and above that which is necessary to demonstrate the impacts of the plan.

PM9: Identifying land for development

Question 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.

51. Partly agree.

Question 14a: Please provide your reasons, particularly if you disagree

52. We broadly support a nationally defined methodology for the assessment of sites (criteria a-c). It is logical that there is consistency across authorities about how sites are assessed. It is however considered that the methodology would need to be sufficiently flexible to take account of specific relevant local circumstances, given the variation in place and character of areas across the country.
53. In general, we also support criterion d, in that the sites that are identified in the development plan should be those that were positively assessed in the site assessment work. However, it would be useful (either in guidance or policy) if it could be explicitly referenced that plan making bodies need to account for cumulative impacts. We have found that in some cases, it may be that sites were assessed favourably in their own right through the assessment process, but that when consideration is given to the allocation of other sites in close proximity, it may not be appropriate to allocate them.
54. Similarly, an important component of neighbourhood planning is the seeking of views from local residents as to which sites should be supported locally. As such, we are aware of instances where sites have been allocated, which may not have been assessed as being as favourable as others, but where there was local support its development. The contrary is also true – favourably assessed sites have not been allocated because such sites were locally unpopular. Government

needs to make clear (either in this or other policies) whether local support is therefore an acceptable consideration when assessing and identifying sites in Neighbourhood Plans.

PM10: Maintaining cooperation between plan-making authorities and PM11 Demonstrating cooperation between plan-making authorities

Question 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.

55. Partly agree.

Question 15a: Please provide your reasons, particularly if you disagree.

56. We agree in principle that authorities should engage regularly, particularly where there are interdependencies. With regards criterion 3 of PM10, we agree that where there is an adopted SDS in place, Local Plans should not cover such issues. However, it is not clear what happens in instances where the SDS and Local Plan are both emerging and that needs to be explained. Similarly, we strongly support criterion 4 of PM10 – this has been an issue with our ongoing Local Plan examination, where it has been suggested (including by the then Inspector) that we should have waited for other bodies to finalise their plans before proceeding.

57. With PM11, we agree that statements of common ground are a good basis to demonstrate co-operation. We would encourage Government to reiterate the need for these to be produced to all relevant stakeholders. As recent example affecting our LPA, the Environment Agency did not agree to sign a statement of common ground, but instead accepted only the production of a Position Statement – which caused some confusion. Similarly, we have been a participant at another authority's examination where it did not appear that the Inspector accepted a statement of common ground as accurately reflecting the relationship between parties. Guidance should make clear that a signed agreement between public bodies should be accepted as the agreed position.

PM12: Developer contributions

Question 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.

58. Strongly agree.

Question 16a: Please provide your reasons, particularly if you disagree.

59. We do agree that Local Plans should be clear and upfront in stating what it expects from development.

Question 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.

60. Strongly disagree.

Question 17a: Please provide your reasons, particularly if you disagree.

61. Criterion 4 seems to put the onus on the Council to identify a get out clause for the development industry to forgo the delivery of much needed affordable housing. Our view is that if a proposal

cannot deliver requirements, which have been assessed as being viable at examination by an independent Inspector, then the onus should be on the applicant to make changes to their scheme so that requirements are met. The public and the Council should not have to compromise much needed affordable housing (or other infrastructure) because a developer has paid over the odds for the land.

62. It follows the above that our view is that Government should make clear in national policy that the expectation is that the development industry meets requirements set out in adopted Local Plans and that they should be advised to consider such requirements when making investment decisions.

PM13: Setting standards

Question 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.

63. Partly disagree.

Question 18a: Please provide your reasons, particularly if you disagree.

64. We accept the benefits stated in the consultation material that nationally set standards could have positive benefits and encourage the development sector to develop and introduce energy efficiency products at scale if the rules are consistent across the board.
65. However, we note that other policies in the draft NPPF (for instance, CC1) set out expectations that Local Plans address climate change. As such, it could be viewed that the Government's approach is contradictory given that the need for energy efficiency and impacts of climate change could differ across the country. It may also be regressive if higher standards are already being delivered effectively and these then revert to weaker ones.
66. We are also concerned that setting national standards could be counterproductive to innovation given that technological changes need to be trialled on a more local scale before becoming embedded at a larger national level – local policies can be a means of testing the workability of changes. This may therefore give rise to standards which are operating at what is the 'lowest common denominator' in terms of costs, resulting in lower quality developments than could be both possible and viable. It may also slow the pace of driving the improvements in standards such as those necessary to address the climate crisis.

PM14: Examining Spatial Development Strategies & PM15: Examining Local Plans and Minerals and Waste Plans

Question 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.

67. Partly agree.

Question 19a: 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?

68. Though we are not an authority that will prepare a Spatial Development Strategy (SDS), we do make comment on the soundness tests for SDSs as expressed in PM14. With respect of the 'Positive' limb, the explanatory text sets out where the SDSs that do not meet needs, such authorities should make efforts to ensure that such needs are met elsewhere. However, there is

nothing in this limb that requires other authorities to meet unmet needs arising from elsewhere where this has been agreed. There is the potential for there to be uncertainty without clarifying expectations in this passage.

69. In respect of the 'Appropriate' limb, would it not also be wise for emerging SDSs to have regard to emerging/adopted SDSs prepared by other authorities as well as existing Local and Neighbourhood Plans within the area that they cover? We think it would be inappropriate if a SDS could (either by intent or accident) make existing or proposed allocations undeliverable by content in a new SDS and this should be assessed when they are examined.
70. As a minor, presentational matter, it may be useful to reorder the soundness limbs within PM14 in order that the acronym reads 'PACE' and therefore would be more memorable than the proposed order.
71. With regards to PM15, the soundness tests are clear and the changes supported. The removal of the 'Justified' limb is noticeable, but in our view was often used to insist on more evidence being produced than necessary to ensure that examinations were passed. As such, its removal is seen positively and is consistent with other elements in the draft document. That being said, further guidance is needed as to what evidence is necessary to successfully support a new-style Local Plan. This includes being absolutely clear as to whether a sustainability appraisal is required and what the impact of proposals for Environmental Outcome Reports will mean.

PM 16: Examining supplementary plans & PM17: Examining Neighbourhood Plans

Question 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?

72. It is very difficult to fully comprehend how the new-style plan-making system will work without seeing the relevant regulations – which had not been released at the time of this response, despite previous indications from Government that the regulations would have been provided by this point. Government should have ensured that the proposed changes were made public in a logical way – i.e. at the time of the consultation on the NPPF. It is also still the case that there is no information about environmental assessment – Environmental Outcome Reports were consulted upon some time ago, but we're yet to see how they will impact on plans being prepared or even if they are going to be introduced. At sessions that Officers had attended in relation to the consultation, we note that questions were directly asked to Government officials, who seemed unaware of the difficulties that the late release of the regulations would cause in terms of the ability of local authorities to effectively plan for and resource the new requirements.
73. In relation to neighbourhood planning, we welcome the clarification introduced by PM17. However, we seek greater clarity on what constitutes "duplication" or "substantive restatement". While the intention to avoid unnecessary repetition of national decision making policies is broadly supported and understood, the policy would benefit from clearer guidance or examples.
74. In practice, some restatement of national policy is often used by neighbourhood plan groups to provide much needed local context or to support local understanding of a complex planning system. This level of restatement and contextualisation is generally acceptable. Without further clarification, there is a risk that examiners may interpret the policy too strictly, discouraging helpful signposting or contextualisation that does not materially alter national policy intent. A more proportionate approach would be to treat duplication or restatement primarily as a matter of plan quality, rather than as a fundamental compliance issue with the NPPF, unless it results in clear policy conflict or there is confusion.

75. Neighbourhood Plans must adhere to the Basic Conditions, including the requirement to have regard to national policy and to be in general conformity with the strategic policies of the development plan. It should be made explicit that PM17 does not introduce a new or higher threshold beyond these conditions, but instead provides clarity on how they should be applied in the context of neighbourhood plans. To address this, consideration should be given to providing updated Planning Practice Guidance (PPG) or examiner guidance alongside PM17.
76. Regarding PM5 and neighbourhood plans, neighbourhood plans can positively contribute to local housing supply through site allocations. However, in some cases, it has been our experience that it has not been possible for local groups to allocate sufficient land to meet local development needs in full. This is often due to environmental constraints and/or a lack of suitable and deliverable sites. This does not mean a local community cannot have a say in how their community should grow by advocating and supporting policies such as green infrastructure provision or design to shape their environment.
77. Regarding PM5(1)(a) and cross referencing with S6 (Neighbourhood Plans and the presumption), clarification is sought on the distinction between meeting the “housing needs of a local area”, as referred to in PM5(1)(a), and the “housing requirement”, as referred to in S6 of the draft NPPF.
78. The draft document does not clearly indicate whether these terms are intended to be synonymous or whether they represent materially different tests for neighbourhood plans. In particular, the term “housing needs of a local area” could be interpreted as broader and potentially less precisely defined than “housing requirement”, which is generally understood to refer to the objectively assessed housing need or the figure set out in an adopted or emerging strategic plan.
79. This lack of clarity risks creating uncertainty for neighbourhood plan groups and decision makers regarding the level of housing provision that neighbourhood plans are expected to support to benefit from the policies in PM5 and S6, including the application of the presumption. It also has the potential to lead to inconsistent interpretation at examination and appeal, particularly in areas where strategic housing policies are not up to date or where there is debate over the extent to which local circumstances should influence housing numbers at neighbourhood level. Clarification is therefore sought as to whether: “housing needs of a local area” is intended to mean the housing requirement established through the strategic plan; or it allows for a broader assessment of locally identified needs that may differ from, or go beyond, the strategic housing requirement.
80. It is recommended that the draft NPPF be amended to use consistent terminology across PM5 and S6, or to include an explicit explanation of the relationship between “housing needs” and “housing requirement”, in order to provide certainty and avoid unintended consequences for neighbourhood plan preparation.

Chapter 3: Decision-making policies

DM1: Preparing Development Proposals

Question 21: Do you agree with the principles set out in policy DM1? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

81. Partly agree.

Question 21a: Please provide your reasons, particularly if you disagree.

82. We broadly support the objective of Policy DM1 to simplify and streamline the preparation of development proposals, particularly the emphasis on proportionality and the reduction of

unnecessary administrative burden for smaller-scale development. The current development management system can, in some instances, be overly complex and resource-intensive for both applicants and local planning authorities, and a clearer, more risk-based approach to information requirements is welcomed.

83. In relation to DM1(1), we support the stronger focus on meaningful pre-application engagement for major development. In our view the semi-colon in the policy (“it; and”) at the end of criterion 1a is confusing as it reads as though the pre-application engagement should include the matters set out in part 1b. Our understanding of the intent is that the requirements of part 1b are for inclusion in the planning application submission, not as part of the pre-application engagement. As such, this should be amended.
84. In relation to DM1(2), officers have some concerns about the implied relaxation of information requirements for smaller schemes. While the principle of proportionality is supported, even small-scale development can raise important planning issues relating to design, amenity, heritage, highways, flood risk, biodiversity, and conformity with local and neighbourhood plans. In practice, the absence of any requirement for a concise planning statement or supporting justification for such proposals risks undermining decision-making efficiency, increasing requests for further information, and placing greater interpretive burden on case officers.
85. We would therefore recommend that Policy DM1 makes clear that, while the scope and level of detail should be proportionate, all applications — regardless of scale — should be accompanied by a short, proportionate planning statement or equivalent supporting information explaining how the proposal accords with the development plan and relevant national policy. This would promote transparency, improve application quality, and assist in delivering timely and robust decisions, while still achieving the Government’s objective of reducing unnecessary complexity for smaller applicants.

DM2: Information Requirements

Question 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.

86. Partly agree.

Question 22a: Please provide your reasons, particularly if you disagree.

87. We view the Annex C table as being helpful, though it does create a more complex, three tier validation list that comprises statutory documents, NPPF Annex C documents and LPA local validation requirements. We would suggest that the statutory list and the table in Annex C is combined to aid navigation for both LPAs and applicants.

Question 23: Do you have any views on whether such a policy could be better implemented through regulations?

88. It is unclear how regulations would improve matters. This is as there would continue to need for local judgement as to what information is necessary at validation stage to account for development plan policies.

DM3: Determining Development Proposals

Question 24: Do you agree with the principles set out in DM3? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

89. Partly agree.

Question 24a: Please provide your reasons, particularly if you disagree.

90. We agree with the overall principles set out in DM3, particularly with the emphasis on proactive engagement, proportionality and timely decision-making, which align with the direction of the existing NPPF paragraphs 39-44.
91. In our view however, the policy does not go far enough in ensuring that applicants provide sufficient, complete and high-quality information at the outset, and there is no clear push within DM3 to require robust, well-prepared submissions.
92. Without this balance, this creates a possible scenario where information is not forthcoming from applicants resulting in prolonged delays or refusals, in addition to officer time. To strengthen the policy, DM3 should clarify that timely decisions are expected only where sufficient information has been made available, consistent with the NPPF's focus on early issue-resolution and front-loading. This adjustment would ensure that responsibility for efficient decision-making is shared fairly between applicants, consultees and the local planning authority.
93. In light of the clarity at DM3 1(a), we would welcome the removal of the Article 35 notice requirement on decision notices, that in our view do not offer value.

DM4: Emerging Development Plan Proposals & DM5: Development Viability

Question 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.

94. Partly disagree.

Question 25a: Please provide your reasons, particularly if you disagree.

95. We agree that those proposing development should be putting forward schemes that are financially viable, taking account of the costs with requirements set out in national policy and the development plan. This, in our view should be explicitly stated in this policy – ideally in the first criterion – so that there is no doubt about Government's expectations.
96. We believe that the matters set out in Policy DM5 do not advance the current national approach. It remains our view that developers will almost always find an angle to justify the uniqueness of their viability case – whether their scheme is truly unique, or, as often is the case, it is not.
97. It would be beneficial if the Policy (or the associated annex when it is finalised) could clarify that a 20% profit margin should not be considered sacrosanct, particularly on development proposals that are low risk – such as sites allocated in the development plan. Often developments are viable for the full affordable housing quantum at a 15-20% profit margin, yet viability cases are made based on not achieving a 20% profit margin.
98. We note the requirement to make all viability appraisals public in criterion 4. There are differing opinions as to whether this should be the case and the Government will need to carefully balance the benefits of transparency against the need to preserve commercial confidentiality. If publication is required, Government will need to provide clear guidance as to what, if any part of the viability appraisal can be omitted from public view.
99. Further, we would add that review mechanisms are helpful for large scale developments. However, they can be cumbersome and are of limited value for smaller developments. Policy DM5(6) should clarify expectations around when review mechanisms should be used.

Question 26: Do you have any further comments on the likely impact of policy DM5: Development viability?

100. We welcome efforts to bring certainty with regards to viability within the NPPF itself rather than via the PPG. However, the very nature of viability appraisals is such that we doubt it will meaningfully impact on the number submitted, which in Horsham District is not many.

Question 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?

101. Yes

Question 27a: 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.

102. We do not consider that any fundamental changes are necessary. In order to ensure the integrity of s106 agreements and commitments made by applicants when gaining planning permission, it is of key importance that there remains a period where there can be no negotiation on the agreement unless the LPA considers it appropriate. This is currently 5 years under s106A(3) and (4). The NPPF could encourage LPAs to consider requested amendments within this period, as some amendments may be mutually beneficial to enable development to proceed in the public interest.

Question 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.

103. Yes

Question 28a: If so, please provide views on the current use of s73 and, if any, the impact on affordable housing obligations.

104. The majority of s106 obligations cap the amount of affordable housing to policy compliant thresholds. The NPPF and PPG could encourage LPAs to consider favourably, and at pace, modifications to increase this cap where it would enable additional affordable housing (such as units that are secured via grant funding) to come forward. Such additionality would need to be balanced against associated loss of CIL receipts.
105. We do not use s.73 to modify planning obligations as we use a bespoke application form and fee that refers directly to s106A of the Act. Clarity will be required if the Government intends to make s.73 the standardised means by which to amend a planning obligation, which may mean that transitional provisions are needed.

DM6: Use of Planning Conditions and Obligations

Question 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.

106. Partly agree.

107. We support the overarching objectives of Policy DM6 to improve clarity, consistency and efficiency in the use of planning conditions and planning obligations. In particular, the alignment of the tests for planning conditions with their statutory basis is welcomed, as this should help reduce ambiguity and ensure greater legal robustness in decision-making. Similarly, the removal

of duplicated policy tests for planning obligations, which are already set out in legislation, is supported and should simplify both policy interpretation and application.

108. We also agree that conditions should not be used to secure financial payments, and that planning obligations should remain the appropriate mechanism for addressing development impacts requiring financial mitigation. This reflects long-established case law and best practice and should improve transparency for applicants and communities.
109. The proposal to introduce national model conditions and obligations has the potential to bring benefits in terms of consistency, predictability and administrative efficiency, particularly for applicants operating across multiple local authority areas. We therefore support the principle of developing a national suite of model clauses, provided that this is undertaken collaboratively with local planning authorities and practitioners, as proposed.
110. However, we consider it essential that any model conditions and obligations remain sufficiently flexible to reflect local circumstances, local plan policy requirements and site-specific impacts. Development proposals within Horsham District frequently raise locally distinctive issues – such as those relating to landscape character, heritage assets, biodiversity, water environment, infrastructure capacity and affordable housing delivery. Overly standardised or prescriptive national templates risk constraining the ability of decision-makers to respond appropriately to these local considerations and resulting in delays.
111. We would therefore welcome clarification within Policy DM6 that national model conditions and obligations will operate as a starting point or benchmark, rather than a fixed or exhaustive set, and that local planning authorities will retain discretion to adapt or supplement them where justified by local policy and site context.
112. In summary, we support the intent of Policy DM6 to improve consistency, legal clarity and efficiency, but emphasise the importance of retaining local flexibility to ensure that planning conditions and obligations continue to secure outcomes that are properly tailored to local needs and impacts.

DM7: Relationship with Other Regulatory Regimes

Question 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.

113. Partly agree.

Question 30a: Please provide your reasons, particularly if you disagree.

114. The revised policy provides a welcome clarification regarding the need to assume other regimes will operate effectively, limiting duplication. However, it would be helpful if the NPPF or PPG could itemise those other regulatory regimes where there should be a presumption against duplication, for instance water resources and disposal, building regulations, environmental licensing, etc.
115. More generally, it is our view that the Government needs to do more to ensure that infrastructure providers get in place their statutory plans in a timely manner and are held to account for their adopted plans. On this, the Government should be aware of the delayed nature of the Southern Water Water Resource Management Plan and the issues that this caused in relation to the submitted Horsham District Local Plan.

DM8: Unauthorised Development and Enforcement

Question 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.

116. Neither agree nor disagree

Question 31a: Please provide your reasons, particularly if you disagree.

117. The policy is welcomed in principle as it could strengthen the enforcement framework and deter deliberate breaches, whilst also addressing public concern about fairness and undermining confidence in relation to retrospective applications.

118. However, retrospective applications are an established part of the planning system and often produce acceptable outcomes. It is therefore important that the policy does not unintentionally weaken the ability for applicants to seek retrospective permission or unfairly shift the balance of material considerations.

119. It must be acknowledged that evidencing intent of deliberate unauthorised development will be difficult in many, if not most, cases. For example, it may be challenging to prove that a householder deliberately built an extension without first obtaining planning permission, even if permission would ultimately have been granted had they applied.

120. Without further clarification, there is a risk that intentionality could be treated as a standalone basis for refusal, even where a proposal is otherwise policy compliant. Clear guidance on how to define intent is therefore essential to ensure consistent and proportionate decision-making. If there are particular land uses that this policy is targeting, then this should also be made clear.

Question 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?

121. Yes.

Question 32a: If so, are there any particular additions or mitigations which we should consider?

122. The greatest harm from intentional unauthorised development comes from the length of time it may take to either approve retrospectively or enforce, given the timeframes for appeal. In our view, it is this length of time which causes distress and undermines confidence in the planning system. Consideration should be given to significantly shortening appeal timeframes for unauthorised development.

DM9: Use of Development Orders & DM10: Article 4 directions

Question 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.

123. Partly agree.

Question 33a: Please provide your reasons, particularly if you disagree.

124. The current wording of DM10 part 1a. provides clearer guidance on the purpose and provisions of an Article 4 Direction, which is supported. That said, we do not think that focus on the size of the area should be a primary aim. Instead we think that criterion c, should be restated to 'apply to the most appropriate area', which means that multiple factors, not just size, should be considered when defining the area.

Chapter 4: Achieving sustainable development

S2: Producing a Spatial Strategy

Question 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.

125. Partly agree.

Question 34a: Please provide your reasons, particularly if you disagree.

126. It is agreed that the development plan, as a whole, should set out a spatial strategy. However, it is unclear as to which level of plan-making this policy applies to. Is it for the SDS to set out the spatial strategy for its area which would then feed into Local and Neighbourhood Plans, or is this a Local Plan requirement to set out a spatial strategy for its area, or both? This needs to be clarified.

Question 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.

127. Partly agree.

Question 35a: Please provide your reasons, particularly if you disagree.

128. Providing a definition of 'settlements' in the glossary is welcomed and the inclusion of already established settlements is strongly supported. However, there is the potential for unintended consequences in defining planned development (approvals and allocations) as already forming part of a settlement. Given that development adjacent to a settlement edge is encouraged elsewhere in the NPPF, it could give rise to perverse situations where development leapfrogs the actual existing edge of a settlement on occasions where planned development doesn't actually come forward. This is referenced in footnote 29 to Policy S5, but also needs to be captured in the definition of settlement itself.

129. On a related matter, once a settlement boundary is defined, the principle of development within it is accepted. Therefore, even where a design code or master plan has been agreed upon, should the applicant want to amend the layout of the development, the Council would have less means of control in this regard, especially given the new persistent emphasis in favour of development within the settlement boundary. Consequently, there is a risk that inclusion of these sites could have not only a detrimental impact on character of the settlement to which it relates but cumulatively to the context of the area.

130. It would also be useful for there to be clarity as to whether reference should be made to settlements outside of an LPA's administrative area. Settlements outside of a local authority often provide services and facilities for its residents. For example, the Council, in agreement with Crawley Borough Council, previously allocated land in Horsham District to the immediate west of Crawley as an urban extension to Crawley. This neighbourhood is now known as Kilnwood Vale and is substantially built. Its residents will use facilities that exist in Crawley. In such an instance, it is not clear whether the Government would expect Crawley to be identified in the settlement hierarchy in a future Horsham District Local Plan. This should be clarified.

S3: Presumption in Favour of Sustainable Development

Question 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.

131. Strongly disagree.

Question 36a: Please provide your reasons, particularly if you disagree.

132. This policy is clear, though we disagree with the individual elements of the presumption and describe this in response to subsequent questions relating to policies S4 and S5.

133. We are disappointed that should a Council be able to demonstrate that is meeting its housing needs, whilst having an adopted Local Plan, the 'presumption' could still apply. This acts as a discouragement for local authorities to make difficult decisions and prepare a Local Plan and causes mistrust in communities where development occurs in areas that have not been identified. It seems to run counter to the ambition to retain a plan-led system and makes the assumption that maximising growth is the sole purpose for the planning system – when it should be an arena to balance competing matters. In practice, this approach will permanently undermine the primacy of the development plan.

134. In our view, we think the wording as exists in paragraph 12 of the existing NPPF should be retained - in that development that fails to accord with an up-to-date development plan should be refused. We also think it would be more logical if criterion 1c was the opening paragraph, with the other criteria cascading off, to reinforce the primacy of the development plan.

S4: Principle of Development Within Settlements

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

135. Strongly disagree.

Question 37a: Please provide your reasons, particularly if you disagree.

136. In general, we are supportive of encouraging development within settlements and in encouraging brownfield land to be reused. We are also in broad agreement that land within settlements are generally appropriate locations for new development. Our adopted Local Plan already gives support for development in such areas, subject to proposals being in accordance with other policies in the Local Plan.

137. Our fundamental issue is that Policy S4 completely undermines the primacy of the development plan, particularly those that are recently adopted and/or under 5 years old, and where LPAs are meeting their housing requirements. This will disenfranchise communities from being able to shape their areas to meet their needs and discourage authorities from identifying land to meet needs.

138. We would also caution that to apply an automatic tilted balance, even when Councils can demonstrate a sufficient housing land supply or can identify other locations to ensure needs being met, within built up area boundaries is unnecessary and could lead to unintended consequences. It is our belief that good decision making is about identifying the pros and cons of development proposals and using that understanding to make a balanced judgement as to whether development would be appropriate.

139. While noting the Government's ambition to increase housebuilding – particularly in urban environments - the approach suggested may lead to the loss of other, lower value land uses (particularly retail and employment units), which are very important to how settlements work and may be equally as suitable for location within urban areas. The provisions, as does the current NPPF's presumption, has the potential to give rise to poor quality outcomes whereby sub-par proposals are permitted, due to the 'tilt', that would otherwise have been refused. We would add that it could mean that allocations identified in Local Plans do not come forward in preference of other sites that may be easier/more desirable to develop from a construction industry point of view.
140. Separate to the issues identified about why we are not supportive of the approach in the policy, we do find it odd that while there is specific encouragement for residential development near railway stations but outside of existing settlements, that there is no equivalent encouragement for development near stations but within settlements. We think that this is an area that national policy could usefully cover. We also think an additional criterion in relation to design would be beneficial. Design is integral to placemaking and should underpin policies such as this addressing sustainable development.

S5: Principle of Development Outside Settlements

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

141. Partly disagree.

Question 38a: Please provide your reasons, particularly if you disagree.

142. We agree that development outside of settlement boundaries should be limited to a few exceptions. However, there are so many exceptions within the proposed policy that we would question as to whether development outside settlements is, in reality, limited. It is considered that, taken together, the provisions essentially support unplanned sprawl – a fundamental issue that the planning system has historically looked to prevent – and looks to completely undermine the plan-led system to the extent that it is not clear whether the development plan could restrict the location of development in any meaningful way.
143. We'd also go further and add that as currently worded, it would make strategic gaps between settlements obsolete and will give rise to situations which could cause settlements to coalesce. Horsham District is characterised by rural countryside interspersed with a network of market towns, villages and small hamlets, each of which have their separate identities and maintain the sense of leaving one place and arriving at another, which would be at risk of being lost under the draft policy. We think that this is a retrograde step and therefore would support language within this policy or elsewhere in the NPPF that would make it clear that the 'tilt' should not be in effect if it creates coalescence.
144. It would appear that the provisions mean that many forms of development would be acceptable without addressing the need to ensure that it is appropriately integrated within the landscape or be of a scale appropriate to its countryside character and location. We are of the view that development within the countryside should have a landscape led approach, where proposals limit urbanising impacts such as increased lighting and traffic movement. The potential for development to generate pollution should also be considered, as should the impact on the environment and climate, both individually and cumulatively. If necessary, appropriate mitigation should also be considered. All of these matters should be highlighted within this policy and an additional criterion related to ensuring schemes are well-designed would be beneficial to avoid sub-par development proposals.

145. In terms of criterion 1h, within Horsham District, there are railway stations located in locations (such as Faygate or Christ's Hospital) that should not be viewed as sustainable for large scale growth. Although housing may already be present in such settlements, other services and facilities (e.g. shops and schools) are extremely limited, or non-existent, which will inevitably lead to an increase in movement of private vehicles by residents to address most of their day-to-day needs.

Question 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.

146. Partly disagree. (The answer scale makes no sense in relation to this question, but we have views as described below.)

Question 39a: Please provide your reasons.

147. In relation to criteria 1c and 1d, we do have concerns. We have a number of employment /business estates on the edge of settlements and in the countryside. The policy approach identified would support a change of use to residential uses, without consideration of whether it would be sustainable to do so. The impacts of residential uses are different to other land use classes and the requisite infrastructure needs differ. National policy should not lead to unsustainably located residential development and this should be made clear in this policy, as well as in other policies.
148. In relation to criteria 1e, we assert that 'limited infilling within groups of houses' is very vague and raises similar concerns over appropriateness in rural locations in terms of sustainable transport, as well as amenity and other matters. This needs more definition to make clear the intent of the policy is correctly understood.
149. With regards to part 2 of the policy, it would be helpful to itemise these policies in a similar manner to the current Footnote 7. This should improve the clarity and ultimately, the effectiveness of the policy.

Question 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.

150. Partly agree.
151. It is recognised that good railway provision does increase the sustainability credentials of settlements, and it is also accepted that making good use of land is an important principle. However, it does not automatically follow that places benefitting from a railway station should be considered sustainable in the context of accommodating very dense levels of development.
152. Take for example Christ's Hospital Station. It is located within the Crawley Travel to Work Area (TTWA) – which we understand to be the 15th largest by GVA in England. It gets four services (two in either direction) each hour during the weekday. Thus, per the policy (and in conjunction with related density policies) residential development should be encouraged at this location and delivered at a minimum density of 50 dwellings per hectare near the station. In reality, though Christ's Hospital would meet the definition of settlement, the majority of its built form is that of a historic (privately operated) boarding school with limited proximity to day-to-day services such as shops or a health care centre. We would heavily question whether it is a suitable location for, large scale and dense development, but could see the contrary argued through the submission of planning applications and referring to this policy.

153. Leaving aside the principle, we would also question the precise wording of the policy and think that changes are necessary to make the provisions clearer. Firstly, it is not clear as to what is a 'reasonable walking distance' and it is not clear whether this needs to apply to an entire development site or part of it. Similarly, is a 'high level of connectivity' the same as 'well-connected'? If not, what is the difference?
154. Further, we would remove the phrase 'or a settlement within which the station is located' as such a phrase allows for misinterpretation in some circumstances – including where a boundary of a settlement is a considerable distance away from any station.

Question 40a: 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.

155. It is not obvious to us what particular adverse impacts would arise on the G&T community or other groups with protected characteristics. It is presumed that criterion g would be beneficial for the G&T community in assisting with needs being met.

S6: Neighbourhood Plans and the Presumption

Question 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.

156. Partly agree.

Question 41a: If not, please provide your reasons

157. Broad support is given to neighbourhood plans to contain specific housing allocations in order to qualify for protection from the presumption in favour of sustainable development and it should be made clear to qualifying bodies. However, it should be acknowledged not all neighbourhood plans can accommodate their full housing requirement and rely on allocations delivered through the local plan, particularly where strategic site selection is already established.
158. Introducing a mandatory allocation requirement could discourage neighbourhood planning altogether, particularly in highly constrained areas (e.g. Flood zone 2/3, AONB, coastal erosion), or areas where few suitable or deliverable sites exist at neighbourhood scale. Where neighbourhood plan groups are unable or unwilling to allocate sites, the consequence will be the loss of protection from the presumption altogether. If the LPA does not have a five-year housing supply this will lead to increased speculative development and would naturally weaken community confidence in neighbourhood planning as a constructive tool for shaping growth.
159. We would advocate a more flexible approach which would stipulate in explicit terms a neighbourhood plan as qualifying for S6 where they positively plan to meet their identified housing requirement. It is reasonable to give greater weight to neighbourhood plans that actively plan for housing delivery, making site allocations an absolute requirement risks undermining the diversity, accessibility, and locally led nature of neighbourhood planning. A more flexible wording would be proportionate and better support both housing delivery and community plan making.
160. If a Neighbourhood Plan does not address housing needs, we agree that it would not be appropriate for the community to benefit from the protection that S6 provides. However, it would be helpful if criterion b could be clarified to make clear that it should be the housing requirement at the point in which the Neighbourhood Plan was made – we have had suggestions at appeals that the adopted Neighbourhood Plans do not qualify from the 'protection' as housing need has changed. That does not seem fair given that the standard method figure changes twice a year

and that SDSs and Local Plans could come into force within five years of the adoption of a Neighbourhood Plan with housing figures that could not have been foreseen.

Chapter 5: Meeting the challenge of climate change

CC1: Planning for Climate Change

Question 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.

161. Partly disagree

Question 42a: Please provide your reasons, particularly if you disagree.

162. The principle of taking a proactive approach to climate change is supported and the inclusion of the reference to extreme weather is welcome. However, a few concerns are raised. The altered narrative and removal of 'storm risks' from the NPPF affects the context so that the damaging impact of wind is no longer as evident in the new wording. It is suggested 'wind' should be added as an example to provide clarity because this can impact upon the location of sites and can also generate a corridor effect which should be taken into account at allocation stage.
163. The revised NPPF makes it very difficult to set local policies that go beyond the Building Regulations, even if there is local evidence to depart from the national approach. Given this, it is unclear what a 'proactive approach' to 'mitigating climate change' and 'adapting to climate change' means in respect of development plans. It is unclear how 'development patterns' can contribute to radical reductions in greenhouse gas emissions particularly within a rural district with an unprecedented/high housing requirement. The national aspiration to build its way to a strong economy should not be at the expense of failing to achieve the national target for carbon neutrality by 2050 or undermine Local Authority climate emergency declarations and much needed aspirations for local carbon neutrality in shorter timeframes.
164. We welcome and support CC1(1)(c) which enables planning authorities to set local water efficiency standards in areas of serious water stress as per PM13(1)(b)(ii). This is an approach that the Council has had in place for some time. Evidence that was developed when water neutral development was required in Horsham District showed that water efficiency standards that go beyond Building Regulations are both achievable and viable. It is therefore unclear as to why Government is not pursuing options to promote greater water efficiency.
165. It is noted the decision-making policy CC2 references re-use of existing structures and materials of existing buildings. However, we think that it should also be reflected within the plan making policy to raise the need to consider embodied energy and therefore the need to re-use existing buildings, or if that is not practicable, the re-use their materials on-site in the highest order possible (e.g. re-use of bricks in structures not merely used as hard core/substrate). In addition to this, there should be an explicit requirement to optimise the provision and use of renewable and low carbon energy within development which is not covered in chapter 10 and enables local authorities to set out what renewables may or may not be appropriate within sites/locations if appropriate.

CC2: Mitigation of Climate Change

Question 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.

166. Partly agree.

Question 43a: If not, what additional measures could be taken to ensure climate change mitigation is given appropriate consideration?

167. It should also be explicit to developers that they must seek to help contribute to radical reductions in greenhouse gas emissions and mitigate impacts that do arise. This is not something a development plan can do in isolation via development patterns. There could be a reference to local data and tools to enable them to be used to help inform both plan making and decision taking where considered appropriate, such as the [West Sussex Climate Vulnerability Index](#).
168. Part 2 is welcome and supported. In addition to this there should be an explicit requirement to optimise the provision and use of renewable and low carbon energy within new development, which is not covered in chapter 10 and would help enable local authorities to require developers to apply the latest best practice. This should include, or at least not prejudice development plan policies from providing, a reference to building orientation on any plot to maximise (or optimise) renewable energy generation potential which is not covered in policy DP3(1)(c).

CC3: Adaptation to Climate Change

Question 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.

169. Partly agree.

Question 44a: What additional measures could be taken to ensure climate change adaptation is given appropriate consideration?

170. We are disappointed that many of the measures contained in the consultation essentially prevent authorities from taking a positive approach to deliver a response to the challenge of climate change. By limiting Councils in this way, it is questioned whether authorities can do anything more than apply nationally set policies.
171. If we are going to be completely reliant on national policy, there should be explicit promotion of the provision of optimal levels of thermal insulation, passive ventilation and cooling, passive solar design and the efficient use of natural resources (including using materials with low-embodied energy and from renewable sources) in new buildings which should be as locally sourced as practicable. It is acknowledged DP3(1)(c) references building orientation and material but passive solar design takes this further and the reference to materials does not explicitly enable Local Authorities to require latest advancements in thermal insulation. The technology is available but without firm targets and requirements many within the development industry will delay embracing them. It is therefore important that national policy must not restrict innovative approaches in local areas.
172. There should be a clear requirement to not just consider site layout but also to complement and facilitate effective layouts and rainwater storage and sustainable run-off systems both within and outside the site. At present there is nothing to require developers to provide vehicular/bus links and pedestrian/cycle routes right up to the site boundary. This leads to undue ransom strips and cul-de-sac developments creating bad access when settlements expand, generating tortuous travel routes and making active travel less attractive. Neither is there anything to currently require developers to effectively link with, expand and/or de-silt/improve existing sustainable run-off systems which can be more cost effective and sustainable long term.
173. CC3(1)(d) should include specific requirement for management and maintenance plans, including sustainable future proofed viable watering systems. This is becoming critical if our open spaces/green infrastructure/trees are to provide urban cooling. Soil/grassland if left to dry out

acts more like concrete and plants/trees die therefore negating any urban cooling effect and can lead to land instability (ground fissures and shrinkage especially clay soils), and flash flooding when rain eventually falls after prolonged hot dry weather.

174. In addition to the above, it would be helpful to provide clarity on the interrelationship between this policy and requirements stipulated in the Building Regulations in order to avoid potential confusion and duplication.
175. Lastly, we would add that Government needs to introduce the Future Homes Standards, without further delay, which should have positive benefits in relation to climate change adaptation. It is unclear as to why it has taken so long to bring forward.

Question 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.

176. Neither agree nor disagree.

Question 45a: Please provide your reasons

177. Wildfires have not been a critical issue to date in Horsham District so knowledge on this matter is limited and therefore we do not offer strong views, with the exception being that it is unclear as to when this policy would be triggered given the infrequent nature and variability of such events.

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

178. Care is needed to avoid developers resisting on-site provision of green infrastructure and BNG due to fire risk. It is therefore important that wildfire adaptation and open spaces are considered at an early stage of the design process. This could impact densities, so it is important to make clear set densities do not override the need for wildfire adaptation and open space/urban greening. Potentially sustainable drainage systems could be located to act as barriers and/or provide water storage to provide water to control wildfires.
179. In addition to the above, the Government could usefully provide a national map of which areas are susceptible/have a history of wildfires as this could assist applicants and decision makers in identifying where/when this issue would be particularly important.

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

180. In this instance it should be made clear that planning policies can go further than nationally set requirements in Building Regulations and other legislation. The data and our understanding of the impacts of climate change and how best to adapt/mitigate is rapidly expanding especially as we near previously predicted tipping points from which there is no return. Nationally set measures can quickly become outdated which should not hinder Development Plans setting more appropriate and aspirational targets and measures to respond to particular local circumstances. Our experience is that developers rarely provide above national minimums unless required in planning policy to do so.

Chapter 6: Delivering a sufficient supply of homes

HO1: Assessing the Need for Homes & HO2: Setting Housing Requirement Figures

Question 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.

181. Partly disagree.

Question 48a: Please provide your reasons, particularly if you disagree.

182. We have provided commentary in previous consultations that we do not think that the standard method, as currently set out, is a good basis for plan-making. Given the scope of this consultation these concerns are not repeated here. In the expectation that the standard method is not changed, we agree that the identified criteria for SDSs/Local Plans where an SDS is not in place, appear sensible.
183. Notwithstanding the above, a critical issue with the existing system is that the assessed housing need figure can alter, sometimes quite dramatically, during the preparation of a Local Plan. It would be highly desirable if the housing need figure can be fixed at a point in time to prevent abortive work in instances where an SDS is not in operation – as will be the case for the first new-style Local Plan that will be prepared in Horsham District. We suggest that this is when Gateway 1 is passed and that this should be set out in HO1 and/or elsewhere in the NPPF or PPG. Without a stable housing need figure, it is extremely difficult to produce a plan. This is a point that has been repeatedly made at previous consultations by ourselves (and others), and it is disappointing that this does not appear to have been taken on board, given that few Councils will have the benefit of an operational SDS at the point that they would have to commence a new-style Local Plan.
184. We wish to highlight that there are contradictions within policy HO1 and with other related policies. On one hand, the Government wishes us to rely on a uniform and consistent methodology to set out an overall housing requirement but on the other hand wants a bespoke assessment of many individual components of housing need. The result will inevitably be that the individual components would provide a different figure when added together. Either the government wants a formula-based way to assess and distribute housing needs, or it does not. However, the NPPF (as before) requires both sets of figures.
185. In addition, the Government has the ambition to reduce evidence base requirements and simplify plan production process. The changes proposed now require a more detailed SHMA to be undertaken. Our experience is that SHMAs in the current system are expensive and take some time to produce. From inception to publication, our latest document took 10 months. This does not marry well with a 30-month plan-preparation timeline. Given this, it is our view that clear and comprehensive guidance on SHMAs/Assessing Housing Needs has to be produced prior to 30 June 2026 to enable authorities commencing a new-style Local Plan to properly scope out what evidence is required.

Question 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.

186. Strongly agree

Question 49a: If so, what elements should this guidance cover?

187. Guidance in relation to all groups should be updated to see if it matches with the ambitions of the new Government policy. In particular, we would highlight looked after children and specialist community-based accommodation as groups where clear guidance should be provided, given that they have not been referenced in previous versions of the NPPF. A definition as to what is 'specialist community-based accommodation' should be included in the glossary as there is no explanation as to who such accommodation is intended to serve.

Question 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.

188. Neither agree nor disagree.

Question 50a: Please provide your reasons, particularly if you disagree.

189. From an Officer usability perspective, it has been helpful to have all relevant national policy for G&T sites in a bespoke document when it comes to determining applications and dealing with appeals. In addition, it may be easier for members of the G&T community to have national policy expressed in a single, clear document rather than having to search for all relevant G&T policies in a large, updated document – such as the proposed NPPF.
190. Considering the above, while also mindful of Government's desire to have policy contained within a single document, we would suggest that an appropriate way forward would be to include a specific G&T chapter within the new NPPF which identifies all relevant policies rather than to include G&T policy within a generic housing chapter.

Question 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.

191. Strongly agree.

Question 51a: If so, what are the key principles this guidance should establish?

192. It would be helpful to have specific guidance on the methodology upon which a Gypsy and Traveller Accommodation Assessment (GTAA) should be undertaken. In particular, it would be helpful to understand how Councils should assess the need from members of the community who reject the opportunity to contribute to the GTAA process. In addition, it would be useful to understand how regularly the Government expect GTAA's to be undertaken and how a rolling 5-year need ought to be calculated – given that GTAA's tend to be less definitive about needs beyond the 5 years from undertaking the fieldwork.

HO3: Providing Land for Homes

Question 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 42 local plan 5-year housing land supply? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

193. Partly disagree.

Question 52a: Please provide your reasons, particularly if you disagree.

194. The expectation that a 5% buffer will be applied (criterion 9a) is consistent with previous versions of the Framework, as is the requirement for a 20% buffer where a local planning authority falls short on the Housing Delivery Test (criterion 9b).
195. The requirement to apply a 20% buffer even where past delivery meets or exceeds the HDT threshold appears largely unchanged from the December 2024 NPPF, aside from added clarity on which NPPF versions apply and the inclusion of the standard method within the document. Although Annex D sets out the requirement clearly, it raises concerns about whether local plans can provide the stability and certainty needed to support sustainable development and infrastructure delivery.

Question 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.

196. Partly agree.

Question 53a: Please provide your reasons, particularly if you disagree.

197. We have consistently been of the view that the Housing Delivery Test is not a measure that local authorities ought to be impacted by. Local authorities are responsible, through its plan making and decision taking activities, in ensuring that the conditions exist to deliver a sufficient supply of homes and this is captured by whether a five year housing land supply can be demonstrated. It is frustrating to continually have to highlight that it is the development industry, not local authorities that actually deliver development.
198. Leaving aside the above, the consequences of failing the Housing Delivery Test remain tiered according to the scale of under-delivery, consistent with previous versions of the Framework. The requirement for a 20% buffer when delivery falls below 85% appears to duplicate the 20% buffer requirement in paragraph 9 of Annex D, as referenced in footnote 84.
199. The reference to policy S5(1)(j) is noted as an additional consequence when delivery falls below 75% of the housing requirement. This applies alongside the need to prepare an action plan and apply a 20% buffer.
200. The Council notes that the most recent HDT results were published in December 2024, covering the period 2020–21 to 2022–23. Timely updates to the HDT are essential—not only to provide an accurate record of recent housing delivery, but also to ensure that fluctuations (particularly those outside the authority’s control) can be monitored and addressed appropriately. Without regular and consistent updates, the HDT loses clarity, reliability and fairness as a mechanism for monitoring delivery and setting consequences for under-delivery.

Question 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.

201. Strongly disagree

Question 54a: Please provide your reasons, particularly if you disagree.

202. There is currently a lack of consistency in how local planning authorities assess and record Gypsy and Traveller accommodation needs, as well as how they track the delivery of sites, compared with other forms of need. Housing need is calculated using a nationally prescribed method and is updated annually, whereas Gypsy and Traveller need is based on a one-off snapshot taken when locally administered questionnaires are completed by the community. The only reliable way to keep these figures current is to undertake a new assessment. Without this, the data quickly becomes outdated.
203. As a result, a local planning authority may publish a need figure and set out a trajectory in line with HO3 1b. However, the usefulness of this is questionable if the underlying evidence becomes increasingly outdated and there is no effective mechanism to monitor whether the supply of sites is actually meeting need over time.

HO4: Land for large scale residential and mixed-use development

Question 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.

204. Partly agree.

Question 55a: Please provide your reasons, particularly if you disagree.

205. We support the intent of the policy. In particular, we strongly support the reference to addressing strategic environmental opportunities and safeguards set out in Local Nature Recovery Strategies. This emphasises that LNRS designations or map features should not be seen as an absolute constraint on strategic development coming forward, whilst making clear the role of Local Plans and development in their delivery. Notwithstanding the general support, there are a number of points and terms that need to be clarified.
206. Firstly, it is not clear what is meant by 'large scale development' in the context of this policy. Government will need to state, ideally within this policy and/or in the glossary, what they consider this to be. Otherwise, this will likely end up being decided by the courts – which should be avoided – and/or have the potential to cause conflict between authorities preparing SDSs and Local Plans.
207. HO4(1) refers to the development plan as identifying locations for large scale development whereas HO4(2) relates to specific Local Plan allocations. Thus, it is assumed that it will be for SDSs to identify large scale development sites, but that Local Plans are also able to do this – for instance, where SDSs are not yet in operation. It is also understood that it will be for the Local Plan to identify specific sites within a large scale development location that are expected to come forward within a plan period. Guidance will need to be introduced to clarify the relationship between SDSs and Local Plans (including where Local Plans are being prepared ahead of any SDS) in relation to large scale development locations. We suggest that this is produced in short order – before the end of June 2026 - given that a number of authorities, including ourselves, are required to commence work on a new style Local Plan by that date.
208. HO4(1b) refers to sufficient access to services and employment opportunities within the development, but includes in brackets a qualification that there will be no expectation of 'an unrealistic level of self-containment'. This statement needs clarification. Without further guidance, the test of 'unrealistic' seems subjective and would lead to challenges and prolonged debate at examination.

209. HO4(2b) expects Local Plans to make ‘a realistic assessment of the likely rates of delivery...’ including through joint ventures, land assembly or locally led development corporations. Whilst these delivery mechanisms are all supported in principle, it is not clear how simply ‘identifying opportunities’ to do these things in a Local Plan will lead to their becoming reality. There is a risk that the Framework as worded will lead to unrealistic expectations as to what the Local Plan can achieve (e.g. experience shows that a Local Plan has little impact on whether landowners ultimately cooperate with each other and the LPA to achieve these – if such mechanisms succeed, they do so independently of the Local Plan).

HO5: Meeting the needs of different groups

Question 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.

210. Partly disagree.
211. We do agree that the definition of ‘designated rural area’ for NPPF purposes should be broadened to allow for affordable housing contributions to be sought on minor development in such areas. However, the definition is not broad enough to capture many areas – particularly areas which may have seen significant housebuilding in recent years that will have inevitably seen densities and population rise. In our view, ‘rural’ should mean any area away from principal settlements identified in a Local Plan.
212. We continue to assert that smaller sites – even minor development, should be directly providing affordable homes in any area if this is demonstrated to be viable. Our viability studies conclude that very small housing sites can be just as viable as larger sites (albeit financial contributions will usually be more appropriate on such sites in current circumstances), and furthermore this ‘cliff edge’ threshold creates perverse incentive for developers to build to lower densities to avoid any affordable housing obligation.

Question 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.

213. Strongly agree.
214. For reasons identified in the consultation document itself, we are supportive that Local Plans should set out the proportion of homes to be delivered to relevant standards. Indeed, there may, subject to appropriate national evidence, be a strong argument for building regulations to stipulate that all new standard residential development meets at least the M4(2) category and for the Framework to set a national minimum requirement (e.g. 5% of all homes) to meet M4(3) standard. Furthermore, the proposed policy should be amended to make clear that within the quota for M4(2) and M4(3) homes, there must be a range of sizes to reflect local assessments of need. The experience of this Council is that the principal need is for larger accessible/adaptable homes with 3+ bedrooms, whereas developers often focus on smaller homes with 1 or 2 bedrooms which, if dominant, are less useful for meeting local needs.

Question 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.

215. Partly agree.

Question 58a: Please provide your reasons, and would you support an alternative minimum percentage requirement?

216. We agree with the thrust of the question but believe that there may, subject to appropriate national evidence, be a strong argument for building regulations to stipulate that all new standard residential development meets at least the M4(2) category and for the Framework to set a national minimum requirement (e.g. 5% of all homes) to meet M4(3) standard. This is particularly because, in districts like Horsham, there is an increasing elderly population who require homes suitable for their needs and the direct provision of such units reduces the need for costly retrofit – often at the taxpayers’ expense. The national minimum set should ultimately be based on nationally derived evidence relating to need and viability.

Question 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.

217. Partly agree.

Question 59a: Please provide your reasons, particularly if you disagree.

218. Whilst the general approach is supported there are practical challenges that are not recognised in the policy as drafted. HO5(1c) should be amended to clarify that sites or parts of sites should be allocated for specific types of housing (including those listed in (i) to (iv)) if and as required to meet need local to the area. The policy currently reads as though these housing types must be allocated for even if there is little (but not no) identified need for it, or the identified need arises in a part of the LPA area that is in a different housing market area where different needs prevail. Such an approach would be disproportionate and an inefficient use of developable land. It is also not clear what would happen if there is an identified need for a specialist form of housing, but no available, deliverable and suitable site for it. This could arise where there is simply no willing provider of the use sought due to its specialist nature, cost of delivery/viability, etc.

Question 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.

219. Partly disagree.

Question 60a: Please provide your reasons and indicate if an alternative site size threshold would be preferable?

220. Whilst the principle of supporting delivery through diversification of residential types is supported, we believe that HO5(1d) as drafted is flawed. This is because it requires a ‘mix of tenures’ on sites of 150+ homes. A ‘mix of tenures’ is normally taken to mean a mix of ownership and rental tenures, including Social Rent and other rented affordable, build-to-rent and specialist forms of housing, as referenced in HO4(2c). It is clear from HO5(1a) that a ‘mix of tenures’ (i.e. includes affordable housing) will remain a policy requirement for developments of 10 or more homes (‘major development’).
221. Confusingly, however, HO5(1d) sets a different minimum threshold for requiring a ‘mix of tenures’ of 150 homes, which implies that single-tenure developments (i.e. no affordable housing) are mandated as acceptable below that number. Therefore HO5(d) should be redrafted to clearly define what is meant by a ‘mix of tenures’ in this specific context – i.e. it should consider redefining as a ‘diversity of build types suited to a variety of income groups and communities, geared towards fast sale and occupancy of units, as indicated by housing market studies’. On the

basis of this clarification, we have no comment on the suggested minimum threshold which we trust will be based on sound evidence.

HO6: Planning for Diverse Sites

Question 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.

222. Partly disagree.

Question 61a: Please provide your reasons

223. We have recorded an answer 'partly disagree' but nevertheless do support in principle the allocation of small sites to support SME builders. That said, we cannot agree to an arbitrary minimum proportion of homes delivered on small sites, more so given it is proposed to double this requirement to 20%. This approach fails to recognise the basic arithmetic which makes this very challenging to deliver in a largely rural council with a high standard method housing need figure such as ours.

224. We are an LPA which is compelled by its high housing need to allocate multiple strategic sites, which then makes up a high proportion of new homes delivered through allocations. This is in addition to previously allocated and/or permitted strategic-scale housing sites which similarly deliver a high proportion of houses being built. Against the high numbers being delivered by strategic sites, even a great multitude of small site allocations will only be able to contribute a relatively modest (significantly less than 10%) proportion of total homes built going forward. There is no remedy to this other than, perversely, reducing the number of strategic site allocations or slowing the rate of build-outs such that the small site contribution can reach a greater proportion of the total. To make HO6(1a) workable, there should be clear examples of the 'strong reasons' why the 10% target may not be achievable, including the example explained here. In addition, it should be noted that small sites of 1-2.5 hectares are likely to be far less attractive to Registered Providers, therefore requiring more such sites will reduce the amount of new affordable housing built overall.

HO7: Meeting the need for homes

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

225. The policy is clear in that it identifies the amount of weight to be given to housing proposals where a need is identified. That said, it is questioned as to whether a blanket 'substantial weight' is appropriate given that, in practice, it would mean that a proposal for a single additional home would be given the same weight as would an application proposing a new settlement. Given this, it would appear to be necessary to make clear that when judging the weight to be given, consideration should be made to the scale of the proposed development.

HO8: Providing Affordable Homes

Question 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.

226. Neither agree nor disagree

Question 63a: Please provide your reasons, particularly if you disagree.

227. We do not have particular views on this, as we are not an authority that houses military facilities. We already give additional preference for veterans to access affordable housing options.

Question 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.

228. Partly agree.

Question 64a: Please provide your reasons, particularly if you disagree.

229. Our experience is that our market housing mix requirements are not hindering the delivery of affordable housing. A major issue is that registered providers would appear not to take on larger 3+ bed properties, despite there being a clear and urgent need for such homes on the Council's housing waiting list. Despite this, it is agreed that delivery of affordable housing which meets evidenced needs should have greater priority than achieving an optimum mix of market housing. However, HO8 should include much stronger and clearer requirements to ensure the full benefit of this additional flexibility is achieved.
230. Firstly, whilst it is welcomed that HO8 requires that development meets the local plan-specified proportion and mix of affordable housing tenures, the mix of unit sizes specified in the local plan for the affordable housing should also be met. Secondly, the term 'flexible approach' is subjective and open to wide interpretation and should be better explained. A fully flexible/market led approach is likely to lead to a much greater proportion of open market homes being large 4+ bedroom properties, as these are known to generate the greatest profit for developers in the current market, irrespective of actual need. A subsequent lack of many smaller open market properties becoming available would reduce the ability for those on lower incomes, but who don't qualify as a priority for affordable housing, to access less expensive (i.e. smaller) market properties. This would be a perverse outcome given the intent of the policy as it would reduce affordability for many, and in particular, would affect first time buyers and private renters.
231. A more sophisticated policy approach is therefore needed, for example, setting in HO8 a minimum proportion of market units being 1-bed, 2-bed and smaller 3-bed properties. In relation to all requirements in HO8, it is recommended that a row is added in Annex C: Information Requirements to include a requirement for a Housing/Affordable Housing Statement to form part of any qualifying planning application; these are submitted as a matter of course by applicants and are helpful in understanding the approach to affordable housing proposed by the applicant.

Question 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.

232. Partly agree

Question 65a: If so, what would be an appropriate minimum proportion and development size threshold taking into account development viability?

233. Overall, it is considered helpful that HO8 clearly states that development plan requirements for Social Rent must be met. It is important that it is local plan policy which determines whether there should be such a minimum for specifically Social Rent, and what this should be. It would not be helpful for the NPPF to set a minimum given local housing markets and local needs will differ.

234. However, it is well known that the affordable housing sector struggles to deliver Social Rented homes currently, and the reality is that delivery at scale is only likely through access to adequate grant funding (and is likely to remain undeliverable through Section 106 mechanisms alone) – noting that social rented units require around double the subsidy of affordable rent units. It is also known that small, market-led housing sites will deliver very small numbers of Social Rent units, which won't be attractive to housing associations to take on. Until such challenges are better addressed by Government, it may therefore be challenging for plan-making authorities to demonstrate effectiveness of policies – albeit it should be up to LPAs to make that call based on locally derived evidence and engagement.
235. In addition, the allowance in HO8(1b) for cash payment in lieu of on-site provision is not appropriate as currently worded. This degree of flexibility for on-site delivery of affordable housing would result in unacceptable risk of affordable housing supply reducing. This reflects that many local housing authorities do not own or control land suitable for building affordable housing, and for this Council, it is already challenging to effectively spend the significant commuted sums received. Simply put, this Council – as with most others – is not a housebuilder and cannot itself deliver more than a very modest supply of affordable homes.

Question 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?

236. Potentially.

Question 66a: If so, what changes would be beneficial?

237. We do not provide this form of accommodation and therefore do not have strong views in relation to this question. However, we think that Government should consider whether temporary housing could be added to the definition of affordable housing, with the proviso that it be required that such accommodation is operated by a registered provider

Question 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.

238. Strongly disagree.

Question 67a: 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.

239. N/A

Question 67b: 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.

240. We very strongly oppose allowing developers to pay commuted sums instead of providing on-site affordable homes, unless in **very** exceptional cases. To allow this to be a blanket discretion is likely to have negative consequences for affordable housing delivery in Horsham District and beyond, and perversely runs counter to stated government aims in this respect.
241. Any exception to the delivery of on-site affordable housing should be subject to the strongest of tests with regards deliverability and viability. It is noted that the proposed 'medium site' category

can be as little as 10 homes or as much as 49 homes, and there can be great difference between these two extremes in terms of deliverability, site context, viability and indeed likelihood of the developer falling into the SME category. It is not at all clear why SME builders should be given special dispensation to not provide on-site affordable housing, as a site is either viable and deliverable on the basis of policy-compliant development, or it is not – irrespective of the developer.

242. It is urged that should the suggested approach to ‘medium sites’ be carried into the final NPPF, there should be a clear evidence base for it, and the thresholds for ‘medium’ category should be determined in local plans such that local context and metrics affecting deliverability can be appropriately balanced. Alternatively, the upper threshold for ‘medium’ sites should be lowered (e.g. to 29 homes). Rather than granting developers of ‘medium sites’ carte blanche to make payment in lieu of affordable housing, the following policy tests should be considered:
- Whether the site is (predominantly) brownfield. It is usually the case that viability margins are much tighter on previously developed sites (especially where there is an existing operational use) therefore this could provide reason for an exception to on-site delivery (subject to viability evidence).
 - Whether the development proposal represents an efficient and proper use of the site. It is likely that some developers will prefer a lower number of large houses or plots, and/or a lower overall density, if it brings the total number of dwellings below the threshold for a ‘medium site’ as opposed to a ‘large site’, thus circumventing the need to provide on-site affordable housing.
243. We would further add that this is likely to severely reduce the amount of affordable housing provision in rural areas – typically where we would expect to see developments of 10-49 homes, but no larger scale developments. This may well entrench difficulties faced now in certain parts of the district where it is very difficult to meet affordable housing needs in areas with a very expensive stock of market homes. It is hard to see how this provision would meet the expectation that mixed and balanced communities should be created through the planning system.
244. Additionally, given that applications can be submitted without knowing who the developer would be and/or development sites can be sold on, the approach may not actually benefit SME developers as intended. This is as there is nothing within the policy that ensures that only SME developers use its provisions. It is entirely possible that major housebuilders will deliver medium sized sites – particularly if such sites are more profitable because of not having to provide affordable homes on site. If Government therefore wants this provision to be targeted to SME developers, it will therefore need to ensure that mechanisms exist that ensures only they can benefit and that this can be assessed when determining a planning application.

[Question 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 \(including SME providers\).](#)

245. It is not our experience that policies requiring on-site affordable housing is holding back development generally. This perhaps reflects that we are always willing to consider evidence on viability and deliverability when negotiating affordable housing levels and tenures with developers, which demonstrates there is already sufficient policy flexibility available to ensure that suitable sites deliver housing, including a deliverable level of on-site provision.

246. In introducing discretion on on-site delivery of affordable housing, there would be an unacceptable risk of affordable housing supply reducing - at least in the short/medium term. This reflects that many local housing authorities do not own or control land suitable for building affordable housing, and for this Council, it is already challenging to effectively spend the significant commuted sums received. Simply put, this Council – as with most others – is not a housebuilder and cannot itself deliver more than a very modest supply of affordable homes. It would be far more effective to retain the policy lever that requires commercial housebuilders to supply affordable homes, which also helps to achieve mixed and balanced communities and avoids physical separation of new affordable housing from expensive market housing.
247. As well as limiting the supply of affordable housing in urban areas, given that many medium sites are located around villages, it will mean that far less affordable housing will be delivered for these communities, accelerating social imbalance and meaning children will not be able to afford to live locally to their families when they leave home.

Question 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.

248. It is considered that Government would have to empower Councils by giving them a wide flexibility as to how commuted monies could be spent. At the moment, Councils can only use commuted sums in certain circumstances. For instance, a clear steer that Councils and their housing companies do not need to be registered providers will assist with spending commuted sums on new housing stock as they are currently restricted to registered providers only.
249. Spending commuted sums more quickly and effectively will require partnership agreements with local registered providers and a clearer route to democratic authorisation. This is cumbersome compared to the alternative of using Government powers to encourage registered providers to take on affordable housing on smaller sites.
250. In relation to guidance that should be used, it is considered that greater guidance should be provided on the situations in which cash in lieu payments would be accepted. This should set out that applicants would need to demonstrate the efforts that they have made to market affordable units to registered providers (e.g. how long, at what price and to which providers) before it can be assessed as to whether all avenues to providing on-site affordable units have been exhausted. On-site delivery of affordable housing is almost always preferable to the collection of commuted sums, so such evidence should be robust.

Question 70: Would further guidance be helpful in supporting authorities to calculate the appropriate value of cash contributions in lieu?

251. It is likely that most formulas currently used to calculate contributions in lieu do not yield an equivalent number of affordable homes to what would otherwise be delivered on-site. This is because it is difficult for such calculations to take into account cost factors such as land value (cost of acquiring new land to build on), administrative costs, the cost of providing specialist housing to meet housing waiting list needs, nor the likelihood that some of the supply secured by local authorities will be from acquiring re-sell market housing (due to the lack of other potential sources). In view of this, further guidance would be welcome, but flexibility is needed to enable costs to be calculated that are reflective of local circumstances.

Question 70a: 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.

252. The guidance could further take into account cost factors such as land value (cost of acquiring new land to build on), administrative costs, the cost of providing specialist housing to meet housing waiting list needs, or the likelihood that some of the supply secured by local authorities will be from acquiring re-sell market housing (due to the lack of other potential sources). As a minimum, the commuted sum should be at the cost that the developer would have otherwise sold an affordable home to a registered provider, plus a proportion of the extra profit generated by the developer by not having to provide affordable housing on site to account for the Council's administrative cost using the funds to deliver affordable housing.

Question 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.

253. Strongly disagree

Question 71a: Please provide your reasons, particularly if you disagree.

254. It is accepted that there will be exceptional cases where alternative provision off-site produces a better outcome for meeting need, and there is sufficient flexibility in the planning system to allow for such exceptions. However exceptional should mean just that – there should seldom be occasions where such provisions are used and likely only in schemes delivering fewer than 15 homes.
255. In our view, the wording of HO1a is very broad in scope, and would create a loophole which many applicants could seek to exploit. This is because the language used is imprecise and suggests that off-site delivery can very easily be just as acceptable as on-site delivery. There is great risk that many applicants would argue that provision of the affordable element on a more cheaply-acquired site, perhaps far less suitable for housing, would provide some sort of benefit such as more affordable units or a higher build specification. However, the result would likely be more distinction and separation of affordable from open market housing, and less mixed and integrated communities overall.

HO9: Specialist forms of accommodation

Question 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.

256. Partly disagree.

Question 72a: Please provide your reasons, particularly if you disagree.

257. The locational criteria in HO9(1a)(i) do not fully enough reflect the likely needs of future occupants. The main test as drafted is 'able to access frequently-used services'. This appears not to be defined or explained and could therefore apply to poorly-located sites lacking a suitable range of services and facilities. It would be preferable for such development to be located within or adjoining built-up areas and accessible by walking, wheeling and public transport to local shops, services, community facilities and the wider public transport network.

Question 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.

258. Neither agree nor disagree.

Question 73a: Please provide your reasons, particularly if you disagree.

259. We do not have an equivalent policy in the emerging Local Plan, nor do we have a prison in the district, therefore we have no view in relation to this question.

Question 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.

260. Neither agree nor disagree.

Question 74a: Please provide your reasons, particularly if you disagree.

261. We are not an authority that would expect to see such forms of accommodation and therefore offer no view in relation to this question.

HO10: Exception Sites

Question 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.

262. Partly agree.

Question 75a: Please provide your reasons, including what other changes may be needed to increase their uptake?

263. We agree that there should be additional support for rural exception sites and, in general, we support increasing affordable housing provision - especially in rural areas, to alleviate a significant shortfall. Any incentive to encourage landowners to release parcels of land for affordable housing through exception sites or Community Land Trusts (CLTs) is welcomed, as it will remove a significant barrier to supply.

264. Land for exception sites are quite often dependent on a landowner who is willing to provide land in areas where open market housing would normally not be permitted. In certain circumstances, market housing can be used to cross-subsidise the affordable housing element of an exception site to improve viability.

265. There is however concern that HO10, as drafted, provides too wide a scope for defining a rural exception site. Criterion 2c states that such sites should comprise a 'majority' of affordable housing. This could be as little as slightly over 50%. Whilst the Glossary states that a proportion of market homes may be allowed on the site at the local planning authority's discretion, it is not clear how much control the planning authority would actually have to ensure a meaningful proportion of the homes will be affordable. For example, would the expectation that an up-to-date local plan provides this threshold – or if there is no such policy, would the planning authority still be able to direct the affordable proportion on a case-by-case basis based on evidence? In any case, these parameters should be more clearly set out in HO10 itself, and it is important that the Local Authority continues to have control to ensure a meaningful proportion of the homes remains affordable. We think that this should be made explicit in national policy.

266. In addition, HO10 2a is somewhat subjective and should be re-worded to require safe and convenient physical accessibility to local services and facilities by walking, wheeling and cycling (rather than only being 'physically well-related'). In addition, and in relation to criterion 2b of the policy, it should be made clear whether size should be assessed in terms of geographical area or number of homes. We would view that the latter would be more appropriate given the aim of the policy and that some settlements could contain wide expanses of open space within them, which may skew what would be appropriate if the policy is strictly applied.
267. Notwithstanding the above, further encouragement on the provision of Community Land Trusts should be supported and encouraged through national policy. CLTs are community-led initiatives, offer permanent affordability and supported by evidence of local need. Other measures to increase uptake may include reducing any other obligations to improve viability and possibly reducing planning contributions where it is justified such as making CIL not chargeable for rural exception sites or making other additional obligations minimal. Other incentives should involve the removal of costs and barriers to the process and would be certainly welcomed. Government could fund rural housing needs surveys which would provide essential evidence for exception sites and should be refreshed every 5 years. Small grant funding may cover for governance, legal structures and feasibility work which would also reduce the burdens for local community groups to set up CLT group and would have to be used and accounted for within a strict period of time.

Question 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.

268. Strongly agree

Question 76a: Please provide your reasons, particularly if you disagree.

269. We support the proposal for First Homes to be removed as a discrete form of tenure for exception sites. First Homes are restrictive when selling, as you must sell to another eligible first-time buyer and apply the same percentage discount you received (e.g., 30% to 50%) off the current market value. This severely limits the pool of potential buyers and means you do not benefit from the full market appreciation. Furthermore, First Homes can also displace and limit other forms of affordable housing provision, such as social rented or shared ownership and do not secure affordable housing status in perpetuity.

Question 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.

270. Partly agree.

Question 77a: 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?

271. It is helpful to have clearer guidance on benchmark land values for rural exception sites to help local planning authorities assess whether a proposed rural exception site is deliverable, and what level of flexibility might have to be applied to the normal requirement that 100% of the housing is affordable.
272. However, the introduction of a broad benchmark land value across the country is too cumbersome an instrument to be effective unless the benchmark figure was derived from localised viability assessments, which would have to be monitored regularly by the Local Authority

– which in itself would be an additional burden. Land values can differ significantly across the country, and it would be difficult to apply broad benchmark land value figure across the country.

273. Notwithstanding the introduction of a benchmark figure to increase exception site delivery, other approaches which may be as effective to increase affordable housing in rural area could include making explicit policy wording that recognises that exception sites operate at below market land value, reinforcing that land uplift is not an expectation and will take away speculative land value assumptions. The removal of costs and barriers to the exception site or CLT process would be welcomed. Government could fund housing needs surveys for local groups which would provide evidence for exception sites and should be refreshed every 5 years. Small grant funding may also cover Governance, Legal structures and Feasibility work which would also reduce the burdens for local community groups to set up a CLT group.
274. Whilst careful regard will be needed to all evidence gathered through this consultation, an approach which allows some degree of land value uplift, to incentivise landowners to release land, would seem appropriate (e.g. a multiple of agricultural land value which is still much lower than commercial land value that might be offered by a commercial housebuilder) in addition to the above.

HO12: Traveller Sites

Question 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.

275. Partly agree

Question 79: Please provide your reasons, particularly if you disagree.

276. We think that, in terms of basic principles, the policy captures important matters that should be considered in relation to G&T applications. That said, as we have opined elsewhere, we have come to the view that it would be best to have all G&T policy in a bespoke chapter within the NPPF (rather than appended to the housing policies) to ensure that all relevant information is one place.
277. We do think national policy could usefully go further and define, preferably in this policy or, if not in another G&T related policy, what Government considers is an acceptable maximum size for a G&T site. Government will be aware that the, now withdrawn 'Designing Gypsy and Traveller Sites: Good Practice Guide' was well understood and identified 15 pitches as being the maximum sized site. It is considered that the content of that document could usefully be transferred into updated policy and guidance as many of the core principles remain relevant – but an indication of the acceptability (or not) of certain sizes of G&T development would be incredibly useful and prevent problems associated with extension/intensification of sites that we have seen in our district.

HO13: Build out of residential and mixed-use development

Question 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.

278. Partly disagree.

Question 80a: Please provide your reasons, particularly if you disagree.

279. Regarding HO13(1), it is agreed that land with permission should be developed without unnecessary delay. However, it is not clear how simply stating in HO13 that major proposals should 'be capable of bringing housing forward within a reasonable period' helps to achieve this. If the intention is that the local planning authority should refuse applications which cannot deliver housing quickly, then the policy should say this clearly and unequivocally. It is also not clear what 'a reasonable period' is - for the policy to be effective, this should be clearly defined or explained.
280. Regarding HO13(2), it is agreed that local planning authorities should be able to apply a condition to shorten the statutory timescale for start of build-out. However, the measures remain very weak. In practice, it is our view that reducing the commencement date from the standard 3 years to 2 years will have negligible impact, particularly for larger sites subject to reserved matters and other pre-commencement requirements. Further, it is easy for a developer to bypass the commencement trigger via a technical commencement of groundworks and then pause. It would be more effective to:
- Expressly allow for conditions requiring submission of reserved matters by certain dates following outline consent; and
 - Require that larger sites subject to outline consent are built out by multiple developers, by encouraging a condition seeking a build-out strategy.
281. On the wider issue of accelerating build-out, it is disappointing that there is no reference in the new NPPF to more effective measures considered in the 'Speeding Up Build Out' working paper (May 2025). In particular, the Delayed Homes Penalty and conditional confirmation of CPOs are supported as measures 'with teeth' which should be made available to local planning authorities and referenced in the new NPPF. HO13 should also include a requirement that applications for large, phased developments must include a build-out statement to form the basis of reporting and tie in with these other measures.

Question 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.

282. Partly Disagree

Question 81a: Please provide your reasons, particularly if you disagree.

283. It is generally agreed that there should be some flexibility in the planning consent framework applicable for strategic sites being phased over multiple years, however this flexibility already exists. There is concern that shifting the balance further towards full flexibility would create uncertainty as to whether the agreed vision for such a site would be realised, which would be unfair to affected communities and may lead to non-delivery of essential community infrastructure.
284. Whilst it is appreciated that HO13(3a) seeks to secure the approach to design, infrastructure and other site-specific requirements, this is undermined by HO13(3b) which is a flexibility clause referencing housing need, viability and design. Parts (a) and (b) are therefore conflicting; part (b) could be easily used to reduce the affordable housing, community infrastructure or design quality thus reducing community benefits and undermining trust in the planning system and local democracy.

285. Whilst HO13(4) is broadly supported, as written it is unclear and should be re-phrased. It could simply say that development proposals on unallocated sites should be consistent with, and not prejudice delivery of, any allocated large-scale residential or mixed-use site.

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

286. Yes.

Question 82a: Please provide your reasons.

287. It is disappointing that there is no reference in the new NPPF to more effective measures considered in the 'Speeding Up Build Out' working paper (May 2025). In particular, the Delayed Homes Penalty and conditional confirmation of CPOs are supported as measures 'with teeth' which should be made available to local planning authorities and referenced in the new NPPF. HO13 should also include a requirement that applications for large, phased developments must include a build-out statement to form the basis of reporting and tie in with these other measures.
288. It would also be helpful to explicitly recognise the important part played in the timely delivery of essential infrastructure such as schools, utilities (water, sewerage, energy) and off-site transport improvements, which lower tier local planning authorities have little control over. Lack of timely infrastructure delivery will very often cause significant delays to houses being built, and Government should make every effort to coordinate relevant agencies in this respect.
289. Lastly, the Government need to be very clear what they mean by 'super strategic' in relation to this policy. There needs to be a quantitative measure that allows this to be assessed and trigger any specific policy response.

Question 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.

290. Partly disagree.

Question 83a: Please provide your reasons, particularly if you disagree.

291. Updating the Housing Delivery Test Rulebook to reflect the role of spatial development strategies and local plans, and to ensure the most up to date of the two is used as a basis for the Housing Delivery Test is reasonable. We consider that it may be necessary, in order to take account of the timelines against which old and new style local plans and spatial development strategies are being progressed, to take steps to ensure the adoption of new development plan documents does not lead to a lack of stability and confidence in housing requirements for an area.
292. It may be sufficient to set a buffer in order to provide certainty against which newly adopted local plans can be established and homes can begin to be delivered. There is a risk that, as new style local plans and SDSs are produced and adopted in a relatively short timeframe, there may be a shift in housing requirements in such a way that policies do not have sufficient time to be established and acted upon by site promoters, or that confidence in policies or strategies is undermined.
293. While in principle we do not object to the removal of the "lower of" rule relating to adopted housing requirements and local housing need figures, in the interest of providing stability and certainty, and reflecting the importance of plan-led development, we do consider that this is at odds with proposals (i.e. Annex D para 9c.) that would effectively override adopted housing requirements set by up to date (less than five year old) local plans.

Chapter 7: Building a strong, effective economy

E1: Providing the conditions for long term economic growth

Question 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.

294. Strongly disagree.

Question 84a: Please provide your reasons, particularly if you disagree.

295. The proposed increased flexibility in the planning system is likely to have unintended consequences that could result in a drop in employment land despite the release of greenfield land, because safeguarding land for industries, including those prioritised in the Industrial Strategy, will become more complex, affecting wealth and prosperity of local areas and the country.
296. General industrial uses (B2 Use Class) and often storage and distribution use, particularly large scale (B8 Use Class), are by definition, or due to impact upon amenity, not appropriate within residential areas. They are often lower land value uses susceptible to being encroached upon and/or replaced by other higher land value uses (especially in the South of England). Encroachment not only impacts the premises lost to other uses but also those retained if encroaching uses are sensitive (agents of change) and raise environmental health concerns which lead to restrictions on B2 use. There is no real ability via the planning system to require the relocation of existing businesses which can lead to their loss.
297. This is particularly relevant in constrained districts such as Horsham, where there is a limited supply of flat, well-located employment land and significant environmental and landscape constraints. Once lost, such land is extremely difficult to replace through plan-making, leading to long-term structural weaknesses in the local economy.
298. In addition to this, many of the former B1 Use Class premises have been lost to residential due to the permitted development rights, especially the larger scale office premises within the main towns near the centre and/or train stations. Potentially making such communities less sustainable and increasing out commuting for work.
299. There is also a growing concern that traditional employment sites permitted on the basis of employment needs (B2, B9 and E(g) Use Classes) are transitioning over time to retail given the introduction of Use Class E, which can lead to large scale edge/out of town retail within inappropriate locations undermining the vitality and viability of village and town centres (which are often historic with retail unit floorspaces below 200sqm). There is also concern that the progressive erosion of designated employment areas weakens local supply chains and reduces the ability of smaller and medium-sized enterprises to co-locate near customers, suppliers and labour, increasing travel demand and reducing overall economic resilience. The draft NPPF is likely to make this worse given the flexibility, priority placed on housing and the proposed acceptance of development on the edge of settlements proposed in Policy S5.
300. Since the introduction of E Use Class, changes to permitted development rights and the proposed increase in the EPC ratings there is a strong concern that many existing traditional industrial estates/employment sites will be lost, especially those that are not freehold and/or are older stock despite high demand and viable rents especially for small start-up businesses. Whilst B2 and B8 uses may not generate high employment levels they provide a variety of important high skilled

jobs which address the needs of the knowledge base in the district/country. These uses are also critical in supporting emerging sectors such as advanced manufacturing, agri-tech, construction innovation, vehicle maintenance, and low-carbon technologies, which often require affordable, flexible industrial floorspace rather than office accommodation. The demand for such space is likely to increase as we move more towards AI which will potentially decrease the number office jobs. In addition to this, B2 and B8 uses do not lend themselves to high rise and/or mixed vertical use and are therefore land hungry in comparison with high density office use. An emphasis on flexibility such as that shown in E1(2) could lead to a lack of employment sites (in terms of planning these are B2, B8, E(g) Use Classes) and reduce the resilience of the economy. This is particularly problematic where Local Plans have proactively identified and safeguarded employment land to meet objectively assessed needs, as the proposed policy risks undermining plan-led decision making. A key function of the planning system is to help keep the different development markets in check by managing unsustainable trends in changes in land use (by, as stated in para 14 of the draft NPPF, managing the use and development of land in the long-term public interest). Amendments to the planning system that removes/fails to provide the tools to do this is likely to cause unsustainable and long-term harm to communities.

301. Indeed, if manufacturing and similar (including green industries) could become stronger in the country then the economy would be less reliant on housebuilding. This will not occur if greater flexibility in uses is increased. The system already arguably provides too much flexibility, especially since the introduction of Class E and its inclusion of the former B1 Use Class, given that historically businesses falling within an employment lawful use (i.e. B2, B8 and E(g) Use Classes) could respectively occupy a premises without requiring express permission and ancillary uses accepted as part of the deemed consent. In addition to this, express permission for other uses could be permitted where appropriate (taking into account traffic flows and type of vehicles, hours of operation, refuse storage, impact upon amenity etc). Greater flexibility is not required. The planning system has not been the barrier it is perceived to be and instead it has greatly facilitated development in an increasingly more complex and variable world and protected the factors/reasons locations are attractive to investors. The planning system should not be unduly weakened to fix the impacts of Brexit, Covid 19 and rapid changes within the economic and investment market, which would be more effectively resolved via non planning solutions.
302. Criterion E1(2) should be deleted and greater clarity over where Use Class E should be restricted to E(g), such as outside of town centres in order to restrict out of town industrial estates converting to out of town retail and to avoid harmful unsustainable impacts upon historic town/village centres. This is not considered unreasonable given Use Class E was introduced to assist town centres rather than see their demise.
303. As a further point, we'd add that footnote 33 to this policy suggests that the UK's Industrial Strategy was published in June 2025, however the linked document suggests it was published in November 2025. It is worth correcting.

E2: Meeting the need for business land and premises

Question 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.

304. Partly agree.

Question 85a: Please provide your reasons, particularly if you disagree.

305. The general approach is supported. In addition, greater clarity would be welcomed on how authorities are expected to evidence and protect future employment land needs over the plan period, particularly in areas with strong housing pressures where employment land viability is

more fragile. Without this, there is a risk that business land provision becomes reactive rather than strategic.

306. Further, it would be helpful to introduce some locational criteria to ensure that new build proposals that come forward on unallocated sites in the countryside are sustainably located.

E3: Freight and logistics

Question 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.

307. Partly agree

Question 86a: Please provide your reasons, particularly if you disagree.

308. Greater clarity should be provided over the need for freight and logistics, the range in scale of development across the Country, and its potential need for 24/7 hours of operation, lighting, proximity to residential uses, impact upon the countryside and impact upon the road network. think it would be particularly helpful if this policy was expanded to include a reference in relation to mitigation of the impact of lighting on both landscape and ecology.
309. There should also be clearer differentiation between strategic, nationally significant logistics facilities and smaller-scale, locally serving freight uses, to ensure that policy support is proportionate and does not unintentionally promote inappropriate development in less accessible or environmentally sensitive locations.
310. For example, the relatively centrally located multi-football pitch sized distribution warehouses located off the M1 are unlikely to be required in the majority of other locations. The intent behind the Industrial Strategy and draft NPPF is therefore unclear. It also seems at odds for the NPPF to have a policy on this when the identified priority sectors for growth and support are not covered (i.e. advanced manufacturing, clean energy industries, creative industries, defence industries, digital and technology businesses, financial services, life sciences, and professional and business services). That said, the Industrial Strategy may change so it is more about the ability to safeguard and provide additional employment land to meet needs (i.e. land within B2 and B8 Use Classes and others respectively which suitably covers the range of sectors prioritised in national policy).
311. This reinforces the importance of a flexible but plan-led approach that allows local authorities to respond to changing economic priorities while retaining sufficient policy tools to manage cumulative impacts.

E4: Rural business development

Question 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.

312. Partly agree.

Question 87a: Please provide your reasons, particularly if you disagree.

313. We welcome and support the deletion of the words “all types of business in rural areas”. The proposed wording better reflects the ability to ensure growth of businesses in rural areas are sustainable. There is an objection to the deletion of “does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by

improving the scope for access on foot, by cycling or by public transport).” It is noted regard should also be given to other policies in the NPPF, including TR4. However, the acknowledgement in E4(2) that development in rural areas may be “in locations that are not well served by public transport” needs to be mitigated sufficiently within policy E4 itself to minimise confusion and to facilitate the optimisation of sustainability.

314. In rural districts such as Horsham, where many businesses are land-based or location-specific, it is particularly important that policy supports appropriate diversification and growth while still managing transport impacts, landscape sensitivity, and infrastructure capacity. Clearer wording would help avoid inconsistent interpretation at decision-making stage.
315. To us, it would be more logical if this policy were to immediately follow Policy E2, given the cross-referencing in it.

Chapter 8: Ensuring the vitality of town centres

TC1: Planning for town centres

Question 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.

316. Partly agree.

Question 88a: Please provide your reasons, particularly if you disagree.

317. As has been said in response to other elements of the document, it is not clear what the Government thinks is the ‘most appropriate level’ for introducing policies relating to town centres. This has the potential to cause duplication, confusion and conflict and therefore, the Government should be more precise as to what their expectations are.
318. The retention of town centre first principles is welcomed, as is the ongoing focus on the need for adaptability and flexibility. Retention of the ability for authorities to use Article 4 directions, where justified, is considered to be appropriate in order to balance the impact that changes to the Use Class Order and permitted development rights have on town centres.
319. The focus on considering vacant sites and areas suitable for redevelopment, before town centre boundaries should be reviewed is reasonable, however, this should be balanced with the ability of planning authorities themselves to influence redevelopment of privately owned land (often under multiple ownership).
320. Incorporation of strategies, design guides and masterplans to guide and shape town centres are a valuable addition, reflecting the need for development in town centres to respond to the individual nature and character of the centre and the area it serves, how it is used and aspirations for future uses. The reliance on a strategy should be proportionate to the level of need and change proposed and take account of the fact that strategy and direction may need to change within the life of a plan in order to respond to the changing context within which town centres operate.
321. The Council also supports the retained ability of local planning authorities to set their own local thresholds for floorspace proposals outside of town centres. This is key in areas like ours where there is a high proportion of smaller sized units within town centres and allows Councils to work within their own town centre strategies to ensure commercial demand for floorspace can be met, first and foremost, within town centre boundaries.

TC2: Development in town, district and local centres

Question 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.

322. Partly disagree.

Question 89a: If not, please explain how you would achieve this aim differently?

323. While the general aim of encouraging a flexible approach and supporting development that will benefit the vitality and viability of town centres is supported, and it is acknowledged that this can mean permitting residential uses in town centres, we consider this should be balanced with the need for development to support longer term visions and strategies for town centres. Where local authorities have mid- to long-term strategies for centres, it is important that the benefit of introducing new residential or non-traditional town centre uses do not undermine wider aims and aspirations.

TC3: Main town centre uses outside town centres

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

324. From a decision-making perspective, the introduction of Use Class E has reduced the scope of planning control changes between town centre uses, both within and outside designated centres. In practice, this has limited the application of town centre-first policies, as many changes of use can now occur without planning permission. This has made it more difficult to manage the location and cumulative impact of main town centre uses, has reduced the effectiveness of the sequential test, and increased reliance on local plan policy and Article 4 Directions to retain influence over town centre outcomes.

325. The impacts of Class E in Horsham District tend to be experienced cumulatively and qualitatively rather than at the scale of individual cases. The increased flexibility Class E brings will help some smaller centres and secondary centres adapt and reduce vacancy, particularly where demand for traditional retail is limited. We are seeing increasingly that what people want from town centres is changing, more significantly in some places than in others, therefore, the ability to adapt quickly is vital for businesses to emerge, thrive or survive.

326. However, Class E will inevitably reduce the Council's ability to shape the function and balance of town centres over time, as changes between former retail, officer, service and other commercial uses now often occur outside the planning system. In practice, this makes it harder to align day-to-day change with town centre strategies, protect active ground-floor uses, and manage the cumulative erosion of retail cores and footfall, particularly where individual changes appear acceptable in isolation. These are issues encountered regularly through business engagement and place-based economic work, rather than through formal planning decisions.

327. The Council is currently carrying out a town centre survey which will provide a comprehensive view of who is using the town centres, why and what their needs are. We would be happy to provide further information on what the findings and outcomes of this work are and any insight these might give on the importance of flexibility and why the ability for Councils to be far-sighted and shape town centres is important.

Question 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.

328. Strongly agree.

Question 91a: Please provide your reasons, particularly if you disagree.

329. While we understand that, given recent changes to use classes, the scope and role of the sequential test for retail development has changed, we believe the sequential test should be retained in policy TC3. It continues to play a role in directing larger main town centre uses to the most accessible and sustainable locations, supporting town centre vitality and viability. However, its effectiveness has been reduced by the introduction of Use Class E, as similar uses may already operate lawfully in out-of-centre locations without planning permission. This is a deeply concerning trend, that weakens the town centre first approach that is the stated aim of Government policy.
330. We consider that there is benefit in encouraging and supporting proposals for town centre uses being located in sustainable town centre locations. If there are instances where the outcome of the sequential test hinders sustainable development coming forward, the wording of policy TC3 could be amended to suggest a failure to satisfy the test should be a matter of planning balance rather than reason for outright refusal. There is sufficient scope in the process of carrying out a sequential test to allow for flexibility depending on the nature and scale of the proposal, providing the aim of the test remains to provide a comprehensive assessment of whether there are more suitable and sustainable sites within a town centre in the locality.
331. On balance, we therefore support retaining the test, but consider it should be applied more proportionately and focused on development of a scale likely to result in material town centre impacts.

TC4: Assessing the impact of development on town centres

Question 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.

332. Partly agree.

Question 92a: Please provide your reasons, particularly if you disagree.

333. It is important to maintain a mechanism for assessing the cumulative impact of changes in the offer in and outside town centres on their vitality and viability. The impact assessment can enable local authorities to regain a degree of oversight and control, in the context of the implementation of strategies and town centre planning, particularly in cases where individual cases may appear acceptable in isolation despite unacceptable cumulative impacts. Although this approach is somewhat retrospective in nature, it ensures proposals take account of the effects of previous changes through broader assessment of the market and provides a level of certainty and stability which encourages investment in town centres.
334. From a decision-making perspective, the continued use of town centre impact assessments is supported, as they remain an important tool for assessing effects on town centre vitality and viability. However, the removal of a clearer policy link between unacceptable impact and refusal risks reducing their effectiveness in practice. Greater clarity on how identified harm should be weighted in the planning balance would assist consistent and defensible decision-making.

Chapter 9: Supporting high quality communications

T1 (CO1): Proposals for telecommunications infrastructure & T12 (CO2): Telecommunications Infrastructure – Supporting Information

335. Though not in a response to any question, it is noted that in the consultation document, the policy references begin with 'TI' whereas in the draft version of the NPPF, the policy references begin with 'CO'. It is assumed that this is an administrative error, but it should be corrected in the final document and a single reference used. We have no preference as to what reference should be used.

Question 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.

336. Strongly agree.

Question 93a: Please provide your reasons, particularly if you disagree.

337. It is considered that the updated policies provide clearer and stronger support for the rollout of 5G and gigabit-capable broadband. Consolidation of the relevant elements of NPPF paragraphs 119-123 helps reinforce the national expectation that planning policies should support high-quality digital infrastructure and prioritise full-fibre connections.
338. Notwithstanding the above, permitted development rights for telecommunication infrastructure are extremely complicated. Therefore, clear and concise guidance on acceptable development would be welcome to support the policy approach.
339. We agree that the updated policies provide clearer and stronger support for the rollout of 5G and gigabit-capable broadband. Considering the relevant elements of NPPF paragraphs 119-123 helps reinforce the national expectation that planning policies should support high-quality digital infrastructure and prioritise full-fibre connections. Permitted Development right for Telecoms are extremely complicated therefore clear and concise guidance on acceptable telecom development is welcome

Question 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.

340. Strongly agree.

Question 94a: Please provide your reasons, particularly if you disagree.

341. We support the principle of minimising visual impact and prioritising the reuse of existing structures, which aligns with language in the existing NPPF paragraph 120 and related good design practice. Encouraging the reuse of existing masts and buildings is likely to minimise landscape and heritage impacts.

Question 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.

342. Strongly agree.

Question 95a: Please provide your reasons, particularly if you disagree.

343. We agree that proportionate supporting information is essential for efficient decision-making and that this policy clearly reflects expectations as to what ought to be submitted in support of relevant applications.

Chapter 10: Securing Clean Energy and Water

W1: Planning for Energy and Water

Question 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.

344. Partly agree.

Question 96a: Please provide your reasons, particularly if you disagree, what alternative approach would you suggest?

345. We recognise that utility providers are likely to be a key stakeholder in the preparation of plans and therefore early engagement with those bodies will be important. As such, it is welcomed that this is highlighted. Notwithstanding this, we believe that Government should be clearer as to which tier of plan making should be involved in such matters – by describing that this should be dealt with in ‘the most appropriate level’ could give rise to conflicts and confusion between those authorities preparing SDSs and those preparing Local Plans.
346. Government will be aware of the long history of engagement with our water provider, Southern Water, in relation to water supply issues within the Sussex North Water Resource Zone. Our experience is that it can take considerable time for issues to be resolved and question whether that is truly compatible with increasing the speed of plan production, in the manner in which Government intends. This is particularly so when they are themselves in the middle of preparing their own statutory plans. Thus, it may be that outcomes of early engagement are that the picture is uncertain when it comes to energy and water infrastructure, and it is not clear from the policy what Government expects from plan making authorities when such situations arise.

W2: Securing Renewable and Low Carbon Energy and Electricity Network Infrastructure

Question 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.

347. Partly agree.

Question 97a: Please provide your reasons, particularly if you disagree.

348. As with other sections of the NPPF, we believe that Government should be clearer as to which tier of plan making should be involved in such matters – by describing that this should be dealt with in ‘the most appropriate level’ could give rise to conflicts and confusion between those authorities preparing SDSs and those preparing Local Plans. Our view, as officers, is that many key issues are strategic matter most appropriately dealt with by SDSs. There may however be more local matters which would be appropriate to consider at a more local level. We note for example that some local parishes are currently preparing local area energy plans and planning may well assist the delivery of these aspirations.

349. The task of creating evidence and then mapping where renewable and low-carbon energy development and electricity network infrastructure would be appropriate, without clear guidance, sounds like it could involve the production of new, potentially resource intensive (in terms of both time and cost) evidence and runs counter to other ongoing projects which are already taking place both at sub regional and local levels. Such studies risk being duplicative and not necessarily compatible with a streamlined, quickly produced Local Plan.

W3: Renewable and Low Carbon Energy Development and Electricity Network Infrastructure

Question 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.

350. Partly agree.

Question 98a: Please provide your reasons, particularly if you disagree, and any changes you would make to improve the policy.

351. We agree with the thrust of national policy and the clarity that the policy provides in terms of the weight that should be given to the positive impact of such proposals. However, we do question the wording of criterion 2 of the policy, which essentially means that proposals are acceptable in any location. If that is the case, it brings into question as to why authorities need to identify suitable locations for such development if this is not going feed into decision making.

W4: Water Infrastructure

Question 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.

352. Partly agree.

Question 99a: Please provide your reasons, particularly if you disagree.

353. We are broadly supportive of the approach identified within the policy. We would add that it is our view that the planning system has not been the impediment to the delivery of much needed water infrastructure and that the Government should be encouraging the water sector to do more to ensure that our water infrastructure is fit for purpose and that pollution of our waterways is reduced.
354. Despite this, it is our view that the policy should clarify whether water capacity is a material planning consideration, or whether the availability of water to serve a development falls under other regulatory regimes under Policy DM7. This is particularly pertinent in Horsham District given issues over the last 5 years with water availability due to abstraction impacts on protected habitat sites. This issue ended up being covered by multiple regulatory regimes including planning, creating confusion and significant delay in development proposals.

Chapter 11: Facilitating the sustainable use of minerals

355. As we do not have responsibility for minerals, we don't have specific responses on the questions that relate to this chapter (100-113a). However, we generally agree with provisions that would seek to reduce opportunities to extract coal, gas and oil given the damaging impacts of climate change caused by the use of fossil fuels.

Chapter 12: Making effective use of land

L1: Planning for an Effective Use of Land

Question 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.

356. Partly agree.

Question 115: If not, what further guidance is needed?

357. We agree that it is clear in that it fully describes the Government's aspirations in relation to the effective use of land and accurately links to other policies within the chapter. We do not agree that this is 'guidance', however. It is self-identified as a 'plan-making policy'. Language is important within the planning system and the Government, of all actors, should be conscious of this and not confuse the terms guidance and policy.
358. Having said that, the stronger emphasis in L1 on making effective use of allocations across large, medium and small sites is broadly welcome, particularly in encouraging the identification of redevelopment opportunities and the optimisation of scale and density. Notwithstanding, Horsham is a predominantly a rural district with limited opportunities for significant brownfield regeneration. The district is well served with historic pockets of employment uses such service yards, vehicle breakers, light industrial units located in the open country, etc. This plan-making policy would put immediate pressure on employment sites to be converted into housing given the significant differences in land value between the two uses. The cumulative loss of employment sites in rural areas would be a significant loss for places like Horsham and should be resisted with safeguards put in place.
359. We believe greater clarity around the role of density and efficient land use helps support sustainable development objectives and better aligns plan-making with the objective of increasing housing delivery and regeneration goals. However, the issue of efficiency should be balanced with place-making and amenity. The policy could more explicitly reference how land efficiency should be balanced and linked with design quality, local character, infrastructure capacity, and environmental constraints, to avoid perceptions that optimisation equates solely to maximising density.
360. References to setting minimum density standards are helpful but may benefit from additional direction on flexibility, ensuring that Local Plans can respond proportionately to local circumstances. While Policy L1 promotes optimisation, it could offer clearer guidance on how to balance density expectations with local character, infrastructure capacity, and viability, especially in diverse urban and rural contexts which reflects districts like Horsham. The policy could more explicitly link efficient land use to place-making outcomes, such as design quality, green infrastructure, and community facilities.
361. The policy would benefit from clearer expectations or indicative benchmarks for minimum densities (reflecting context, accessibility, and character) and land use to help authorities justify decisions and avoid overly cautious approaches. This includes application to different settlement types. Additional clarification on how efficient land use should be interpreted in different spatial contexts (e.g. city centres, suburban areas, market towns, and rural settlements) would assist local planning authorities in applying the policy proportionately.

362. Policy L1 stipulates local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership. This is broadly welcomed. However, the role of brownfield and regeneration opportunities should be clarified through the supporting Planning Practice Guidance (PPG) setting clear guidance on how should plan makers should be prioritising brownfield land, estate regeneration, and underutilised sites—particularly in areas of growth pressure. This would strengthen and underpin Policy L1.
363. Overall, Policy L1 provides a sound framework, but modest additional clarification would support more consistent and confident implementation across Local Plans while maintaining the policy's streamlined nature.

L2: Making Effective Use of Land

Question 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.

364. Partly disagree.

Question 116a: Please provide your reasons, particularly if you disagree.

365. We support some elements of the policy, but disagree with other parts. Our response to this question focuses on areas/issues that we disagree with or where further clarity is needed.
366. Firstly, it is not clear why there is no reference to considering whether such locations are sustainably located for the proposed development – particularly housing. Housing requires infrastructure in order to serve those who live in such accommodation. It should not be assumed that all brownfield land is in suitable locations for residential development. In a rural district like Horsham, there are many situations where isolated land in the countryside may be technically previously developed but is wholly unsustainable for residential use. This is fundamental planning theory and it is disappointing that this has not been recognised in this draft NPPF. The policy, at the very minimum, must cross-reference other policies in the Framework relating to sustainable locations and landscape impacts.
367. Continuing from the theme above, whilst in general remediating land is a positive, criterion 1a would seem to be an open door to build considerable numbers of homes in the open countryside on the sole justification that they would remediate derelict or despoiled land. Such land may not be highly visible and harmful in its current condition compared to the impact of larger scale replacement development out of keeping in isolated and unsustainably located rural locations.
368. From a Development Management perspective 1.c details how, temporary uses can provide helpful flexibility in appropriate circumstances, particularly where land or buildings would otherwise remain vacant. However, within Horsham District they are used selectively due to the predominantly rural character of the area and the limited availability of suitable sites. The effectiveness of temporary uses depends on clear justification, defined timescales and realistic exit strategies, as they can place additional demands on monitoring and enforcement resources if allowed to continue long term. We believe further clarity is required on what is considered a “reasonable period”, either through additional wording within the policy itself or a footnote to the policy, or within Planning Practice Guidance.
369. We have concerns regarding the creation of additional homes using airspace above existing premises. It is our view that this requirement is not appropriate to be set out in national policy and should be determined locally. Within urban areas, the principle of increasing the height of

buildings to provide additional homes is welcomed, especially given constraints regarding vacant developable land and lack of available brownfield sites.

370. However, like many areas across the country, Horsham District is rural in nature with a strong cultural heritage which has guided settlement patterns and historic landscapes. The distinct local identity of each settlement creates an individual sense of place. For many of the district's rural settlements the variation in roofscapes, and composition of individual buildings with their mix of scale and proportion form the street scenes as well as defining the local character which enables them to be distinguished from the context of other areas in the County and Southeast of the country. Therefore, in these rural areas additional development above existing buildings is not appropriate.
371. For the larger, more urban settlements within Horsham District the use of airspace above existing premises located within a settlement boundary may be appropriate. In these instances, a proposal should be a coherent, well-designed addition that does not erode the character of the building, street or wider settlement. For proposals located in historic settlements incorporating an element of the context of the area in the development proposal, including one that is an innovative design, is key to ensuring it is consistent with the overall street scene.
372. Criterion 1.d.i. implies that the incorporation of larger buildings on street corners is appropriate regardless of the location. However, for historic settlements, such as those located within Horsham district, this principle of acceptance would not only change the overall street scene but also the character of the settlement itself. The legibility of these settlements has already been established through the inclusion of key cultural and social buildings such as churches, public houses and community halls to name a few. The addition of larger buildings would impact on the vistas and views of the settlement as well as the hierarchy of buildings.
373. Furthermore, 1d makes very little reference in terms of design, which is integral to place making, especially when creating additional homes within an already established settlement. It is therefore recommended that it is strengthened by referencing Policy DP3: Key Principles for Well-Designed Places either within the criterion wording itself, or within a footnote linked to 'the overall street scene' stated at the beginning of criterion d.i. As a result, incorporating 1.d (i – iii) in its current form as a national design policy, which is applied regardless of settlement size, type or location, has the potential to create detrimental impact on the character of that settlement and the wider context of the authority to which it relates.
374. Section d.2 is relatively clear. However, we question the need for such a requirement given that development should be acceptable in its own right and not dependent on a proposal outside of the red or blue boundary line.

Question 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.

375. Partly disagree

Question 117a: If not, what typologies should be added or removed and why?

376. As we have explained in relation to the previous question, we have significant concern that there is no reference to the need to consider sites are sustainable for its proposed use – particularly in the case of residential development. Housing requires infrastructure in order to serve those who live in such accommodation. It should not be assumed that all brownfield land is in suitable locations for residential development. In a district like Horsham, there are many situations where

isolated land in the countryside may be technically previously developed but is wholly unsustainable for residential use.

377. As it stands policy L2 only addresses effective use of previously developed land, which in turn limits the typology of development - albeit for the scale of development it does relate to, it does support intensification. At present the title of policy L2 is somewhat misleading as 'effective use of land' should be addressed for all scales of development including new settlements. If the purpose of the policy is to only support the densification of urban areas then the policy title should be amended to 'Making effective use of previously developed land'.

Question 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.

378. Partly disagree.

Question 118a: Please provide your reasons, particularly if you disagree.

379. In general terms, the typologies are unnecessarily detailed (e.g. reference to mansard roofs) and fussy, and in reality, will not add value to decision making. It would be more helpful to have guidance on how and where taller building should be considered.
380. We do have general concerns regarding the creation of additional homes using airspace above existing premises and do not consider that is appropriate as a national policy. The nation consists of both rural and urban areas with a variety of different sized settlements that are varied in terms of context. For more urban areas the principle of increasing the height of buildings to provide additional homes is welcomed, especially given constraints in terms of vacant developable land and lack of available brownfield sites.
381. However, like many areas across the country, Horsham District is rural in nature with a strong cultural heritage which has guided settlement patterns and historic landscapes. The distinct local identity of each settlement creates an individual sense of place which encourages people to live, work and visit, as well as contributing to residents' health and wellbeing, and jointly the rural historic character of these settlements play a key role in contributing to the local economy.
382. For many rural settlements the variation in roofscapes, and composition of individual buildings with their mix of scale and proportion form the street scenes as well as defining the local character which enables them to be distinguished from the context of other areas in the County and Southeast of the country.
383. For the larger, more urban settlements within Horsham District the use of airspace above existing premises located within a settlement boundary may be appropriate. In these instances, a proposal should read as a coherent, well-designed addition that does not erode the character of the building, street or wider settlement. For proposals located in historic settlements incorporating an element of the context of the area in the development proposal, including one that is an innovative design, is key to ensuring it is consistent with the overall street scene.
384. Criterion 1.d.ii. is supported but it is our view that criterion 1.d makes very little reference in terms of design, which is integral to place making, especially when creating additional homes within an already established settlement. It is therefore recommended that the criterion is strengthened in this regard with an inclusion of reference to Policy DP3: Key Principles for Well-Designed Places either within the criterion wording itself, or a footnote linked to the wording referring to 'the overall street scene' stated at the beginning of criterion d.i.

385. Overall, concerns are raised that having the requirements of this criterion as national design policy, regardless of settlement size, type and location, could have a detrimental impact on the character of that settlement and the context of the wider area to which it relates. Additionally, it would be helpful to have guidance on how and where taller buildings should be considered.

Question 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.

386. Partly disagree.

Question 119a: Please provide your reasons, particularly if you disagree.

387. In general, we view the various criteria as too specific. In relation to criterion 1.d.i, it implies that the incorporation of larger buildings on street corners is appropriate regardless of the location. However, for historic settlements, such as those locations within Horsham district, this principle of acceptance would not only change the overall street scene but also the character of the settlement itself. The legibility of these settlements has already been established through the inclusion of key cultural and social buildings such as churches, public houses and community halls to name a few. The addition of larger buildings would impact on the vistas and views of the settlement as well as the hierarchy of buildings.

Question 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.

388. Strongly disagree.

Question 120a: Please provide your reasons, particularly if you disagree.

389. This policy creates confusion. It indicates that backland housing can have twice the footprint of the host dwelling, which means it could be much larger and more incongruous in a garden setting. Further, many sites may have larger front gardens that rear, meaning the 50% rule would allow for the majority of a rear garden to be developed.
390. The guidance should refer instead to retaining 75% of the host property's curtilage as a guide. This will ensure only those sites with sufficient space may be developed, taking into account local character and amenity.

L3: Achieving Appropriate Densities

Question 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.

391. Partly agree

Question 121a: If not, please explain how guidance could be clearer?

392. We welcome an approach that provides a clear and strong signal that density should be actively optimised, particularly in sustainable locations which are well connected.
393. Notwithstanding, further amendments to Policy L3 should acknowledge that existing character, access to services and local amenities should inform, but not preclude, higher-density development. L3 would benefit from greater clarity on proportionality and flexibility, particularly in settlements with predominantly rural characteristics; and locations with physical, environmental or

infrastructure constraints such as protected landscapes. To that end, we believe that national minimum densities should only have weight where adopted development plans do not have such requirements. The Government should allow development plans to set out bespoke density requirements that reflect local circumstances – this might identify where higher densities should be pursued by development or, in some cases, where lower densities may be appropriate.

Question 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.

394. Partly Agree

Question 122a: Please provide your reasons, particularly if you disagree.

395. We support in principle the introduction of minimum density requirements around train stations and major transport hubs, as these locations can support higher density development and sustainable travel. Horsham is a predominantly rural district, with several rural stations serving the wider hinterland. Not all rural stations can support higher densities due to a predominately rural location, infrastructure constraints, other sustainability considerations, or the need for significant investment in local services and amenities. Land ownership around stations can often be fragmented with land assembly both costly and timely. The implementation of high-density schemes around well-connected transport hubs may be therefore challenging without further support and guidance from Government.
396. The proposed minimums of 40 dwellings per hectare around stations and 50 dwellings per hectare around “well connected” stations are broadly reasonable for some contexts. But we would view that in some instances it would be appropriate for development plans to set bespoke thresholds to reflect local circumstances. In particular, in some urban environments, 50 dwellings per hectare looks to be too low while in very rural areas, 40/50 dwellings per hectare may be inappropriately high – irrespective of whether a railway station exists nearby.
397. Further, our draft Local Plan includes some strategic development sites that lie within the vicinity of a railway station and would be captured by the policy requirements. However, taking into account the circumstances of such sites, our understanding of the market and need, as well as detailed design work that has already taken place, we do not think development would be appropriate at the densities identified. Government should therefore be clear whether site allocations would take precedence. If not, there is a real risk that large scale development as proposed in development plans would not come forward as national policy would essentially prevent them coming forward. This is a risk to both local authorities and to the development industry as a whole and should be clarified.
398. We also think that the policy would benefit from a clear definition of “well connected” and recognition that a single national minimum may not be appropriate in all locations, particularly in smaller rural towns, edge of settlement sites, and constrained rural or historic environments. Well-connected should also include linkages to the local cycle pedestrian networks.

Question 122b: 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

399. Minimum density standards may also adversely impact the delivery of accommodation for Gypsy and Traveller communities and other specialist housing, such as older persons’ or care accommodation, where lower density layouts are often required. Policy L3 should therefore

confirm that minimum density standards should not apply where they would conflict with the provision of specialist housing or the needs of groups with protected characteristics.

Question 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.

400. Partly agree.

Question 123a: Please provide your reasons, particularly if you disagree.

401. Applying dwellings per hectare remains a familiar and widely understood metric, and using net developable area is also appropriate to ensure a consistent basis for calculating density. Notwithstanding, dwellings per hectare alone does not fully capture the process of placemaking which would identify the differences in dwelling size and mix; look at context; intensity of use for mixed-use schemes; or built form outcomes such as height, massing, character and townscape impact. Such elements would input into designing a well designed scheme which is suited for that particular location. It is advised further qualification is applied in Policy L3 other than singular density range without the application of supporting and cross referencing robust design principles.
402. We would add that the definition of net developable area will in effect reduce the density potential of sites as it allows for the inclusion of play spaces and 'incidental open space', all of which could be on the site fringe.

Question 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.

403. Partly agree

Question 124a: Please provide your reasons and preferred alternatives.

404. It is not clear whether 'high levels of connectivity' is intended to mean the same as well-connected. Consistent language should be used if the meaning is intended to be the same or, alternatively, if the terms are different, further explanation is needed.
405. In our view, the criteria for defining 'well connected' stations should be made explicit and to include considerations other nodes of transport such as cycling and walking; however, their technical nature (Travel to Work Area ranking by Gross Value Added combined with service frequency) may be difficult for some authorities and applicants to apply without supporting datasets or mapped outputs. Publishing a definitive list or interactive map of qualifying stations would greatly improve transparency and usability. It should not be the case that applicants/authorities have to trawl through train timetables to judge whether a policy provision applies.
406. The use of Travel to Work Areas (TTWAs) and service frequency as criteria provides a clear and transparent methodology and appropriately focuses higher minimum densities on locations with strong functional connectivity to employment and services. However, there are concerns which include:
- TTWAs are very large geographies, which may mask significant variation in local accessibility;

- Reliance on Gross Value Added ranking may underplay growth potential in emerging or regenerating areas; and
- Some coastal, rural, or peripheral towns with robust local rail services may be excluded despite strong sustainability credentials.
- There should be explicit flexibility for local planning authorities to demonstrate that stations outside the defined TTWAs can function as well-connected nodes through local evidence.

Question 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

407. Yes

Question 125a: If so, how should these locations be defined in a clear and unambiguous way and what should these density standards be?

408. Setting indicative ranges for different settlement typologies, or providing principles for defining urban cores, would help ensure the policy is transparent. Notwithstanding, an element of flexibility should prevail, if it can be evidenced through a design framework/design code an appropriate density should be applied as it would be appropriate to that location.
409. We suggest that it would be appropriate for strategic allocations (including new settlements and major extensions to existing settlements) should be permitted to have their minimum densities set out in development plans. There is a risk that, given that such development often has to provide major infrastructure to cater for a large increase in population, it is often not possible for the minimum densities indicated in the draft policy to be achieved.

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

410. Yes.

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

411. We broadly support a density range but consider it should be locally calibrated through plan-making and design codes, with Policy L3 setting the national direction rather than prescribing uniform outcomes.
412. A density range, rather than a single minimum, would provide greater flexibility and encourage ambition while allowing proposals to respond to:
- urban form, character and context.
 - site size and constraints; and
 - infrastructure and service capacity

L4: Residential Extensions

Question 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.

413. Partly disagree

Question 129: Please provide your reasons, particularly if you disagree.

414. If guidance referred to above is included in the NPPF it is policy, it is not guidance as described in the question. The Government has made clear that the provisions are therefore to be taken into account, whereas guidance (as set out in the PPG) is different. The incorrect use of language is, causes confusion.
415. In relation to the question, there are conflicting views. There are some who question whether this policy is needed as it could constrain innovation and contemporary design. Others suggest that the policy does have utility but that there are gaps within the provisions. It is asserted that one of the primary elements to be considered as part of the decision-making process of residential extensions is the impact of any new structure on neighbouring and nearby properties, acknowledgement of which has been completely disregarded from policy L4 and this should be addressed by making amendments.
416. In addition, criterion 1.a. states that residential extensions should blend effectively with the existing building and its surroundings but as currently drafted this is only in terms of its scale and form. We believe this policy should include reference to materials as they are an essential element in ensuring an extension blends in effectively, not only with the host dwelling but also in keeping with the character of the settlement. Policy L4 1.a and 1.b should be amended to read as follows:
- 1.a. Blend effectively with the existing building and its immediate surroundings in terms of its materials, scale and form; and
 - 1.b. Maintain acceptable living standards for residents and occupiers of neighbouring properties in terms of access to daylight, sunlight, privacy and external amenity space.

Chapter 13: Protecting Green Belt land

417. We are not an authority that has Green Belt and therefore have not responded to the questions relating to this chapter – though we have long advocated that authorities with Green Belt should be meeting their needs, including by assessing and accepting development within the Green Belt.

Chapter 14: Achieving well-designed places

DP1: A Strategy for Design

Question 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.

418. Partly agree.

Question 146a: Please provide your reasons, particularly if you disagree.

419. Policy DP1 provides a welcome and clearer framework for embedding design at the heart of plan-making. The emphasis on a coherent design strategy, supported by locally specific policies and design tools, is strongly supported and aligns well with the intention of securing consistent, high-quality placemaking outcomes.
420. The policy is particularly effective in clarifying the role of development plans in identifying where design guides, codes, and masterplans are required; explicitly linking design strategies to areas

of change, including town centres, regeneration areas, and suburban areas with scope for intensification; and reinforcing the importance of locally distinctive design policies that add value beyond national principles and DP3.

421. However, the policy would benefit from greater clarity on proportionality and resourcing, particularly for authorities with limited capacity. Clearer guidance on when design codes or masterplans are essential versus optional, and how plans should prioritise areas for detailed design work would help ensure consistent implementation and avoid delays in plan preparation.
422. The removal of explicit reference to neighbourhood planning groups is understood, but it would be helpful to explicitly reaffirm the role of neighbourhood plans in contributing to design strategies, particularly where they include locally prepared design guidance

DP2: Design Guides, Design Codes and Masterplans

Question 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.

423. Strongly agree.

Question 147a: Please provide your reasons, particularly if you disagree.

424. The approach set out in Policy DP2 is proportionate, flexible, and pragmatic. Moving away from a mandatory requirement for authority-wide design codes is welcomed, as it recognises the diversity of local contexts and the varying capacity of authorities especially for places like Horsham where there is a diverse mix of urban and rural environments.
425. The policy provides a clear and helpful framework by: setting out streamlined principles for the preparation and use of design guides, codes, and masterplans; introducing monitoring and review expectations within national policy, strengthening their role in delivery; and explicitly recognising the importance of understanding the economic, social, and environmental context to ensure that design tools are realistic, viable, and effective.
426. This approach should encourage the targeted use of design tools where they add most value - such as on large or complex sites and in areas of significant change - while avoiding unnecessary prescription elsewhere while making efficient use of resources. The policy strikes an appropriate balance between design ambition and deliverability

DP3: Key Principles for Well-Designed Places

Question 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.

427. Partly agree.

Question 148a: Please provide your reasons, particularly if you disagree.

428. We consider the wording of the DP3 to be clearer and more concise than the equivalent policy in the current NPPF. Nevertheless, though it is helpful, there is tension between this policy and policies L2 and L3
429. The re-drafting of key design principles which have been reduced in number (as outlined in criterion 1) is welcomed, especially with the new dedicated climate change principle.

430. With regard to criterion 1.a 'Context', the final sentence states that this should not preclude innovation and change where appropriate. The Council agrees with this statement in part; innovation and change are supported where a proposal helps to raise the standard of design (as addressed in criterion 4 of Policy DP3). However, there should not, and does not, have to be a choice between innovation or context, but rather that any proposal reads as a coherent, well-designed addition that does not erode the character of the building, street or wider settlement. For historic settlements such as those located in Horsham District, incorporating an element of the context of the area in an innovative design is key and should be supported rather than copying poor design or using incongruous materials of existing development to which it relates.
431. Additionally, policy DP3 1.b on liveability should include reference to noise exposure and air quality, which have proven impacts on the health of occupiers.

DP4: The Design Process

Question 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.

432. Partly agree.

Question 149a: If not, what else would help secure better design and placemaking outcomes?

433. Good design is a key element in achieving sustainable development. We support the intention of this policy to strengthen the role of design review and to secure high-quality outcomes through the lifetime of developments. Nevertheless, the concerns are raised that 2.a may have financial implications for local authorities who do not have the resources in place to meet the requirements to fulfil this. Greater clarity and procedural certainty are also required in relation to criteria 2.b and 2.c to ensure the policy is both effective and enforceable.
434. In relation to criterion 2.b, while the requirement for conditions to reference "clear and accurate plans and drawings" is welcomed, the policy should be strengthened to explicitly require the approval of key design-defining parameters – including materials, elevations, sections, roofscape, landscape treatments and public realm – at the decision stage for schemes where design quality is critical. This would reduce over-reliance on post-permission discharge of conditions and help prevent the dilution of design intent.
435. With regards to criterion 2.c, the policy would benefit from a clearer and more robust mechanism to prevent design erosion post-permission. In particular, it should establish that material design changes which would reduce quality or undermine design review outcomes should require new or varied planning permission, rather than being addressed through minor material amendments or condition variations. Explicitly linking this test to the approved design framework and any design review recommendations would improve certainty for applicants and strengthen the ability of local planning authorities to resist inappropriate post-approval charges.
436. Overall, we consider that clearer front-loading of design detail and stronger safeguards against post-permission erosion are necessary to ensure that the ambitions of DP4 are realised in practice.

Chapter 15: Promoting sustainable transport

TR1: Vision-Led Approach to Planning for Transport

Question 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.

437. Strongly agree.

Question 150a: Please provide your reasons, particularly if you disagree.

438. We support the policy and believe it can be effective. However, it will be important to provide guidance on aspects of TR1. In particular, TR1(2) permits spatial development strategies and local plans to set thresholds for 'a significant amount of movement': this is supported, but would benefit from clear guidance on what should be considered when devising such thresholds (e.g. context – capacity or otherwise on existing networks, environmental sensitivities in particular air quality; and how the different types of movement might be treated e.g. road traffic, public transport). This could be set out in Planning Practice Guidance.

TR2: Local Parking Standards

Question 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.

439. Partly agree.

Question 151a: Please provide your reasons, particularly if you disagree.

440. TR2(1) refers to 'development plans' setting local parking standards. In our view, it should be clarified that local plans should set these standards as opposed to strategic development strategies.

441. Furthermore, as drafted, there is some ambiguity as to whether the policy expects local plans to set minimum, maximum or guideline parking standards. This could be rectified by referring in TR2(1) to 'local minimum, maximum or guideline parking standards'.

TR3: Locating Development in Sustainable Locations

Question 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.

442. Partly agree.

Question 152a: Please provide your reasons, particularly if you disagree.

443. Reference to 'a significant amount of movement in the context of the area within which they would be situated' is supported. However, it is felt that it would benefit from clear guidance on what should be considered when devising such thresholds (e.g. context could include capacity or otherwise on existing networks and environmental sensitivities in particular air quality). This could be set out in Planning Practice Guidance. TR3(1a) should also be amended to say: "...should be

in locations... offering a genuine choice of transport modes for residents and users, at minimum including active travel modes, unless the nature of the use makes this impractical.”

444. Despite the general support, the policy does not refer to resisting development that is unsustainably located in transport terms. Part 1d is particularly weak in this regard, in effect allowing development in very poorly located areas where very limited or no opportunities to sustainably access services and facilities exist.

TR4: Street Design, Access and Parking

Question 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.

445. Partly agree.

Question 153a: Please provide your reasons, particularly if you disagree.

446. The policy wording is generally supported. However, consideration should be given in TR4(1c) to remove reference to ‘minimising the scope for conflict between pedestrians, cyclists and vehicles’ as some low trafficked areas can benefit from these street users sharing space and priority (e.g. home zones). This could be replaced by ‘maximising harmony between pedestrians, cyclists and vehicles through appropriate street design...’.
447. We would add that reference should be made to ensuring adequate space for street trees. Part 1b should clarify that the need for, and design of, cycle lanes should be in accordance with LTN 1/20 requirements, or any superseding document.

TR5: Roadside Facilities

Question 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.

448. Neither agree nor disagree.

Question 154a: Please provide your reasons, particularly if you disagree.

449. We think that a definition of ‘roadside facility’ would be helpful. The policy should cross-reference landscape policies to ensure consideration is given to rural impacts from appearance, scale, noise and lighting.

TR6: Assessing Transport Impacts

Question 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.

450. Partly agree.

Question 155a: Please provide your reasons, particularly if you disagree.

451. TR6(1) does not distinguish between requirements for outline planning permissions versus full planning permissions. In practice, this catch-all approach has led to uncertainty as to the amount of detail needed at these respective stages. It is considered that whilst not all detailed targets

and measures can necessarily be listed at the outline stage, some headline measures and targets should normally be included which may be subject to review at reserved matters stages (which may relate to phases of development on larger sites). The re-wording of TR6(3), which effectively guards against severe highways impacts whilst not giving carte blanche to any development with no severe highways impacts (which does not mean no impacts) is welcomed.

TR7: Marine Ports, Airports and General Aviation Facilities

Question 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.

452. Strongly disagree.

Question 156a: Please provide your reasons, particularly if you disagree.

453. Although policy TR7 requires that the environmental impacts on development must be acceptable, this principle can only be applied effectively when clear guidance exists on what levels of impact are considered “acceptable”. Because the factors listed in TR7 criteria a, b, c and d may conflict with one another, the policy or accompanying guidance should clarify what level of impact would be regarded as acceptable.
454. Furthermore, because the developments covered by the policy are inherently diverse, some flexibility and pragmatic judgement are necessary. However, there remains a notable absence of clarity in national policy and guidance on appropriate thresholds, particularly regarding noise.
455. Even if setting fixed national limits may be unsuitable given the evolving evidence on how noise affects health, national policy should still be structured so that local authorities can incorporate the most up-to-date guidance and research on aircraft noise impacts into their decision making.
456. Standardised guidance on how impact assessments might be applied to the different development types covered by TR7 would be beneficial, particularly guidance that sets out clear trigger thresholds for standard or more comprehensive assessments and appropriate metrics and limits.

TR8: Public Rights of Way

Question 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.

457. Partly agree.

Question 157a: Please provide your reasons, particularly if you disagree.

458. TR8 is supported, however it would be beneficial to include an additional part to the policy which promotes opportunities for upgrading public rights of way to facilitate cycling and wheeling - for example by providing new links to established cycle networks, thus supporting TR4(1a) and TR4(1b). Whilst not all routes will be suitable for such dual use, including such a policy statement will ensure that where there is suitability, such opportunities are not lost. TR4 would further benefit from promoting opportunities to make the public rights of way network more accessible to disabled people.

Chapter 16: Promoting healthy communities

HC1: Planning for healthy communities

Question 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.

459. Partly agree.

Question 158a: Please provide your reasons, particularly if you disagree.

460. In general, we welcome the policy and support the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards. Though this could be simplified by requiring new development to at least meet the recommended minimum standards set by Fields in Trust with a recommended minimum standard for allotments from the National Allotment Society / National Society of Allotment and Leisure Gardeners (e.g. this was 20 allotments per 1,000 households/0.25 hectares per 1,000 population).
461. The final sentence of HC1(1)(a) is unduly tilted towards health needs when the criterion relates to all community facilities and public service infrastructure. It is suggested that the reference to “identified local health needs” be amended to read “identified local community and infrastructure needs (including health, education and open space)”.
462. It is queried if HC1(2) is necessary as it is fundamentally covered by HC1(1). Critically the provision, at the plan making stage, to “engage proactively with local communities in respect of community facilities and public service infrastructure” is also queried given the limited extent planning can address public demands for additional GPs, hospitals, schools, bus services and community halls (with no operator), because patient/pupil numbers are fundamentally set by national policy and bus services largely under the control of the bus operators. If this expectation is to be retained then it should be clarified the extent to which that planning authorities should, at the plan making stage, engage proactively with local communities about community facilities and public service infrastructure outside of the formal consultation stages? Additional resources may be required to help cover public relations to help manage expectations. This could be an unduly onerous expectation placed on local planning authorities which could be better addressed by national campaigns setting out patient / pupil numbers and why such thresholds have been set. Where there are particular matters that can be met by a development plan a local authority will engage, this does not need a specific expectation in the NPPF.
463. Prevention of ill health requires full consideration, including but not limited to; design, noise, and air exposure of development sites. It could therefore be helpful to add a cross reference so that account is taken of these factors.

HC2: Local Green Space

Question 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.

464. Partly agree

Question 159a: Please provide your reasons, particularly if you disagree.

465. We agree that strengthening the link between the community and designation of Local Green Spaces through Local plans or neighbourhood plans is a positive change. Local Green Space should closely serve the community and increase accessibility for local people supporting recreation, wellbeing and local identify.
466. The word 'close' should be explicitly defined in the NPPF to avoid confusion for plan makers and examiners. The intention behind amending the wording from "reasonably close" to "close" is understood and broadly supported, as it reinforces the principle that the Local Green Space (LGS) designation is intended to protect genuinely local spaces that are integral to the day-to-day lives of the communities they serve. 'Close' should be defined as such to prevent inappropriate designation of larger or more remote areas that function more strategically or environmentally rather than locally.
467. However, without clarification, the revised wording risks being overly restrictive if interpreted too literally, particularly in certain settlement types and geographic contexts. In rural areas, coastal communities, or settlements with dispersed or linear forms, valued green spaces may not be immediately adjacent to residential areas but may nonetheless be functionally and socially close, well-used, and strongly associated with the community. Similarly, physical barriers such as major roads, waterways, or rail lines may mean that an area is not immediately adjacent but remains readily accessible and clearly connected to the community it serves.
468. To avoid unintended consequences, it would be helpful for national policy or supporting guidance to clarify that "close" should be understood in functional and experiential terms, rather than purely in terms of physical distance. This would ensure that the policy continues to allow appropriate flexibility for local circumstances, while still maintaining the underlying intention that Local Green Space designations should be locally focused and community-facing. Therefore, the proposed change is supported in principle, but additional clarification would help ensure that the policy remains inclusive of varied settlement patterns and does not inadvertently exclude valued local spaces that are clearly connected to, and used by, the community despite not being immediately adjacent.

HC3: Community facilities and public service infrastructure serving new development & HC4: Proposals for new community facilities and public service infrastructure

Question 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.

469. Strongly disagree

Question 160a: Please provide your reasons, particularly if you disagree.

470. These policies do not address fundamental difficulties in the delivery of infrastructure in areas where development is not plan led. HC3 criterion 1a. does not go far enough in setting expectations on the outcomes of engagement with infrastructure providers and assessment of need. An understanding of the need should form the basis of the proposal. It is thus suggested that this criterion is reworded to "demonstrate an understanding of the specific needs..." to ensure proposals are required not just to assess what needs exist, but commit to meeting them either on or off site as appropriate. Similarly, while we agree with HC4 criteria 1 that the benefits of new or improved infrastructure should be afforded substantial weight, this should be balanced with the requirement on developers to mitigate the impact of development.

471. The change in emphasis would make clear that the delivery of infrastructure and, in turn, sustainable development, should be achieved through positive and ongoing collaboration between local planning authorities and infrastructure providers, as well as developers and local communities. This ensures that proposals remain relevant and realistic, and that they are delivered in such a way that they meet the needs of the community.
472. We would separately add that the policy should make reference to stewardship of new community facilities within larger scale developments, with a priority for community ownership via parish councils or other community groups ahead of management companies.

HC5: Hot food takeaways and fast food outlets

Question 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?

473. Yes.
474. There is now a wide disparity between hot food takeaways and café or restaurant uses permitted under Use Class E (b). Cafes and restaurant operating under Use Class E (b) are not required to have regard to local health, pollution or anti-social behaviour. This means no account can be taken of impacts on residents, even where they live immediately above the Class E(b) use. This has created a two-tier system within the planning framework which should be addressed. It is our view that premises selling hot food should be subject to the same standards of control to protect residential amenity.
475. Further, it is necessary for Government to provide a clear definition of walking distance is critical to avoid legal challenges to decisions. Likewise, a definition of 'places where children congregate' is needed - would it, for instance, include playgrounds, or popular street corners?

HC6: Retention of key community facilities and public service infrastructure

Question 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.

476. Partly agree.

Question 162a: Please provide your reasons, particularly if you disagree.

477. We support the intention behind the policy, though are concerned that short-term viability issues do not cause an area to become void of valuable community facilities. Logically, it is our view that Policy H6 should follow H4, as they are interlinked.
478. The application of the "last of its type" principle is unclear and requires further clarification. Clearer guidance is needed to help communities, local planning authorities, applicants and other stakeholders reach a shared understanding of how this principle should be interpreted. In particular, it would be useful to explain whether the principle should be applied flexibly depending on factors such as the type of facility, its catchment area, accessibility and the nature and diversity of its potential users.
479. Where there is conflict between the loss of a facility that is the last of its type and its replacement with a facility serving a different need, more detailed guidance is required than that proposed in HC6 criterion 1b on what weight the principle is intended to have. Conversely, when a facility is not the last of its type, the policy appears not to apply at all, even though it may still make a

valuable contribution to the area. Again, guidance around how the principle should be defined would assist here.

480. Lastly, it needs to be clear what is meant by 'area' in the context of this policy. If the Government intends to determine the geographic extent, this should be set out in the glossary or in supporting guidance. Alternatively, if it is the intent for authorities to identify this in Local or Neighbourhood Plans, this should be made clear in the policy and guidance provided as to how this is to be applied.

HC7: Development affecting existing recreation facilities

Question 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.

481. Partly agree.

Question 163a: Please provide your reasons, particularly if you disagree.

482. We strongly support the need for an assessment to clearly demonstrate an open space is surplus prior to its loss. It should be made clear that the test is to clearly show the site is surplus both in terms of current needs and future estimated needs (taking into account future development and population projections). It is also recommended that the policy makes clear that existing open space includes vacant land last used as open space and allocated in a development plan or strategy, including ancillary land such as educational or a company's sports club playing fields. In areas where land values are high it is imperative there is no incentive for a new landowner to leave an open space vacant in order to obtain planning permission on the premise it is no longer functional open space with no intent of making it functional again. Indeed, it should be made clear that HC6(1)(a) does not apply to open space because even vacant open space serves as a visual, biodiverse and urban cooling function, and where there is no development hope value it is more likely to be used as open space in an optimal way.
483. It is strongly recommended, taking into account the strengthened presumption in favour of development, S4(2)(c) and S5(2), that this policy clearly states that permission should be refused if one of the criteria are not met. Open space within a settlement is essentially finite because it is unlikely to revert back to open space once developed. It is critical it is retained especially where population/ housing densities are expected to increase and land values are high.
484. Whilst it may be that use of 'and/or' allows for common sense and proportionality to prevail in appropriate situations, in view of the strong presumption in favour of development others consider that the requirement should not be 'and/or' with reference to quantity and quality of replacement provision. The proposed text leaves no recourse to require quality improvements if a larger parcel of land is offered as a replacement despite it having flooding/drainage. Similarly, a constant loss of open space on the premise that what will be provided is better quality is not sustainable especially as quality can change over time. It is strongly recommended that the wording be amended to make clear replacement must be equivalent or better in terms of both quantity and quality (not or), in a location which offers comparable or improved accessibility for the community it serves. Sustainable locations for development are sustainable locations for open space, and as population increases in an area the quantity of open space should not reduce. If anything, it should increase and where necessary quality improve in order to increase capacity to meet the higher demand. In respect of the location of any replacement site the text is welcome as this is stronger than the current 'suitable location' with no reference to the community it serves.

HC8: Development affecting Local Green Space

Question 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.

485. Neither agree nor disagree.

Question 164: Please provide your reasons, particularly if you disagree.

486. As we are not an authority that has Green Belt, we do not have any views in relation to this question.

Chapter 17: Pollution, Public Protection and Security

P1: Planning for Clean, Liveable and Healthy Places

Question 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.

487. Partly agree.

Question 165a: Please provide your reasons, particularly if you disagree.

488. There are a few gaps in the policy that could limit its effectiveness in delivering clean, healthy and safe places. For example, policy P1(b)(iii) mentions pollution “in combination with other developments”, which is good — but it doesn’t list out what the in-combination effects could be and so these could easily be overlooked. We suggest that an amendment is made to list the potential cumulative effects such as cumulative air quality impacts across a certain area. Cumulative vibration impacts, light pollution from many developments, electromagnetic field exposure from over-development and cumulative noise exposure impacts. These impacts will be more prevalent in certain areas and therefore a reference to local evidence may be useful. For example, some areas may be susceptible to wildfires, urban overheating and water scarcity.
489. Similarly, the policy mentions ‘communities which may be vulnerable to the effects of development such as children and the elderly’ – but there might be specific local groups in an area that are particularly vulnerable. We think that it would be beneficial for the policy to include a requirement for an assessment of who is vulnerable locally and/or who will benefit from development and who will bear the risk.
490. An acknowledgement of the fact that pollution can be both internal and external (for example indoor and outdoor air quality, overheating, ventilation, noise insulation) would also be beneficial, albeit it is noted that this is referenced in P3.
491. A focus on development seeking to reduce health inequalities would also strengthen the policy – such as a requirement for major development to include a Health Impact Assessment (HIA). Impacts on mental health should be taken into consideration as well as impacts on physical health, mental health. Access to open space, social cohesion, fear of crime are all important to mental health. These could be listed in Policy P3 as opposed to P1.
492. Finally, it is important that cross boundary impacts are considered because pollution does not follow administrative lines. A requirement for joint working on pollution and cross boundary hazard mapping would be beneficial. Without this there is a risk of fragmented risk management.

P2: Ground Conditions

Question 166: Are any additional tools or guidance needed to enable better decision making on contaminated land?

493. The principles outlined in P2 continue the approach set out in the existing framework. However, it is our view that the policies should reference and recognise the important role the Planning Practice Guidance has made in allowing local planning authorities to require proportionate levels of site risk assessment. This gives confidence that planning decisions are taken with due regard to any potential risks.

P3: Living Conditions and Pollution

Question 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.

494. Strongly disagree.

Question 167a: Please provide your reasons, particularly if you disagree.

495. We fundamentally disagree with the use of the phrase “unacceptable adverse effect.” This is a much higher standard than quoted in the Noise Policy Statement for England which is “significant adverse effect level”. This change of wording represents a severe weakening of the protection in the current NPPF current position and could accordingly have negative impacts on health and wellbeing. This wording should be replaced with ‘significant adverse effects’ to rectify this disconnect from the Noise Policy Statement for England and match the level of protection that the equivalent current policy wording affords.
496. It is our view that criterion 1c needs to be clear whether noise exposure is both internal and external, or just internal. Achieving the proposed standard for external spaces will significantly constrain new housing near main roads. Applying it to external spaces will also create situations whereby developers will need to remove balconies from flat blocks near main roads, leaving occupants with no outside space at all. This would not create good living spaces. We therefore recommend the standard should be for internal spaces only.
497. The draft wording which requires that developments should “sustain and contribute to compliance with relevant limit values” seems limited. It is our view that compliance with statutory objectives is the minimum standard, but that the policy should go further by requiring mitigation of pollution generated by new developments. Without this, there is a danger that developments may meet technical compliance yet still worsen local conditions, which undermines the aim of providing genuinely acceptable living conditions.
498. Notwithstanding the above, Part 2b needs to be clear that such compliance needs to be proportionate to the scale and nature of the development- i.e. that it does not unduly constrain or place at legal risk applications for 1 or 2 houses.

P4: Impact of Development on Existing Activities

Question 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.

499. Partly disagree.

Question 168a: Please provide your reasons, particularly if you disagree.

500. It should be recognised that developers cannot rely, as mitigation, on requiring occupiers of developments to surrender their rights in law to protection from nuisances and other detrimental impacts. It is our view that development that seeks to do this should be found as being unacceptable and breaches other elements of the NPPF, including liveability and pollution. We therefore believe that this should be explicitly set out in this policy or, at the very least, that this is communicated in guidance.

P5: Maintaining Public Safety and Security

Question 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.

501. Partly agree.

Question 169a: Please provide your reasons, particularly if you disagree.

502. The policy is an improvement on the equivalent existing NPPF policy, but a few gaps remain. For example, there is not explicit requirement to consider licensing conditions in detail. Whilst P4 mentions “permitted levels of operation”, it does not explicitly require decision makers to consider things like licensing hours, temporary event notices and lawful noise limits. Because licensing defines the actual permitted activity of many venues, without specific reference, some authorities might overlook it.
503. It is important that the policy also recognises the cultural and social value of event spaces as community facilities which support the nighttime economy. Lots of event spaces have long standing heritage value which should not be overlooked. This policy treats venues as assets rather than only a source of noise. The policy could be strengthened with the inclusion of a way to balance competing interests such as noise and community value. Without guidance therefore, the policy could be interpreted inconsistently.
504. It would be helpful to have clarity around how to consider safety risks from Battery Storage sites. We have experience of significant community concerns over fire risk, fire spread, and the environmental pollution risk from thermal runaway events. This has delayed decision making on this important infrastructure.

P6: Land and Operations for Defence and Public Protection

Question 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.

505. Neither agree nor disagree.

Question 170a: Please provide your reasons, particularly if you disagree.

506. As we are not an authority that has defence infrastructure, we offer no comments in relation to this question.

Chapter 18: Managing Flood Risk and Coastal Change

F3: Managing Coastal Change

Question 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.

507. Neither agree nor disagree

Question 171a: Please provide your reasons, particularly if you disagree.

508. We are an inland authority with no coastal areas and thus offer no comments to this question.

F5: The Sequential Test

Question 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.

509. Partly agree.

Question 172a: Please provide your reasons, particularly if you disagree.

510. We agree that the strategic flood risk assessment and Flood Map for Planning should be the evidential basis for applying the sequential test. We welcome the clarification of F5.2.b.ii which exempts sites at risk from surface water flooding only from the sequential test, provided that the layout, design and mitigation measures would ensure the safety of the occupiers for the lifetime of the development. However, the wording of criterion 1 should define what “reasonably available” means for alternative sites. This requires clarification within the policy or, at the very least, in Planning Practice Guidance.

511. Further, we ask that further clarification is made to what ‘built development’ means at criterion 2b(i). We have a large development under judicial review because the challenging party considers an equipped play area within flood zone 2 to be ‘built development’ triggering the need for a sequential test. We would therefore request that Part 2b(i) is clear that ‘built development’ excludes the Water Compatible Development types in Annex F table 2.

F6: Development in Areas at Risk of Flooding from Rivers or the Sea

Question 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.

512. Strongly agree.

Question 173a: Please provide your reasons, particularly if you disagree

513. We agree with the wording of this policy, though we note that in Annex F, Table 3 (page 125) there is a typo, which should read “notes to table 3”.

F8: Sustainable Drainage Systems and Watercourses

Question 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.

514. Partly agree.

Question 174a: Please provide your reasons, particularly if you disagree.

515. We welcome the requirement for national standards. However, these should be seen as a minimum requirement, and developers should be encouraged to go further than these standards where possible. Flexibility to have higher local standards in the development plan, if justified by appropriate evidence, should also be allowed – which would allow local matters relevant to this issue to be taken into account.

Question 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.

516. Strongly agree.

Question 175a: Please provide your reasons, particularly if you disagree.

517. We welcome the requirement stipulated in policy F8.3 for development to not enclose watercourses, remove existing culverts where possible, and re-naturalise existing river channels, where it is safe to do so without increasing flood risk or environmental harm, as this will, by default, contribute to increased biodiversity.

F9: Development in Coastal Change Management Areas

Question 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.

518. Neither agree nor disagree

Question 176a: Please provide your reasons, particularly if you disagree.

519. We are an inland authority with no coastal areas and thus offer no comments to this question.

Question 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?

520. We are an inland authority with no coastal areas and thus offer no comments to this question.

Question 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.

521. Strongly agree

Question 178a: 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.

522. Though we agree with the new additions, we believe that there should be specific mention of Battery Energy Storage Facilities, for clarification. This is as these will likely become more commonplace should we move towards a zero-carbon economy, as is the Government's ambition.

Chapter 19: Conserving and enhancing the natural environment

N1: Identifying environmental opportunities and safeguards

Question 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.

523. Strongly disagree

Question 179a: Please provide your reasons, particularly if you disagree.

524. The proposed approach in Policy N1, specifically N1(2), does not achieve an appropriate balance between national consistency, development viability, and the urgent need to support nature recovery. Instead, it significantly weakens the biodiversity net gain (BNG) framework and undermines the objectives of the Environment Act 2021, the NERC Act duty, and the wider ambitions of the NPPF. We strongly recommend that N1(2) be deleted and reference to 'stepping stones' should be added back into the NPPF, in N1. The following sets out our reasons.
525. The omission of "stepping stones" from the revised NPPF is a substantive concern. Stepping stones are crucial for species traversing the landscape in areas where contiguous habitat corridors are absent or not possible (e.g., urban areas). Their removal from national policy diminishes the ecological coherence of the policy framework and should be reversed.
526. We are also strongly of the view that the restriction on local BNG standards is inappropriate and counterproductive. NC1(2) prevents local planning authorities from setting BNG requirements above the statutory minimum of 10% on non-allocated sites and where site specific data no longer accords with the boundaries etc promoted. This effectively converts a minimum threshold into a cap. This is contrary to the intent of the Environment Act 2021, which sought to improve the natural environment, reversing the significant decline in biodiversity since the 1970's; and the 2018 DEFRA consultation, which made clear that 10% should not be viewed as a cap. Indeed, this appears to be based on an assumption the metric would be used on all sites to ensure no net loss and that any harm caused by development is sufficiently mitigated and compensated.
527. The Biodiversity Net Gain Impact Assessment (2018) recognised measurable net gains are necessary to achieve both the conservation outcomes (i.e. to improve the environment in a generation) and to deliver the streamlining and community support objectives (i.e. support for development is unlikely to grow if the aggregate impact of development on nature remains negative). It also recognised the need for a level playing field and, on page 16, states "Exemptions would either prevent net gain from being achieved across the system or require other development types to deliver higher gains to offset the exemptions". Pages 19 & 20 reflect that the literature recommends much greater levels of gain than 10% BNG and that 10% is the lowest level of net gain that the department could confidently expect to deliver genuine net gain, or at least no net loss, of biodiversity and thereby meet its policy objectives. Section 5.1.3 acknowledges scope for flexibility between LPAs so long as the requirements that apply to a particular geographical location aren't ambiguous and don't vary from developer to developer, or between development types.
528. Capping BNG at 10% hinders progress of increasing sustainable development/growth and ability to meet other NPPF policies criterion (e.g. HC1, HC3, CC1-CC3, DP3, P1) and fails to fully embrace that development and biodiversity are not mutually exclusive. An additional, non-statutory, amount above 10% would be a material consideration in planning, and in some

circumstances, development may be permitted whilst not adhering to this local policy. Local authorities should retain the ability to set higher standards, where justified by local ecological pressures/development pressures, evidence, and viability assessments (especially if the exemptions are to increase and the commitment in the 25 Year Environment Plan to leave the environment in a better state than it was inherited for the next generation is to be met).

529. Site-specific BNG standards in local plans are impractical and requiring local plans to set BNG percentages for individual allocations is unworkable. Site boundaries and proposals evolve over time, and local authorities do not have the resources to undertake detailed ecological assessments for each site. This approach would also unfairly disadvantage allocated sites compared with unallocated ones.
530. Further, increased exemptions and offsetting provisions undermine nature recovery, as the proposed expansion of exemptions (e.g., for sites less than 0.2ha and certain brownfield developments of up to 2.5ha) and the ability to use “excess” BNG from one site to offset requirements elsewhere (as proposed in question 180) will significantly reduce the number of developments delivering genuine net gain. This approach risks enabling net loss on many sites and is inconsistent with the purpose of mandatory BNG.
531. We are of the view that the proposals are inconsistent with other NPPF policies promoting green infrastructure, climate resilience, nature based solutions, and sustainable development. They also undermine local authorities’ statutory duty to conserve and enhance biodiversity. Weakening BNG policy at a time of acute ecological decline is incompatible with the overarching aims of national planning and other environmental policies.
532. We believe that evidence of severe biodiversity decline demands stronger, not weaker, policy. The State of Nature Report 2023 highlights that one in six UK species is at risk of extinction and that the UK remains one of the most nature depleted countries globally. The proposed policy changes do not reflect the scale or urgency of this challenge and risk further habitat fragmentation, contrary to the Lawton principles of creating “bigger, better, more joined up” ecological networks.
533. We should also add that higher BNG requirements are provably viable and deliverable. Our evidence justifying the approach in our submission Local Plan demonstrates that a 12% BNG requirement is achievable across the district. Clear policy requirements allow developers to factor costs into land valuations, mitigating viability concerns. Preventing local authorities from adopting higher standards removes an important tool for addressing local environmental pressures and managing the cumulative impacts of high housing growth.
534. The way BNG is designed is to disincentivise impacts on high quality habitats, as this results in greater efforts to reach a 10% net gain. With increased exemptions and sharing of excess BNG, the likelihood of these habitats being lost to development is greater still, and therefore a greater % net gain is required to retain this disincentive.
535. Biodiversity information must remain a core planning requirement. Understanding the environmental value of land is fundamental to assessing proposals under Policy N1(c). Excluding biodiversity information from Annex C is therefore inappropriate and risks weakening the evidence base for decision making.
536. In conclusion, we are of the view that the proposed approach in Policy N1 and NC1(2) represents a significant weakening of the BNG framework and is inconsistent with national environmental objectives, statutory duties, and the urgent need to halt biodiversity decline. Local authorities must retain the ability to set higher BNG requirements where justified, and key ecological

concepts such as stepping stones must be reinstated. Without these changes, the policy will not support meaningful nature recovery and will undermine the long-term sustainability of development. It should be noted, however, that in general NC1(1) is supported including the reference to chalk streams.

Question 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?

537. Going above the 10% BNG requirement in local policy should not be restricted to allocated sites. This creates a perverse situation where allocated sites may have stronger requirements than those which are not supported in development plans. We have evidence to indicate that 12% BNG is achievable throughout the district, which keeps it simple for developers, this should not be unduly prejudiced by N1(2). Local planning authorities should be afforded flexibility to apply local policy where it is beneficial, for example through development categories and/or location. This additional percentage should not be used as offsetting (although regard could be given to such an ability for any excess above 25%, where this is appropriate, so as not to disincentivise BNG in suitable locations).
538. In Horsham District, to keep things simple, the Council is seeking to set a minimum of 12% BNG across all categories to help prevent a continue accumulative decline in an area with high housing requirements and therefore subject to substantial change and impact upon the environment. The extra 2% BNG could be via improvements on adjacent wildlife sites or similar, or upon consideration of all material considerations waived if appropriate
539. We consider that it would be reasonable to have local policies go beyond the 10% BNG especially where it is needed to mitigate and or compensate for the impacts from high housing requirements/development pressure (including cumulative impacts from small site developments) and where social needs such as access to nature are not being met. Further elements, such as proximity to designated sites listed within N6, known hotspots or isolated species populations which are vulnerable to impacts, recorded local biodiversity loss, or priorities within highlighted areas of the LNRS could also be included in the justification, to ensure conservation and delivery of habitat enhancements where it is strategically needed.
540. In addition, a higher BNG percentage is considered reasonable where evidence shows that the higher figure will not make development categories (e.g., large greenfield, small greenfield, brownfield) unviable and that there is capacity and availability to deliver the biodiversity gains. In the setting of a higher BNG percentage, the evidence of viability and need should be appropriately balanced to prevent excessive net gain requirements. Note that the same pathway was taken to determine the 10% requirement on a national level, prior to the latest proposed BNG amendments.
541. Given that this additional figure would be above the statutory requirement, alternative pathways and added flexibility could also be considered to achieve the 'top-up' of net gain, for example through suitable LPA/partnership habitat enhancement projects that need funding.
542. If such measures are introduced to enable offsetting to facilitate development in the locality, this must be introduced with a requirement for all sites to deliver BNG on-site unless the applicant can demonstrate this is not practicable excluding viability as a reason (as BNG should have been factored into their costs and land value). If viability is the ultimate reason it is felt the benefit of the site to biodiversity would be such that it should be conserved.

N2: Improving the natural environment

Question 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.

543. Partly agree.

Question 181a: Please provide your reasons, particularly if you disagree.

544. The policies within N2 are welcome, however, given the other policies, including NC1(2), much of N2 is undermined.

545. There is no mention of a no net loss policy, or a broader generic net gain policy for developments where the statutory BNG requirement does not apply (as there were in the Dec 2024 NPPF). It therefore encourages unauthorised and retrospective developments, a major loophole that will now be completely shut off from being caught by national and local policy. This can be seen as rewarding developers that breach the system and penalising those who comply.

546. The wording throughout uses 'conserve or enhance' except for policy N2(1f). As such, N2(1f) should be amended to read "conserve and enhance biodiversity", as policy N2(2) refers to following the mitigation hierarchy with regards to impacts.

547. Enhancements to existing or creation of new habitat that caters for swifts, bats and hedgehogs with wider landscape connections should also be mentioned within N2(1f), otherwise the incorporation of integrated nest boxes are ineffective if their other needs such as foraging or commuting are not being met.

548. N2(2) is welcome and supported and so is N3.

N4: Protected Landscapes

Question 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.

549. Partly agree

Question 182a: Please provide your reasons, including how policy can be improved to ensure compliance.

550. The wording of policy N4 is considered to provide a clear basis for considering development proposals affecting protected landscapes. We note that criterion 1 now refers to 'avoid harm' only whereas the current NPPF refers to 'avoid or minimise' We are concerned that the absence of 'minimise' will significantly preclude sensible development that may have only a very minor adverse impact.

551. However, we are of the view that the policy should also specifically reference Management Plans. This is as each protected landscape has its own Management Plan covering a specific geographic area, outlining the individual vision and strategy for the protected landscape to which it relates. They are a legal requirement and a material consideration for making decisions on planning applications. We believe that the wording "each development proposal must consider, reflect and address the requirements of the relevant protected landscape Management Plan" should be added as a new sub-criterion to policy N4.

N6: Areas of particular importance for biodiversity

Question 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.

552. Partly agree.

Question 183a: Please provide your reasons, particularly if you disagree.

553. Whilst the separation of designated sites into its own policy (N6) is welcome, and the hierarchy of sites is helpful, there are major elements missing with regards to treatment.

554. Firstly, National Nature Reserves are not mentioned in the document. These also receive statutory protection, as they are designated under the National Parks and Access to the Countryside Act 1949, as amended by the Wildlife and Countryside Act 1981 (Section 35) and Countryside and Rights of Way Act 2006.

555. Secondly, mention of the mitigation hierarchy, like that of Policy N2(2) should also apply to designated sites, in that options to avoid impacts by choosing an alternative location should be considered prior to proceeding with developments that will have any direct or indirect impact as identified in an AA.

556. Thirdly, there is no circumstance for when there is an impact of development on sites of international importance/site of national importance/site of local importance which is not present in any Environmental Delivery Plan. In such cases, surely there should be scope of provision of bespoke mitigation or compensation to ensure development does not adversely affect the integrity of the site or undermine the conservation objectives of the site (or support the objectives). If this is not the aim of the NPPF, then many developments may be delayed due to the highly likely delays of rolling out Environmental Delivery Plans, or where unique impacts are not captured.

557. Fourthly, there is no mention of functionally linked land, which are often fundamental for designated sites and require protection.

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

558. It is unclear what is meant by “the developer has committed” in policies N6(1)(a)(ii) and N6(1)(b)(iii) when paying the nature restoration levy, and how this is checked by the local planning authority/decision maker. Who will be responsible for enforcing this? If this process is to streamline and quicken the planning process it should be Natural England who enforces this, to minimise impact upon local planning authority resources.

Chapter 20: Conserving and enhancing the historic environment

Question 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.

559. Partly agree.

Question 185a: Please provide your reasons.

560. We do agree as it brings other heritage assets into line with those of listed buildings. In the explanatory text to this question, a typo has been noted - wording should refer to 'scheduled' monuments not 'schedule' monuments.

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

561. We do not have evidence to provide, as the additional duties have not yet been fully implemented. It may require additional expertise as it could result in additional, more complex consultations. Applicants would also need to ensure that they submit sufficient information for these additional assets and that this assesses the significance of the asset. In many cases the information submitted repeats the description of the asset and does not refer to significance, which is often not understood.

HE3: Historic Environment Records

Question 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.

562. Partly agree.

Question 187a: Please provide your reasons, particularly if you disagree.

563. It is suggested that it should be clear what the 'most appropriate level' is in relation to the historic environment – as it risks potential duplication, confusion and conflict between authorities. Government should be definitive as to whether this should sit within an SDS or Local Plan.
564. Further guidance would be required to identify the heritage assets most at risk – this could relate to pubs, windmills, lime kilns, standing remains. Would this be more applicable to buildings whose functional use is no longer economically viable or required? This is also a particularly complex and large piece of work particularly as every asset should be considered on its individual merits and reflecting its significance. There may be more than one positive strategy, and this document should not limit what is considered to be 'positive'. In some cases, buildings that maybe at risk require finance that owners do not have or do not wish to spend, and this needs to be reflected in the policy. The success of this policy is reliant on there being sufficient conservation heritage professionals being in place.
565. In terms of Policy HE1b it appears that the policy is referring to a Heritage Action Plan. Again, further guidance would be helpful in enabling the policy to be a success. This should identify, for example, the tools that authorities have in place to implement the positive strategy where owners have no wish to engage. It also needs to reflect the issues relating to defining an asset as being at risk particularly where funds may not be available. It is also not clear whether this policy would result in different levels of risk -for example would those identified at a national level by Historic England have greater weight than those identified at a local level.
566. The policy also does not set out what weight such a document would have or whether it should be general or specific. A general overview would have a limited impact because of its generality, whilst if it were to be detailed to specific heritage assets it could be unwieldy and due to lack of capacity within LPA's unlikely to ever be completed.

567. In relation to 1c, this policy narrows the qualities that the historic environment can bring to an area by only referring to the contribution to character and quality of development and no longer reflects the contribution of the historic environment to create a sense of place.
568. With regards 1d, the guidance provided by Historic England relating to locally listed buildings suggests specific criteria –communal interest as a special value but not the only value. This policy seems to suggest that non designated heritage assets should only be recognised if they are important to the local community. Although importance to a community is a valuable component, it should not be the pre-eminent factor as it risks the loss of structures whose popularity varies over time but provide an important link to the past and learning from it.
569. In respect of Policy HE 2, it is noted that the Listed Buildings and Conservation Areas Act refers to 'preserve' rather than 'conserve'. The revision to the NPPF would be an opportunity to make the wording consistent. The dictionary definition of each word has a different meaning. 'Preserve' is described as "maintain something in its original or existing state," whereas 'conserve' is defined as "protect something from harm or destruction."
570. Policy HE3 is similar to the previous NPPF and therefore we have no comments but with respect of Policy HE4, the terminology is not consistent with part 1 referring to conserved and enhanced whilst part 1b. refers to preserve and enhance. This should be changed and consistent language used.

HE5: Assessing Effects on Heritage Assets

Question 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.

571. Partly agree.

Question 188a: Please provide your reasons, particularly if you disagree.

572. There are still five categories of effect (enhancement/no effect/harm/substantial harm/total loss), and the requirement under Policy HE5 that assessments should be explicit on these outcomes. HE5 (4) requires that decision-makers should be satisfied that effects are assessed accurately, which underlines the need for objective, evidence informed and expert input.
573. However, there is no indication within the document of what should happen if there is a difference in position between an applicant and decision-makers. It is not clear on which position should take precedence.
574. We think it would also be helpful if the policy clarifies that a heritage assessment is not necessary for extensions to unlisted buildings in conservation areas, as this otherwise places considerable cost and burden on applicants for no meaningful benefit.

HE6: Proposals Affecting Designated Heritage Assets

Question 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.

575. Partly disagree.

Question 189a: Please provide your reasons, particularly if you disagree.

576. The change from 'optimum' viable use and the introduction of 'long-term re-use' in HE6 (3) is given as an example of an important public benefit that could be weighed against harm to a heritage asset. Under the current NPPF, the optimum viable use is the one 'likely to cause the least harm to the significance of the heritage asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes'. In practice, and to demonstrate 'clear and convincing justification', this means that currently applications need to explore notional alternative uses when proposing a new use that would be harmful to listed building to prove that these alternatives are either more harmful or unviable.
577. Unless future revisions to the PPG state otherwise, the new wording would give Local Planning Authorities greater leeway to accept proposals which can provide a viable future for a historic site without having to rule out alternatives first. This may result in uses which are more harmful to the historic fabric but easier to achieve being prioritised. In practice many Authorities are supportive of appropriate changes of use using the existing framework.
578. Also, in policy HE6 (3) energy efficiency and low carbon explicitly become 'important' public benefits, but any harm they cause will still need to be balanced against the substantial weight attributed to the significance of the heritage asset. It could be argued that there is also a public benefit through the economic and cultural advantages of preserving the historic roofscape of a town, rather than allowing solar panels, which for the most part, due to their small size are a benefit for the occupier (not a public benefit) and could be located in more appropriate locations.

HE10: Archaeological Assets

Question 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.

579. Partly agree.

Question 190a: Please provide your reasons, particularly if you disagree.

580. Policy HE4 requires that development proposals which would affect "the significance of heritage assets including any contribution made by their setting." To ensure consistency within the document, it is suggested that setting is added to HE9 part 1 rather than relying on "affecting the significance of the conservation area."
581. Part b only requires that consideration is given to the areas special architectural or historic interest (although it can and often has both) in the design of the development, whilst the Listed Buildings and Conservation Areas Act requires "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." The terms 'special attention' and 'consider' are quite different and it is suggested that consistent language is used to address a perceived conflict. The designation of a conservation area may not necessarily have its special architectural or historic interest defined due to the date of designation, and the lack of a conservation area appraisal and management plan. It would therefore make sense for this section to refer to policy HE5 which requires applicants to assess the significance of the assets affected as part of their Heritage Impact Assessment.

HE11: Loss or Removal of Heritage Assets

Question 191: Do you have any other comments on the revisions to the heritage chapter?

582. HE7 refers to benefits and not public benefits which may lead to conflict in terms of what the benefit may be to an individual and whether that benefit has wider public harm. For example, a parking space may be beneficial for the owner, but the loss of fencing and garden may detract from the wider appreciation of the character of the locally listed building.
583. The heritage chapter sets out several additional duties on Local Authorities which although supported, presents a challenge in ensuring that sufficient capacity is available in planning teams. Many authorities are already under strain under the current NPPF and some do not have in house heritage expertise. The policies outlined would therefore be reliant on additional resource being provided or would fail to deliver the proactive, positive, quality, place orientated development that local authorities want to deliver.
584. As a final comment, it appears that references to deliberate neglect have been removed, which is regrettable.

Further questions

Transitional arrangements

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

585. Partly agree.

Question 192a: Please provide your reasons, particularly if you disagree.

586. We support the principle that the revised Framework should be a material consideration from the date of publication, as this provides clarity and reflects established practice. The date of publication should be provided ahead of time to allow for delays in decision making to be mitigated.
587. The phrase 'in any way' in paragraph 2 of Annex A is of great concern as it opens up the prospect that minor differences in words or phrases could mean an otherwise up to date local plan policy is given very limited weight, with ensuing developer and LPA conflict and associated legal cases.
588. If the ultimate intention is for the national decision-making policies to immediately replace local plan policies that are over 5 years old then this should be clearly stated so there is no ambiguity. Otherwise, all policies within local plans under 5 years old should be afforded full weight as normal given their recent adoption.
589. The currently proposed approach risks creating uncertainty for decision-makers, increasing disagreement over what constitutes "inconsistency", and could undermine the plan-led system by significantly reducing the weight afforded to locally specific policies before plans have had a realistic opportunity to be reviewed. We believe that a better solution would be to make clear that national development plan policies automatically supersede local plan policies once the development plan is over 5 years old.

Question 193: Do you have any further thoughts on the policies outlined in this consultation?

590. We welcome the ambition to simplify national policy and improve consistency in decision-making. However, across several policy areas there is a recurring need for clearer guidance on the interaction between national policy and adopted local plans, particularly during transitional periods.
591. Providing greater certainty on a nationally applied weighting scale, proportionality and the practical application of policies would assist local planning authorities in delivering timely, consistent and legally robust decisions while plans are updated to align with the revised Framework.
592. We would further add that some of the responses depend on the outcome of other consultations, for example the consultation on increasing BNG exemptions. It is therefore important the thrust of the opinions expressed are picked up on. In addition to this, if these proposed policies proceed, it would be unnecessary to retain the housing delivery test given the streamlining of the plan making process and direction of travel to take onboard the delivery rates developers provide at the plan making stage. The failure to meet would not therefore be the fault of the LPA. Indeed, to retain the housing delivery test would undermine the plan making process upon which the planning system is based.

Written Ministerial Statements and other documents

Question 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.

593. Neither agree nor disagree.

Question 194a: Please provide your reasons, particularly if you disagree.

594. We trust that the Government is aware of the statements that it would wish to be superseded by new policy and agree that it is a helpful exercise to undertake to resolve any ambiguity over what is in force.

Annex A - Data Centres and onsite energy generation

Question 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.

595. Partly agree.

Question 195a: Please give reasons.

596. Based on the assumption that a 100sqm data centre typically requires around 1.3MWh of electricity per day, it would need roughly 1ha of solar panels plus a battery storage system (BESS) to supply power overnight. On this basis, being able to assess co-located data centres with on-site energy generation at the proposed 1MW scale appears to represent a reasonable and proportionate level of development to be considered under the NSIP regime.
597. Allowing data centre schemes to be brought within the NSIP regime introduces additional flexibility. However, it is unclear whether the process outlined in Annex A provides a clear basis

for determining which requests are likely to be accepted into the regime. It is presumed this would rely on the issuing of a section 35 direction, where requested by an applicant. Additional clarity and consultation are needed to understand how effectively this approach will operate in practice, particularly given that certainty and timely decision-making will be essential to achieving the government's ambitions for delivery digital infrastructure as critical national infrastructure.

598. It is also noted that, particularly for linear projects, schemes assessed under the NSIP regime can subsequently be varied through the Town and Country Planning Act. It should be clarified whether data centre or energy generation operators would have access to the same level of flexibility.

Question 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

599. No.

Question 196a: If so, what do you believe would be the appropriate threshold? Please provide your reasons.

600. The thresholds proposed appear reasonable, and allowing larger-scale projects to be dealt with by specialists based on government strategies and priorities would allow these to be assessed against national policies. For this reason, a National Policy Statement on data centres is required.

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

601. It is understood from the NPPF consultation document that the intention of treating co-located energy generation and data centre development under a single regime is to account for the need for data centres to have their own energy generation on site. Our view is that there must be clear and unambiguous guidance on this, but that the guidance should give sufficient flexibility to allow for individual schemes and their distinctive contexts. For example, where a scheme for a development of a solar array may be most appropriate in an open, flat area of fields, the data centre to be delivered alongside it may be better located on a more screened parcel of land which reduces impacts. Rather than prioritising sites which physically adjoin, or have the shortest distance possible between them, proximity or adjacency, and the relationship between the two parcels of land should be a consideration.

Question 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

602. No

Question 198a: Please provide your reasons.

603. We do not think that the existing threshold should be increased.
604. Smaller energy generation schemes can be adequately dealt with by local planning authorities under the TCPA. It is unclear what advantages are gained from moving additional projects, currently determined by local planning authorities, into the NSIP process. Clarification is needed on whether such a shift would genuinely accelerate decision-making or instead place additional pressure on an already resource-intensive regime.

Question 199: What benefits or risks do you foresee from making this change? Please provide your reasons.

605. As a local planning authority who have recently been involved in a number of NSIP developments, the Council is aware of the huge resource and time cost of being involved in the Development Consent Order process. There is a need to employ the use of consultants to assist with technical and legal matters, either because the knowledge does not exist within the authority, or because there is insufficient resource to manage both the DCO and day-to-day responsibilities. This cost exists, however, even if a project falls under the local authority's remit. It is recognised that assessment of documents and impacts will still need to take place.
606. Local authorities would benefit from an increase in income through fees if the Secretary of State uses their powers under the Planning and Infrastructure Act to direct a project which would fall under the NSIP regime to be considered by local authorities – a benefit, providing the fees charged adequately reflected the increase in resource needed. Similarly, there is a risk to local authorities that if a significant number of projects are directed into the NSIP consenting regime which would otherwise be assessed by local authorities there will be a loss of fees which will negatively impact planning departments and local authorities more widely.
607. There is a clear benefit to adjusting the current system to give the flexibility for co-located energy generation and data centre development to be considered holistically. The Council believes a National Policy Statement on data centres is necessary to set out clearly the parameters within which decisions should be made.

Annex B - Viability: Standardised inputs in viability assessment

Question 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.

608. Partly agree.

Question 200a: Please explain your answer.

609. Flexibility for local planning authorities to increase affordable housing, community infrastructure and the like in response to improved viability, as per DM5(6), is supported. However, strong safeguards should be included to ensure that developer requests to reduce affordable housing or other contributions in response to poorer growth than anticipated do not become the norm. It is acknowledged that growth and viability can be either worse or better than assumed at the time of grant of permission; in either case equally, an assumption that legal agreement terms can be changed for later phases without strong justification should not be encouraged or normalised in revised guidance.

Question 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.

610. Neither agree nor disagree

Question 201a: Please explain your answer

611. We are not an authority that has major areas of regeneration and therefore offer no comments.

Question 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.

612. Strongly agree

Question 202a: 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.

613. A profit margin of 17.5% is acceptable, albeit we would argue that a 15% margin would be appropriate in areas such as Horsham District, where development is considered a low-risk investment. A higher figure than this would not be supported.
614. Whilst it is agreed that there may exceptionally need to be flexibility on whatever figure is set on a case-by-case basis, there is concern that in practice, a local planning authority requesting (based on evidence) a lower profit margin of 15% would be in all cases strongly resisted by applicants should a mid- or high-range figure be adopted in revised guidance.
615. On the other hand, our experience is that some developers are wedded to a 20% margin, even for relatively low-risk developments. It is feared that it may become commonplace for applicants to argue for a higher margin on a case-by-case basis which would mean local planning authorities having to find additional resources to scrutinise such requests. Therefore, should guidance be revised as suggested, there must be a clear statement that deviation from the standard figure is exceptional – particularly as it is likely that the standard figure will have been used in the whole-plan viability assessment.

Question 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?

616. Yes

Question 203a: 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.

617. We agree with the analysis set out in the consultation document. Affordable housing is not a high-risk investment and therefore acceptable profit margins should be lower – 6% is generally considered acceptable.
618. In relation to site types, we think that greenfield sites that have low risks of abnormal costs (such as land contamination and removal of existing buildings) can accept lower profit margins than urban brownfield sites where higher costs are likely.
619. In relation to exception sites, we think that they should have a lower margin given the assurance that an interested registered provider (or other interested occupiers could give. However, a 6% margin may be too low and could fail to encourage the release of land and proposals coming forward for exception sites.

Question 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?

620. We do not have further views.

Question 204a: Please explain your answer.

621. As above, we do not have further views.

Developer returns: Alternative metrics

Question 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?

622. We think this should remain. For transparency, consistency and ease of assessment, a single metric is preferable to multiple ways.

Question 206: Do you agree there 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.

623. Partly disagree.

Question 206a: Please explain your answer.

624. It may well be that different companies use different internal signals to dictate investment decisions. That is their right. However, for the operation of the planning system and viability testing, we think that the single, existing metric is preferable. This offers transparency, consistency and ease of assessment.

Question 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?

625. No comment.

Question 207a: Please explain your answer.

626. As above, we disagree with the premise of the question. A single metric should remain. This offers transparency, consistency and ease of assessment.

Question 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.

627. Neither agree nor disagree.

Question 208a: In what circumstances might a premium, or the usual premium, not be required?

628. The consultation document describes the circumstances the Government believes may avoid the need for the usual premium to be required. If it is introduced, as would seem likely, there will need to be guidance as to its application.

Question 208b: What impact (if any) would you foresee if this change were made?

629. Minor. It would seem likely that it would only apply in a small number of cases.

Question 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.

630. Strongly agree.

Question 209a: Please explain your answer.

631. It is considered that AUV distorts realistic benchmark land values as the prospect of the alternative use coming forward is limited given that there is an applicant proposing the current development at hand. AUV should be scrapped and the original benchmark land value used regardless of whether alternative uses have consent. This will bring clear consistency, minimise arguments over AUV, and avoid land speculation.

Question 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

632. Neither.

Question 210a: If another metric, please set out your preferred approach and rationale.

633. We do not consider that AUV is a suitable metric for use in viability appraisals.

Question 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?

634. If there was a clearer steer by Government to empower local authorities to refuse applications that did not meet policy compliance, rather than for them to make compromises with the development industry in response to overpaying for land, then this would be a non-issue. In our view, this is the fundamental issue in relation to viability that Government should address.

Question 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.

635. Partly disagree.

Question 212a: Please explain your answer.

636. We are unconvinced a cross-check will be of assistance, as most sites vary in some way or another such that a developer can always reasonably argue why their residual land values are appropriate. Having a cross-check requirement will only add to dispute and delay for limited meaningful benefit.

Annex C - Reforming Site Thresholds

Implementation of new medium category in the framework

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

637. Partly disagree.

Question 213a: Please provide your reasons, particularly if you disagree.

638. In July 2025, we responded to the previous consultation on reforming site thresholds, explaining that we felt that the 1 hectare was reasonable. We maintain this view. We would also point out that 2.5 hectares of land delivering no more than 49 units seems to conflict with the aims of proposed policy L3 which seeks to maximise the use of land by requiring proposals to deliver homes at high densities.
639. The consultation document sets out the rationale for a change to the proposed approach, explaining that developments between 10 and 49 units can require infrastructure, green space and drainage, amongst other things, to enable such sites to come forward. For some development in and around settlements in our district, this is likely to be substantial and potentially very impactful on the existing community. It is heavily questioned as to whether such development wouldn't be large in such circumstances.

Question 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.

640. Partly disagree.

Question 214a: Please provide your reasons, particularly if you disagree.

641. We think that a site of 49 units is more than a medium site in a number of circumstances. For some development in and around settlements in our district, this is likely to be substantial and potentially very impactful on the existing community. It is heavily questioned as to whether such development wouldn't be large in such circumstances.
642. We therefore think it may be wise to limit the size threshold to 29 units or to have a sliding scale relating to the size of the existing settlement – with a smaller threshold relating to smaller settlements (hamlets/villages) and a higher figure being appropriate in large towns or cities.

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

643. Yes

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

644. As we have written elsewhere, there is a real risk that on-site affordable housing delivery will be significantly reduced, with the financial contribution option appearing to be considerably more attractive for the development industry. This is likely to have profound impacts – particularly in our rural areas where sites of this size are expected. These are some of the more expensive parts of our area and will further reduce the possibility of those on low incomes from accessing accommodation in such areas. We implore the Government to remove language in related policies about making allowance for financial contributions in lieu of direct provision of affordable housing.
645. We think that there is a real risk that developers may try to game the definition by applying for two adjacent developments of under 50 homes. The policy should be clear that sites clearly artificially broken up will be considered as a whole as a large site instead and that this is at the discretion of the LPA.
646. We would also add that there is no ability for a local authority to assess whether the development would be built by a SME. We have sites in the district that would meet the criteria of being a

'medium site' and are being built out by large-volume housebuilders. As such, we would question whether the approach is actually going to improve matters for SMEs, as it will further the advantages that the large-volume housebuilders have.

Implementation of new medium category in regulations

Question 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?

647. Yes.

Question 217a: Please provide your reasons.

648. Extending the exemption to medium sites will improve the viability and attractiveness of smaller sites, however caution must be had to avoid developers artificially dividing sites to avoid the levy. We are also very concerned at medium sites being excluded from providing onsite affordable housing.

Question 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?

649. No comments.

Question 218a: Please provide your reasons.

650. We are not an authority that would expect to see such development, and therefore offer no comment.

Question 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.

651. No comments.

Question 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.

652. No comments.

Question 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.

653. No comments.

Uplifting the Permission in Principle threshold

Question 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.

654. Partly disagree

Uplifting the Permission in Principle Threshold

Question 222a: Please provide your reasons, particularly if you disagree.

655. We believe extending the Permission in Principle (PiP) route to medium-scale development could offer potential benefits, particularly in increasing certainty for developers at an earlier stage, reducing upfront risk, and supporting the delivery of housing and other development on suitable sites. In principle, the ability to establish the acceptability of development on a site before committing significant resources to detailed design work is welcomed.
656. However, we have a number of concerns regarding this, particularly in the context of development management and place-making. Medium-scale schemes are often of a size and complexity that can have significant impacts on character, infrastructure, landscape, heritage assets, transport networks, drainage and biodiversity. These issues frequently require careful site-specific assessment and the integration of detailed design, layout, access, scale and environmental mitigation at an early stage. There is a risk that the PiP route, by separating the principle of development from the technical detail stage, could weaken the ability of local planning authorities and communities to meaningfully influence the quality, form and impacts of development.
657. We are also concerned that expanding PiP to medium development could increase uncertainty and administrative burden, rather than reduce it. Where fundamental issues relating to access, flood risk, heritage or landscape constraints emerge at the technical details stage, there is a risk that schemes which have already secured PiP may prove undeliverable or require significant renegotiation, leading to delay, inefficiency and frustration for all parties.
658. We would therefore support the extension of PiP to medium development only if accompanied by clear safeguards, including:
- A tighter definition of what constitutes suitable medium development for PiP;
 - Stronger requirements for site-specific information at the PiP stage where constraints are known or likely; and
 - Clear mechanisms to ensure that PiP does not prejudice the proper consideration of design quality, infrastructure provision and environmental impacts at the technical details stage.
659. Without such safeguards, we consider that extending PiP to medium development risks undermining effective development management and the delivery of high-quality, well-planned places.

Question 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?

660. The Council strongly supports the introduction of a requirement for a short, proportionate planning statement to accompany all PiP applications. A concise planning statement should set out:

- How the proposal accords with the development plan and relevant national policy;
 - The site's key constraints and opportunities (including access, flood risk, heritage, landscape and infrastructure); and
 - How these matters are intended to be addressed at the Technical Details Consent stage.
661. Taken together, the suggested changes would improve the quality and transparency of PiP submissions, allow local planning authorities and consultees to better understand the basis on which in-principle approval is being sought, and reduce the risk of fundamental issues emerging later in the process that could undermine deliverability.
662. We also consider that PiP procedures should provide greater clarity on the scope of information required where known constraints exist and should ensure that local planning authorities have sufficient discretion to refuse PiP where the principle of development cannot reasonably be separated from matters of layout, access, scale, design or environmental impact.
663. Overall, while PiP can be a useful tool, particularly for smaller or straightforward sites, its extension to medium development must be supported by more robust procedural requirements to ensure sound, plan-led and deliverable outcomes.

Public Sector Equality Duty

Question 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?

664. Yes

Question 225: If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.

665. In relation to disabled people, Permission in Principle (PiP) may not consider accessibility, step-free access, inclusive layouts and parking for disabled people. Therefore, if PiP is granted and these considerations have not been taken into account, it would become harder to challenge them at the later technical stage. Therefore the expansion of PiP to cover medium scale development could marginalise more of these groups.
666. With regards to older people, PiP could be granted on developments that are poorly suited to an ageing population (e.g. areas of high car dependency). There is also a risk that insufficient specialist housing would be provided. This is the same risk for those in low-income households if the required housing mix is not delivered
667. For younger people, PiP would not consider detailed impacts on school capacity, play space, or safe routes. Given that medium scale development, both alone and in-combination with other development, could stress existing infrastructure, the measures could result in overburdened schools, inadequate open space or a lack of safe walking to school routes

Question 226: Is there anything that could be done to mitigate any impact identified?

668. Yes, we believe that the following mitigation measures could offset the risks highlighted in response to question 225:
- To benefit those with disabilities, minimum accessibility expectations could be set for PiP, with clear published guidelines for meeting the Equality Duty within development. Mandatory

consultation with disability groups could also help local authorities demonstrate they have considered impacts on this protected group (as required under the Equality Act 2018).

- In relation to older people, the NPPF could require local authorities to ask PiP compliant development to demonstrate how they will meet older peoples housing needs. This could be done through an Equality Impact Statement.
- For younger people, consideration of school capacity and safe walking routes when granting PiP could be made a requirement.
- Lastly, a monitoring regime should be established relating to the granting of PiP development as part of the AMR to ascertain whether the procedure is delivering sites that are accessible, inclusive and providing affordable homes.