

draft document, and the main points raised are:

- there is a lack of clarity over where weight should be given to 'substantial weight' against instances where no weight is present (e.g. assessing sustainable energy / design on houses in isolated locations);
- there is concern over loose, inconsistent and poorly defined terminology throughout the document, which makes interpretation open. Key examples include, 'reasonable walking distance' (e.g. in relation to station distance or distance to hot-food outlets), 'physically well-related' (e.g. in relation to stations and settlements), 'high level of connectivity' (in relation to efficient land-use), 'radical' (in respect of hoped-for outcomes on climate change), and 'medium development', especially in relation to 'major development'. This point also relates to simpler words like 'safe' and 'secure' (in relation to routes, play spaces and the quality of accommodation) and definitions around 'harm' and how to 'avoid' it, for example, in relation to heritage assets;
- there is concern over the introduction of Green Belt concessions around railway stations and in relation to proximity to settlements. Some of this may undermine or disregard Green Belt assessments and the preference for grey belt areas before Green Belt, and within East Herts there are stations in the Green Belt that would appear to be targeted in unsustainable locations (e.g. Bayford);
- there is concern that some ideas seem to be poorly evidenced, or not fully thought through in terms of possible unintended consequences. This includes Green Belt concessions around railway stations, but there is also confusing and unclear interplay between some key policies, notably L2 (making effective use of land), S3 to S5 (sustainable development and development within and outside settlements), particularly around assumptions about where railway stations are and what form of development density they should be able to accommodate. Policies S3 – S5 are key policies in determining development inside and outside of settlements, and there are some shortcomings that would impact on East Herts, such as an absence of a definition of 'predominantly built-up area' and a lack of a distinction between villages and hamlets;
- there is concern that such a focus on short-term issues may stifle innovation.

East Herts Council Consultation Response

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

Consultation from 18 December to 10 March 2026.

www.eastherts.gov.uk/planning-building/planning-policy



- there is a lack of recognition for longer term strategic planning alongside major infrastructure which often requires longer time frames than a local plan and coordination across local authority boundaries, and a need to recognise the

differences between places and the efforts required to encourage more sustainable forms of transport dependent on the circumstances of place. The NPPF makes no reference to possible future means of transport and distribution (e.g. drones);

- generic density standards may not be appropriate in many cases and density requirements are not always fully cross-referenced between policies;
- greater clarity required on the role of design codes and design advice and the interplay between the NPPF and the Design PPG;
- occasional absence of guidance and support for certain groups of people (e.g. for those using wheelchairs or pushchairs, and those seeking safe and inclusive play facilities, and for the safety of women and girls).

Questions on Proposed reforms to the National Planning Policy Framework and other changes to the planning system

- 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?**

Any NDMPs should be introduced in such a way as to allow sufficient time to transition to the policies – e.g. the NPPF is a material consideration from Day 1 – whereas NPDMPs should not be so, as to avoid a very significant impact on applications under consideration/negotiation and about to be finalised. As such, a timescale of 6 months to 1 year should be given to their adoption, or consideration given to making them not applicable to applications validly submitted prior to their publication/implementation – since some applications can take 1yr+ to process and moving the goal posts part-way through their processing would be quite unfortunate.

- 2. Do you agree with the new format and structure of the draft Framework which comprises separate plan-making policies and national decision-making policies?**

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The general approach to the format and structure of the revised NPPF is welcomed. Broadly speaking, the NPPF is clearer on its aims and objectives and the way it is intended to be read, and the objectives sought from development are clearer. The structure means topics are laid out more clearly and details are less likely to be hidden in text.

The separation of plan-making policies and decision-making policies seems to work in principle, though some of the plan-making policies have elements of decision making within them and it would seem that the content of these policies may come into decision making – so the distinction is not as clear cut as is inferred, despite the statement at para 8.

The clarity provided by paragraph 8 of Chapter 1 (that plan-making policies “should not be used” for DM decisions) is welcomed but is contradicted by para 1 of Annex A¹ – this distinction should be clarified and an express statement that plan-making policies are not material considerations for DM decisions would be welcomed

¹ Para 1 of Annex A states: ‘The National Planning Policy Framework sets out the government’s policies for plan-making and for making decisions on development proposals in England¹. It is a material consideration of critical importance in both contexts’.

(albeit we note that the content of some of the plan-making policies may come into decision making and these should be replicated in the DM sections).

The introduction of national decision-making policies risks stifling innovation and removing any inability to respond to specific local circumstances. The danger in introducing generic, national policies is that the country varies significantly from place to place. Imposing standard policies may have the unintended impact of removing any attempts to address particular issues, go beyond expected standards or respond to specific geographic, spatial or demographic issues without being contrary to the NPPF.

3. Do you agree with the proposed set of annexes to be incorporated into the draft Framework?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Subject to comments made to other questions in respect of the content of the Annexes, the inclusion of the Annexes is supported. Annex E covers Green Belt assessments. This guidance is already available separately as part of the NPPG, where there is a fuller explanation of the context for Green Belt assessments. It's not clear why this advice needs to be partially integrated with the NPPF, and what would happen to the advice in the NPPG. This disparity should be clarified.

4. Do you agree with incorporating Planning Policy for Traveller Sites within the draft Framework?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The consolidation of policies into one document is very much welcomed as it will provide clarity across various policy areas and the Framework will be read as a whole, thus avoiding any potential interpretational ambiguity between documents, especially in an appeal scenario.

Chapter 1

5. Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The NPPF's intention around the application of weight is set out in paragraph 7, and it expresses the framework's intention to indicate how much weight ought to be given to '*particular considerations*', including cases where this weight ought to be substantial.

There are four main areas where this occurs:

- weight can be given to protect or promote certain types of development;
- weight is used as a way of increasing the regard had to emerging policies depending on the stage reached, the objections received or the compliance with more strategic policies, and
- weight is also used in respect of submitted viability assessments (Policy DM5), This third use is the only circumstance where 'weight' is defined in relation to expectations set out in the policy itself.
- where it does not say anything about weight at all.

In respect of the first of these, there are three main definitions given to weight afforded to different considerations, these being:

- '*substantial weight / substantially outweighed*' (e.g. Policies S4, S5, CC2, E2),
- '*clearly outweighing*' (Policies HC7, N6, and
- '*outweighing*' (Policies F6, HE4, HE7).

Whilst there is a clarity and a consistency through the framework in this terminology, there is a need to determine a degree of difference between these considerations which may be a source of discussion and debate between parties. It is acknowledged that in some cases policies provide additional advice which may help with this assessment (such as in S4.2), but it still relies on a determination of what 'substantial' entails as this is likely to be perceived differently by different parties. There is concern expressed here that changing the impact to be had on designated heritage assets from 'great weight' to 'substantial weight' could cause confusion and weaken this requirement (see Q190 below).

Within Policy S4, part 1 it states, '*substantially outweighed by any adverse effects*', whereas part 2 states, '*substantially outweighed by adverse effects*'; these should be consistent.

It is not clear whether the '*unacceptable impact*' cited at Policy S4.2a is equivalent to the '*adverse effects*' set out in parts 1 and 2. These two phrases are used

elsewhere in the framework, and the difference between them is not immediately obvious.

In the case of the fourth point – where nothing is said about weight at all – there could be a situation where a proposal complies with a policy with, say, substantial weight, but does not comply with a policy which does not have this explicit weighting (see, for example, response to Q43 and the relationship between Policies CC2 and S5 in respect of isolated homes using sustainable energy resources). In these cases, how much weighting should that second policy be given? Para 7 should go on to state how much weight should be given to policies which do not refer to their own weight. This is not just an academic point as authorities will need to weigh compliance with one NPPF policy against non-compliance with others and compliance (or not) with NPPF policy against development plan policies.

Whilst not related to weight, there are two other instances of simplified terminology being used where the intention is not clear. Policy CC1 expresses the expected reduction in greenhouse gases coming from development plan strategies to be '*radical*'. This term appears again to be subjective, and it's not clear how this might be measured without specific, measurable targets with a quantum determination when determining '*substantial weight*' in respect of other relevant considerations. The use of the word 'should' in CC1.1, CC2.1, and CC3.1 (i.e. development proposals should...) suggest that the policies may have insufficient strength in the wording to achieve '*radical*' outcomes.

Secondly, the new elements of the NPPF dealing with development around stations uses the term '*reasonable walking distance*'. This is commented on again below, but it is not clear what this means. The same phrasing is used in Policy HC5 dealing with hot food takeaways and the distance between these and schools. Are the two uses of the phrase intended to be equivalent in terms of a '*reasonable walk*' and what a reasonable walk might entail? Might school children have a different idea of a reasonable walk compared to people of different ages and abilities who may wish to access a railway station?

Chapter 2

6. Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

On the whole, the reintroduction of sub-regional planning is welcomed, and the role for these plans as set out in the NPPF is appropriate and proportionate in setting strategic targets and providing a framework for local plans to be prepared in conformity with them.

Local government reorganisation in many areas of the country poses a significant uncertainty in their progression. However, for authorities ready to launch into the new plan-making system, such as East Herts, there is unlikely to be a SDS programmed or even determined in terms of its geographic area until 2027 / 2028. This makes progression on local plans uncertain in a difficult political context and may delay an already much delayed plan-led system in some areas until the question of the SDS is resolved.

Additionally, the scale of SDSs is likely to be set by their administrative boundaries and, in some cases, these won't be genuinely sub-regional. In the case of eastern Hertfordshire, significant relationships along the Essex / Herts border will not receive the attention they deserve because of pre-determined boundaries that do not reflect the reality of life on the ground (e.g. the catchment area of Harlow new town, Stansted Airport, the M11 corridor). This situation may lead to substantial missed opportunities at a genuine sub-regional level. The introduction of co-operation across the boundaries would be welcomed to optimise opportunity and mitigate impacts from development.

7. Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Five years seems to be a reasonable timescale to review housing requirements, however, in line with the response to Q10 below, there does need to be scope within the planning system to allow large scale solutions to come forward. This might point to a flexible approach dependent on the expectations of a particular area to deliver certain types of development. Where the extant plan is able to achieve the deliverables it seems profligate of planning resources to require an automatic updating.

This particularly relates to proposed new settlements or major extensions to existing urban areas and infrastructure required at a more than local authority scale

where resources may be required from regional or national sources to deliver housing, and other major development that would support new housing, down the line (e.g. rail improvements, rail stations, road improvements, innovation public transport schemes).

- 8. If spatial development strategies are not altered every five years, should related policy on the requirements used in five year housing land supply and housing delivery test policies, set out in Annex D of the draft Framework, be updated to allow housing requirement figures from spatial development strategies to continue to be applied after 5 years, so long as there has not been a significant change in that area's local housing need?**

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

This seems a logical approach in these circumstances.

- 9. Do you agree with the role, purpose and content of local plans set out in policy PM2?**

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

We agree with the role, purpose and content of local plans set out in PM2. Whilst it is not set out in the NPPF, we believe that the 30-month preparation period will be extremely challenging, particularly in respect of committee meeting cycles and expectations for engagement. It is anticipated that parts of the new process, such as preparing the documentation for each Gateway, will also place pressure on the resources of planning departments and has not been fully considered in the 30-month expectation.

- 10. Do you think that local plans should cover a period of at least 15 years from the point of adoption of the plan?**

Yes/No

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

Picking up on comments made in Q7, the planning system needs some scope to think genuinely long term. Many places will be reliant on strategic sites and some may be looking to large urban extensions, garden towns or new towns to meet future need. In many cases, ten years is not sufficient to plan ahead sufficiently,

particularly if such schemes are relying on cross-organisational agreements, regional or national funding or dialogue across authorities and counties. Somewhere there needs to be the scope to bigger, longer term thinking rather than rely on incremental planning in ten to fifteen year chunks (and this extends to the involvement of the general public). It may be that this points to a different delivery vehicle in some cases (e.g. such as the development corporation type model), but the regular, cyclical nature of local plans sometimes removes the ability to genuinely think long term about strategic, cross-boundary solutions that could / might be preferable to authorities only considering their own needs on a cyclical basis.

11. Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

As stated at Q2, the introduction of national decision-making policies risks stifling innovation and removing any inability to respond to specific local circumstances. The danger in introducing generic, national policies is that the country varies significantly from place to place. Imposing standard policies may have the unintended impact of removing any attempts to address particular issues, go beyond expected standards or respond to specific geographic, spatial, natural or demographic issues without being contrary to the NPPF.

12. Do you agree with the approach to initiating plan-making in PM7?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

'Planning regular engagement with key stakeholders that are likely to be critical to the delivery of the plan.'

This statement is unclear. Firstly, it says, '*planning engagement*' which is not the same as actually engaging. Is the intention to '*plan engagement*' or actually engage prior to initiating preparation of a local plan?

Further, is this engagement additional to the engagement and consultation set out in the 30-month plan-making period? What does 'regular engagement' mean; is this additional to, or more frequent than the engagement defined in the regulations? How are authorities intended to define or pre-determine who might be critical to the delivery of the plan? What is the consequence of an authority failing to regularly engage with a key stakeholder who then is critical of the delivery of the plan?

13. Do you agree with the approach to the preparation of plan evidence set out in policy PM8?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No further comments.

14. Do you agree with the approach to identifying land for development in PM9?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No further comments.

15. Do you agree with the policies on maintaining and demonstrating cross boundary cooperation set out in policy PM10 and policy PM11?

~~Strongly agree, partly agree, neither agree nor disagree,~~ **partly disagree**, ~~strongly disagree.~~

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

Whilst the need to maintain co-operation between plan-making and other relevant bodies is acknowledged, the government needs to recognise the difficulties in maintaining such relationships with these bodies on a regular basis. Strategic public bodies are often in a state of flux or change owing to boundary changes and reorganisations (e.g. NHS bodies and the Environment Agency) which adds additional pressures to these bodies in meeting the needs and demands of (often) many plan-making bodies across broad geographic areas. Regular cooperation with many bodies is time consuming to arrange and manage (setting up, running and reporting on meetings, for instance), and may carry a financial cost to plan-making bodies.

On a pedantic point, why does footnote 10 differ from footnote 5, when they should both be referring to the same thing; indeed, footnote 5 defines 'plan-making authorities' for the chapter, so footnote 10 shouldn't be needed (even though the two footnotes define the same thing differently)?

16. Do you agree that policy PM12 increases certainty at plan-making stage regarding the contributions expected from development proposals?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

From a decision-making perspective, does the detailed wording of PM12.3a ‘..., *along with other infrastructure requirements*’ reduce the importance of infrastructure against the need for affordable housing? Should, “*infrastructure*” be defined and are there any contributions which may be required which do not relate to affordable housing or infrastructure. An example of this, East Herts district has a required contribution to the management and restoration of a defined heritage asset (Hatfield Forest) which might not be regarded as ‘infrastructure’ in terms of this policy, and therefore diminished in importance by PM12 as a result.

17. Do you agree that plans should set out the circumstances in which review mechanisms will be used, or should national policy set clearer expectations?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Review mechanisms are very useful given comments elsewhere on viability and update should be promoted. However, the national document cannot anticipate all the circumstances, so this should be left to Plans and the PPG.

18. Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015?

~~Strongly agree, partly agree, neither agree nor disagree,~~ **partly disagree, strongly disagree.**

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

This feels quite restrictive because:

- Quantitative standards are limited – the list could potentially rule out, say, housing mix by size policies, amount of external amenity space, proportion of frontages being shops v other uses, electric vehicle charging points, ratio of disabled/standard parking spaces (maybe not) maybe proportion of commercial floorspace which should be subsidised/supported.
- Part b. seems to restrict CO2 reductions and BREEAM style policies, which in turn would mean it's unlikely to be able to condition these requirements which may mean a relaxation of standards?
- In Part c., there will be situations where authorities may wish to condition internal sound insulation and / or matters relating to light and outlook. There have been longstanding issues of the building regulations not covering conversions and so in the cases of flats above commercial uses, internal sound insulation sometimes needing to be conditioned.

Under PM13 we would not be able to set energy efficiency standards beyond Building Regulations except in very special circumstances. Current Building Regulations do not address the climate crisis and the long promised future homes standards 2025 are unambitious plus will not be in force until December 2026.

There is also mention of amending the Planning and Energy Act 2008 to remove the power for Local Authorities to set higher energy standards for dwellings which has implications for plan making and driving goals for carbon neutrality. Without those provisions, at Examination stage we could use our council driven climate emergency to bring forward higher standards.

19. Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) If not, please explain how this could be improved to ensure a proportionate assessment, making it clear which type of plan you are commenting on?

In the absence of an adopted SDS, what weight should be given to an emerging SDS in the context of a local plan at Examination (this is addressed by Footnote 21, but should Footnote 21 be in the main text?)? Which strategy should take precedence in the event of different approaches? (Policy PM15 1.e)

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?

In Policy PM3, it's not clear from this where the appropriate scale for minerals and waste planning lies. It's ordinarily a strategic (sub-regional) function, but LGR outside London isn't clear. PM3 refers back to PM2, which covers local plans prepared by local planning authorities, and this muddies the water.

There is something of a conflict between PM4 and PM16 in the consideration and determination of sites that are nearby to one another. In PM4 the authority can consider them to be nearby, but in PM16 the examination will determine whether the authority has reached a reasonable conclusion that the sites are nearby. What's the context for determining the suitability of proximity?

The Council is also concerned about the removal of Supplementary Planning Documents (SPD) from the hierarchy of plans and policy framework tools that are available to support sustainable development in local areas. SPDs play an important role in helping to support and provide guidance for the delivery of policies, and to help to demonstrate what 'good' looks like. It is unclear why SPDs

can't continue to be brought forward to support an up to date 'legacy' plan until the point that plan is replaced under the new system, or why SPDs can't continue to be prepared under the new plan making system - as there are existing very clear rules for what SPDs can and cannot do. If these parameters are no longer set in the new regulations, they could be set out in the PPG.

Chapter 3

21. Do you agree with the principles set out in policy DM1?

~~Strongly agree, partly agree, neither agree nor disagree, strongly disagree.~~ **partly disagree**.

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

Early engagement with stakeholders including pre-application with the LPA is to be welcomed. This breaks down barriers between the community and developers and helps make the planning process on the most significant development projects a more involved/collaborative approach. The proposals could go further and mandate that pre-application engagement should be one coherent process between the applicant and the other parties listed as opposed to fragmented exercises with different groups being given different information at different times.

Planning Statements can often run to tens if not hundreds of pages which often includes cut-and-paste of policies. A concise planning statement which focuses on criteria in DM1.b i-iii would reduce work and help communities and the LPA understand the approach. It is recommended that 1.b i is updated to also include how proposals are consistent with other relevant material considerations.

Whilst the intention to focus DM1 on the largest or most complex developments is generally supported, paragraph 2 steers other proposals away from pre-application engagement except in limited circumstances. LPAs tend to use pre-application engagement to improve proposals and reduce the number of unacceptable applications submitted or the length of time to positively determine an application by securing amendments prior to submission. These changes will have a consequential effect of increasing application processing time and number of refused applications.

22. Do you agree with the policy DM2 on information requirements for planning applications?

~~Strongly agree, partly agree, neither agree nor disagree, strongly disagree.~~ **partly agree**.

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

The requirements for information to be submitted with an application should be tailored to the development proposal being considered. This will make it easier for

the LPA to consider the development proposal and for other interested parties and consultees to review the documents. This highlights the importance of an LPA having specialist skills, knowledge (and ultimately resource) to consider and validate applications. The existing requirements for local validation lists (published, within the last 2 years) should be retained. Proposals could go further and set out minimum standards or the format that local lists could take and the evidence for the need for the documents required.

The restriction on additional information only being required where a policy requires an assessment, when coupled with the restrictions on local policies in PM13 could mean that much information could be required post-validation before an application can be approved.

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

No comments.

24. Do you agree with the principles set out in DM3?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Within criteria 1.a, seeking solutions where necessary will, in all likelihood, result in amended plans being submitted and necessitate a re-consultation. These processes take time. Criteria a is only workable if the Government do not relax or change in any way the ability to use extension of time agreements.

East Herts District Council has an amended plans protocol which sets out that amended plans will only be accepted in certain circumstances. This includes where an applicant has sought pre-application advice or where the amendments are so minor such that they do not require re-consultation.

At criteria 1.d, there should be clear expectations/direction that the LPA is entitled to make a decision once a consultation has expired. Once a consultation period has expired, if no representation has been received, this should be taken as no comments to make. Consultees (particularly statutory consultees) should not be able to make holding objections, which unnecessary delay decision making,

Criteria 1.f – appears to introduce a new “test” for the acceptability of refusing an application, i.e. “*not refuse which should clearly be approved...*” - how does this sit with the existing balancing exercise? Should an application which should be approved (but not clearly) be refused?

25. Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed?

Strongly agree, **partly agree**, ~~neither agree nor disagree, partly disagree, strongly disagree.~~

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

Unless it is stated that scheme viability is not a material consideration except in specific circumstances, applicants will still submit FVAs to negotiate on individual applications as this will still be a relevant consideration in assessing proposals unless they fully comply with the NPPF and local requirements. DM5 places very significant importance for DM on how plan-stage viability is assessed. If it should not be re-looked at application stage except in limited circumstances, the plan-making viability exercise will probably have to be more detailed than strictly necessary for plan-making to ensure that, for example, site characteristics are carefully considered (criterion 2.b).

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

It will sometimes be in all parties' interests for developments to still come forward where they cannot viably meet all requirements. DM5 runs the risk of not allowing evidence to be considered at application stage which could justify a scheme coming forward which is in all parties' interests but can't make full contributions.

The requirements for transparency and principle of standardised inputs is supported.

It is recommended that more guidance is provided on the circumstances and types of RMs which could be used to enable standardisation and if PM13 prevents a local policy being provided on this.

27. Do you have any views on how the process of modifying planning obligations under S106A, where needed once a section 106 agreement has been entered into, could be improved?

a) If so, please provide views on specific changes that may improve the efficacy of S106A and the main obstacles that result in delay when seeking modification of planning obligations.

The planning system has changed considerably since the 1990 Act. Changes required are:

- A S73 application should be limited to changing the wording of conditions.

- S106A applications should change the wording of legal agreements.
- New legislation should be put in place to provide a route for making “material changes but which are not fundamental to the heart of the planning permission” – i.e. a new section of the Act which allows for a new type of “modification” application (beyond just the wording of conditions) with information and publicity requirements, which can allow the guidance stated in the consultation document, “*decision-maker should have regard to the harm that such a reduction may cause and give this appropriate weight, alongside merits*” to have a formal basis.

28. Do you have any views on how the process of modifying planning obligations could be improved in advance of any legislative change, noting the government’s commitment to boosting the supply of affordable housing.

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

No further comments.

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? DM3?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

Model planning conditions have not been published to comment on and this is necessary to ensure that they are adequate and take into account lived experience of planning officers regarding pitfalls in the drafting of such conditions.

The emphasis in the NPPF should be the submission of information at application stage to avoid the need for planning conditions.

30. Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No further comments.

31. Do you agree with the new intentional unauthorised development policy in policy DM8?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

It is agreed that the policy could act as a deterrent against commencing development without planning permission, in turn reducing work levels of local authority enforcement teams. It may however be difficult to prove that commencing the unauthorised development was intentional. It is unclear how the weight for unauthorised development in paragraph 2 should be applied – e.g. a retrospective application which is on-balance acceptable may be tipped into being unacceptable if substantial weight needs to be given to the fact that the development was unauthorised thereby removing the opportunity to regularise the breach.

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

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

There are no specific types of harm arising from intentional unauthorised development, beyond generic small-scale reduction in confidence in the planning system, as this would very much depend on the type of development, location etc.

33. Do you agree with the new Article 4 direction policy in policy DM10?

~~*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*~~

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

No further comment.

Chapter 4

34. Do you agree with the proposed approach to setting a spatial strategy in development plans?

~~*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*~~

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

No comment in relation to the approach set out in Policy S2: Producing a spatial strategy, however, see comments below in relation to the definition of 'settlements'.

35. Do you agree with the proposed definition of settlements in the glossary?

~~*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*~~

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

The definition should be clearer about what '*predominantly built-up areas*' means; how do you define an area? More guidance on this matter is needed, in particular to ensure consistent application between different local authorities. Theoretically if you can define a boundary how you like then you could draw an artificially small area and classify it as "predominantly built-up".

36. Do you agree with the revised approach to the presumption in favour of sustainable development?

~~*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*~~

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

This is a significant change, in effect putting the tilted balance in place permanently. We are not in favour of this as it will hamper placemaking. Decisions on the tilted balance do mean that the quality of developments may be reduced, since it removes planning powers. However, we do feel in the main that the wording of policy S3 and the wording of S4 and S5 (apart from where set out below) will work well to achieve this tilted balance.

Additionally, whilst the current approach has a hierarchy of settlements, this approach will remove that to in/out of settlement. This blanket approach to cities, towns and villages means less weight will be given to the increasing urbanisation and densification of villages in rural areas that are more likely to have poor public transport links and other elements that do not encourage sustainable development but may not tip the balance sufficiently to enable refusal of planning permission.

37. Do you agree to the proposed approach to development within settlements?

~~*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*~~

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

Within the wording of Para 1, '*development proposals*' is very broad – so effectively development proposals '*should be approved unless...*' applies to all forms of development. Only a few NDMPs say, '*should be refused in specific circumstances*' - so it would appear that this will result in many proposals being approved beyond what this policy is necessarily aimed at – e.g. a very large proposal in a small settlement (so potentially out of scale/character) will benefit from, '*should be approved,*' unless these benefits are, '*substantially outweighed*'. None of the example substantially outweighed applies – we could still use our judgement but the shift in the balance would make it hard to refuse on this basis.

Further, there may be difficulties with definition for this policy, particularly defining sites which are close, or well related, to the settlement boundary, or drawing a distinction between a village and hamlet. Facilities within villages/hamlets are subject to change over time and this may mean that the same cluster of homes may change designation over time so flexibility and clearer definition is required.

In these examples, there is scope to provide further guidance in the NPPG and plan.

38. Do you agree to the proposed approach to development outside settlements?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

There is scope, within the strategy for very significant scale/amount of development to come forward outside the Development Plan process. For example, having regard to criteria j) could potentially see significant growth which does not come forward following the development plan. Examples include large warehousing / datacentre style developments around the motorway junctions (Policy S5.1j(ii)).

Section 1h of the policy should clearly identify what constitutes ‘a reasonable walking distance’ to avoid ambiguity in applying this distance to railway stations. Please also see the response to chapter 12 which is relevant to this point.

Likewise, the policy should also be refined to deter development around existing stations in rural locations where, although potentially meeting the current criteria, the lack of other sustainable attributes in that location would actually lead to increased travel to access key services that are not available locally and to employment opportunities for those not utilising rail journeys to work because they do not serve the destination.

There should be a definition of ‘a high level of connectivity to jobs and services’; e.g. does this mean that a rural railway station with an hourly service that takes one hour to travel to the nearest location with jobs and services counts as highly connected particularly when driving to another station will provide a better and quicker service as is frequently the case in the Home counties. Such an example will often increase congestion and impact sustainable transport.

The second part of para S5.5 highlighting where ‘development is not inappropriate’ could be moved to the Green Belt section.

39. Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria?

*Strongly agree, partly agree, neither agree nor disagree, **partly disagree**, strongly disagree.*

a) Please provide your reasons.

In relation to Policy S5.1j(i), further details on what constitutes being '*well-related to an existing settlement*' should be provided as an addition to footnote 29. This is critical for larger developments; for example, does being 'well-related' include assessments of character and scale.

Additionally, the policy further states that development should '*be of a scale that can be accommodated, taking into account existing or proposed infrastructure*'. The needs to highlight that the cumulative impact of development needs to be considered alongside the programme to deliver planned infrastructure to allow appropriate delivery of the infrastructure.

Lastly, under criterion 1.e of the policy, providing a definition for what is '*limited infilling*' would be beneficial and allow for consistent application of this policy criteria. Within a district like East Herts, there are many small villages and hamlets comprising 'groups of houses' and many of these are scattered or dispersed. In the pursuit of development that is sustainable by all measures, it is important that the concept of 'limited infilling' is clearly understood in different circumstances if unintended outcomes are going to be avoided.

40. Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?

*Strongly agree, partly agree, neither agree nor disagree, **partly disagree**, strongly disagree.*

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

Whilst the reasoning behind the approach to steer development near railway stations is understood, the current wording of the policy, as well as that set out in chapter 12 requires further clarification to avoid excessive development in unsuitable locations. Please see the response to questions 124 and 125 which relates to this question.

Additionally, there are concerns that this concept gives undue weight to railway lines, as buses/other forms of sustainable travel also can be centres or factors for

growth and development can help to facilitate improvements to such modes. Indeed, railway lines can only be effective where there are stations, whereas road-based public transport can be advantageous along the route as well as around transport hubs.

Furthermore, applying this concept through S5 – out of settlements will lead to perverse outcomes which undermines the hierarchy of locations of development, settlements then out of settlements. For example, a settlement without a station just needs to be denser than currently, whereas outside a settlement but near to a station will be at 40/50DPH and so (often) denser. This may be out of character to such locations, particularly for small villages served by railway stations in rural areas (e.g. Bayford, Herts), as well as locating development at a higher density within areas that may not have appropriate local services or adequate infrastructure, which could conversely lead to increased journeys to access such facilities or employment bases not served by the rail line.

If this policy criteria is progressed into the final version, the need for higher density standards should have reference to high/good/exceptional quality. See further comments in relation to question 125.

As traveller communities often choose to locate to sites adjacent to settlements, rather than within them, it is considered that the current wording of Policy S5 could lead to the inability of 'windfall' sites to come forward in local authority areas where there is no evidenced unmet need. As development for traveller sites within the Green Belt is not generally acceptable in principle, (save for developments complying with all criteria in Policy GB7 (g) and (h)), this could lead to the inability of travellers to establish 'windfall' sites in most areas outside of settlement boundaries, which could impact detrimentally on those communities' ability to find suitable, available accommodation.

Likewise, due to the nature of traveller accommodation, if a development were to be located close to a railway station, it is most unlikely that a density of anything like 40/50dph could be achieved while allowing for a sufficient distance between mobile homes/caravans to meet environmental health/fire standards, amenities, parking and open space.

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 nor disagree, partly disagree, strongly disagree.~~

a) If not, please provide your reasons.

Concerns about meeting housing needs may be a barrier to neighbourhood plan take up, as in some cases it will be difficult for neighbourhood plans to meet this.

This would result in this tilted balance not applying for many neighbourhood plan areas, which could be appropriate as presumably it would be a level playing field. If a suitable site therefore came forward within a neighbourhood plan area that may help to meet the identified housing needs, this may be appropriate.

Chapter 5

42. Do you agree with the approach to planning for climate change in policy CC1?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Setting out a proactive approach for securing net zero and for climate change adaptations is welcomed. However, the reference to contributing to a “*radical reduction in greenhouse gas emissions*” needs to be very carefully worded, so as to avoid unforeseen circumstances and confusion, as per our answer to Question 5. The term ‘radical’ is completely subjective, and it’s not clear how this might be measured when determining ‘substantial weight’ in respect of other relevant considerations. The use of the word ‘should’ in CC1.1, CC2.1, and CC3.1 (i.e. development proposals should...) suggests that the policies may have insufficient strength in the wording to achieve ‘radical’ outcomes. Additionally, it is unclear whether the intention is to refer to greenhouse gas emissions ‘on site’, or in a wider sense (elsewhere, or generally to provide a whole lifecycle carbon cost), and thus there is potential for great confusion and inconsistency on how the assessment will be made and weighted.

CC1 also demonstrates an example of national decision-making policies undermining local ambitions. A local authority may want to be able to ‘radically’ reduce greenhouse gas through robust local plans, but they would appear unable to do this, as Policy PM13 sets out that local plans cannot set targets higher than building regulations for energy use except in very distinct circumstances. If the Government is truly committed to climate change action then authorities need to be able to set innovative and ground-breaking local policy where this can be backed up with evidence including potential for hyper local energy generation to mitigate the capacity issues on the National Grid.

CC1.1a(i) refers to baseline carbon assessments. Why are whole life carbon assessments not included here? If we are on a path to net-zero, then we will need baseline and whole-life carbon targets against which to assess development whole life carbon cost and carbon mitigation/sequestration.

43. Do you agree with the approach to mitigating climate change through planning decisions in policy CC2?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

At Policy CC2.1a, “*genuine choice of sustainable transport modes*”, in the plural, suggests that multiple modes must be available. The word “*genuine*” needs to be further defined. All developments should have pedestrian connections, including connection for wheelchairs, buggies, etc. We would also question if CC2.1a (locations with sustainable transport modes) contradicts (or is inconsistent with) parts of Policy S5.

However, we consider it inappropriate for the NPPF Annex B: Glossary to define ‘*sustainable transport modes*’ as including low and ultra-low emission vehicles (ULEVs) and car sharing. In a rapidly decarbonising fleet, this wording risks classifying any driven trip as ‘sustainable’, undermining modal shift, place quality, congestion management, and key decarbonisation pathways. We therefore request that the glossary is amended so that ‘sustainable transport modes’ are those that are non-car by default, while recognising that zero-emission vehicles are essential for residual trips and for freight, but do not constitute sustainable modes in planning policy terms. The proposed NPPF wording is problematic for a number of reasons, set out below:

- It blurs the policy hierarchy and weakens modal shift. National policy and guidance increasingly promote vision-led, place-based planning that limits the need to travel and offers genuine choices beyond the private car. Prioritising active and public transport is central to that vision. Defining sustainable modes to include ULEVs and car-sharing weakens this hierarchy by placing most car trips under a ‘sustainable’ umbrella, diluting the imperative to plan and invest for walking, cycling and mass transit first.
- It conflicts with DfT’s own tools and guidance. The DfT Connectivity Tool sets a national metric of connectivity and, critically, its headline ‘overall’ score excludes driving precisely to represent sustainable modes (walking, cycling, public transport). This tool is now recommended to help locate development in sustainable locations. Aligning NPPF definitions with the Tool’s logic will avoid perverse outcomes.
- It risks undermining carbon, congestion and health objectives. The Transport Decarbonisation Plan (TDP) places modal shift (walk, cycle, public transport) at the core of the pathway to net zero, not simply cleaner vehicles. Shifting trips away from the car delivers greater benefits including, reduced traffic, safer streets, cleaner air, and healthier places. If most driven trips are deemed ‘sustainable,’ local plans will find it harder to justify parking restraint, street reallocation and transit-first site selection.

- It overstates the sustainability of car travel, even with EVs. While EVs have far lower life-cycle emissions than ICE vehicles, they still contribute to traffic, road danger, land take, severance and congestion. UK and EU LCAs show EV life-cycle emissions are much lower than petrol/diesel, but not zero, and fleet turnover takes time; therefore demand reduction and modal shift remain essential alongside electrification.

We suggest that the definition at Annex B is reworded to say, '**Sustainable transport modes: Any efficient, safe and accessible means of travel with overall low environmental and place impacts, *prioritising walking, wheeling, cycling and public transport. Zero-emission vehicles and shared mobility play an important supporting role in decarbonising residual motorised trips and freight, but do not substitute for policies to reduce the need to travel and to achieve modal shift toward active and public transport.***'

Back within Policy CC2, at 1.d, the embodied carbon saved by reusing existing buildings or structures, or parts of them, should be taken into account, especially where such buildings or structures lend themselves to reuse (see comments on Q42).

In CC2.2, "substantial weight should be given to" includes use of low carbon or renewable tech. The aim to give this such weight in applications of this nature is agreed with. However, the wording currently could require us to give a proposal which is using this tech such weight and so make it acceptable on balance where we wouldn't normally – e.g. a house in an unsustainable location would be unacceptable under S5.3 (no isolated homes). However, that policy does not say 'substantial weight', so if that home used solar panels etc for its energy, we would need to give substantial weight to that and so they might end up being approved.

Policy CC2.2 should also include wording on retrofitting – the proposed wording leans towards solar and heat pumps rather than all retrofitting measures which may be subject to planning and doesn't support potential development of new technologies. A fabric first approach should be given a higher priority than the use of alternative technologies because of the longevity of the former, the lower embedded carbon in the materials and proven benefit in terms of reduced carbon since a heat pump powered by electricity generated from fossil fuels will still impact climate change over its working economic life.

44. Do you agree with the approach to climate change adaptation through planning decisions in policy CC3?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Policy CC3.1d could be expanded to promote a form-first approach, to take into account orientation to minimise the risk of overheating, and to avoid single-aspect south-facing dwellings. The use of MVHR (mechanical ventilation and heat recovery) systems should be encouraged. Roof forms should be designed to accept solar installations, and window reveals should be generous to aid in shading. Future proofing with designs that allow easy retrofit of additional shading or other systems to mitigate climate change would also be beneficial.

45. Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons.

We are clear on when risks occur, but we are less clear on the necessary mitigation. As the next question accepts, some of these proposals run counter to good design, and are not appropriate to all forms of development.

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

Mitigating wildfire risk is not an area we are familiar with so will need good clear guidance in the PPG on what types of mitigation are expected and when they are appropriate, including how to create defensible space, what these spaces can contain, and how large the buffers should be. Maintaining these buffers would go beyond normal planning conditions – i.e. keeping vegetation maintained is generally only acceptable for 5-10 years, according to case law – so would this be effective?

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

We would like to see an explicit statement that all new development must incorporate solar PV and battery storage.

Chapter 6

48. Do you agree the requirements for spatial development strategies and local plans in policy HO1 and policy HO2 are appropriate?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Policies HO1 and HO2 provide a simplified and appropriate explanation of the requirements for plan making regarding delivery of sufficient and varied housing.

However, in the case of HO1.2(j), it will be important for guidance to be issued on assessment to avoid potential double-counting of 'people wishing to commission or build their own homes' where they may be on self-build registers in multiple local authority areas.

49. Is further guidance required on assessing the needs of different groups, including older people, disabled people, and those who require social and affordable housing?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Existing PPG provides appropriate guidance for assessing the need for housing for older people, people with disabilities, students, renters, and those wishing to build their own homes (self or custom build). Further guidance should be provided for assessing the needs of other groups listed in Policy HO1.2, including for families with children (HO1.2e).

Further guidance on extra care housing would also be welcomed as there is a growing need for specialist housing for older people. Existing PPG is vague on the difference between use classes C2 and C3 housing (and the need for each); it would be helpful to have more clarity around what level of care and scale of facilities make a scheme C2, as opposed to C3.

50. Do you agree with the approach to incorporating relevant policies of Planning Policy for Traveller Sites within this chapter?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The consolidation of policies into one document is very much welcomed as it will provide clarity across various policy areas and the Framework will be read as a whole, thus avoiding any potential interpretational ambiguity between documents, especially in an appeal scenario.

However, further thought should be given to consolidating key issues within one policy area. Currently, it is proposed that the main policy HO12 would contain some of the applicable criteria, whereas other important policy attributes pertaining

to travellers are included elsewhere in Policies S5, HO1, HO3, HO5, HO7 and HO10. There also appears to be a mismatch of policy approach between Policies S5.1(g), which speaks to the principle of traveller development outside of settlements being acceptable to meet evidenced unmet need provided it accords with Policy HO12, whereas Policy HO10 appears to only allow for **affordable** (or majority affordable) traveller provision where on unallocated sites outside settlements.

Therefore, it is important that policies applying to travellers should be joined-up across the document for greater clarity and it would be a more sensible approach to ensure that Policy HO12 includes all relevant aspects, even where this would risk slight repetition across the NPPF.

51. Is further guidance needed on how authorities should assess the need for traveller sites and set requirement figures?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) If so, what are the key principles this guidance should establish.

While the assessment of need for traveller sites has been established for many years, not having any defined guidance for how they should be undertaken has led to differences in approach and opinions as to the robustness of Gypsy and Traveller Accommodation Needs Assessments (GTAAAs) by those either seeking to defend or challenge their findings. This often leads to lengthy debate between professionals at the plan-making stage and at planning appeal hearings/inquiries, which takes up unnecessary and costly time for the Inspector and all others involved. Guidance would be welcomed to address the current ambiguity.

Key matters to be clarified concern whether a defined methodology should be provided; impacts of in-migration/windfall on overall need; and, whether it should be made explicit that identified need is to meet that for specific groupings that have been assessed as part of the process.

In the settled community, meeting figures of overall need across a Housing Market Area can be broadly addressed for general needs housing through allocations without any specific assignment to particular households or groupings, as there is a lot greater availability of properties and flexible options for locational preference. However, if the needs of travellers are generalised and no local connection is made then, if the delivered pitches/sites are occupied by any travellers irrespective of whether they have been assessed as part of a GTAA, the needs of those travellers who have actually been assessed will remain outstanding. This could lead to overcrowding on existing sites, inability to identify solutions to resolve unauthorised occupation in unsuitable locations, lack of security for traveller families, and the

local authority concerned still not having addressed the actual need in its district/borough.

Therefore, it should be made explicit in the guidance whether a 5-year supply is to be generalised or be to serve the communities where need is actually identified as part of the guidance. If the need is to be generalised, then guidance should be provided as to how local authorities should handle the backlog of genuine needs that will occur.

52. Do you agree the new Annex D to the draft Framework is sufficiently clear on how local planning authorities should set the appropriate buffer for their local plan 5-year housing land supply?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Annex D provides clear scenarios on how LPAs should set an appropriate buffer for their 5-year housing land supply, as laid out in point 9 of the Annex.

However, it provides no such clear explanation of how traveller site calculations should be achieved. Key matters to be clarified concern no defined methodology being provided; impacts of in-migration/windfall on overall need; and, whether it should be made explicit that identified need is to meet that for specific groupings that have been assessed as part of the process.

In the settled community, meeting figures of overall need across a Housing Market Area can be broadly addressed for general needs housing through allocations without any specific assignment to particular households or groupings, as there is a lot greater availability of properties and flexible options for locational preference. However, if the needs of travellers are generalised and no local connection is made then, if the delivered pitches/sites are occupied by any travellers irrespective of whether they have been assessed as part of a GTAA, the needs of those travellers who have actually been assessed will remain outstanding. This could lead to overcrowding on existing sites, inability to identify solutions to resolve unauthorised occupation in unsuitable locations, lack of security for traveller families, and the local authority concerned still not having addressed the actual need in its district/borough.

Therefore, it should be made explicit in the guidance whether a 5-year supply is to be generalised or be to serve the communities where need is actually identified as part of the guidance. If the need is to be generalised, then guidance should be provided as to how local authorities should handle the backlog of genuine needs that will occur.

Likewise, there is no indication as to how the Housing Delivery Test would relate to traveller sites and whether any buffer would be required as for housing for the settled population

- 53. Do you agree the new Annex D to the draft Framework is sufficiently clear on the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision-making?**

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No further comments required.

- 54. Do you agree the requirements to establish a 5 year supply of deliverable traveller sites and monitor delivery are sufficiently clear?**

~~Strongly agree, partly agree, neither agree nor disagree,~~ **partly disagree,** ~~strongly disagree.~~

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

While the requirement to set a requirement for the establishment of a 5-year supply of deliverable traveller sites and monitor their delivery is welcomed, there is a lack of specific guidance on methodology for establishing what the needs of a local authority area are to begin with and how issues pertaining to meeting locally identified need, as opposed to general overall provision can be addressed. The nuance between the two is important in establishing whether the supply of sites would meet the actual generated identified needs of local traveller communities. Annex D provides specific guidance for general needs housing but provides no such equivalent advice for calculating traveller site needs other than stating that it should be carried out. It would also be more appropriate to seek a 5-year supply of pitches/plots rather than sites, as this would better reflect expansion of existing sites, as is often the case.

Further guidance should also be provided to assist local authorities in this requirement where insufficient suitable land is both available and deliverable in the right locations to meet the genuine needs of traveller communities to enable them to provide a 5-year supply. A lack of local authority land and paucity of suitable submissions through the call-for-sites process can lead to an inability to deliver sufficient pitches/plots to meet identified needs and further clarity is needed to set out the Government's view on how this can be addressed.

There is also no indication as to how the Housing Delivery Test would relate to traveller sites and whether any buffer would be required as for housing for the settled population. Methodologies to encourage the pre-application consideration

of potential windfall sites rather than the current preferred methodology of occupation without planning permission needing enforcement then retrospective planning applications would also be welcomed as this is a drain on local authority resources.

- 55. Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear?**

~~*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*~~

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

No further comments.

- 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.*~~

Agree with the need for affordable housing in rural areas; by allowing affordable requirements for smaller rural developments, this will encourage affordable housing provision.

However, the glossary definition of 'Designated Rural Areas' appears to have changed from the 2024 version of the NPPF to include, '*other areas with a population of 3,000 or less and a population density of two persons or less per hectare*'. This seems to widen out the definition of Designated Rural Areas substantially from the Housing Act definition and from the NPPF 2024 and would now likely include parts of the rural area of East Herts and other districts. If this is the intention, the NPPF needs to be clear on which 'areas' the 3,000 population figure relates to in order to calculate a density. It is currently not clear whether this area should be a recognised and defined area, such as a parish or ward boundary or a settlement boundary, or whether it can be arbitrary.

As the definition of Designated Rural Areas has expanded in this version of the NPPF, it does beg the question as to whether local planning authorities should be defining these and, if this is required, a better definition of the appropriate 'area' to do this by would be essential.

- 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.*~~

As the UK has an ageing population, delivering accessible and suitable housing will become even more crucial to allow older people and people with disabilities to live independently. Policy HO5 requires at least 40% of new housing to meet M4(2) or M4(3) standards. Local need will need to be understood to determine the split of M4(2) and M4(3) housing required. Similar standards should be considered and applied to the development of public spaces and infrastructure to ensure older people and people with disabilities can also fairly access transport, recreational and other facilities.

58. Do you agree 40% of new housing delivered to M4(2) standards over the plan period is the right minimum proportion?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

East Herts existing District Plan Policy HOU7 requires all new residential developments to meet M4(2) standards and sites of 11 or more gross dwellings to provide a proportion of homes to meet M4(3) standard. Local need may require a higher percentage of dwellings delivered to M4(3) standard depending on demographic differences and population projections for different areas.

By requiring a higher percentage of homes / all homes to meet M4(2) standards as a minimum, future retrofitting can be prevented for ageing populations, ensuring all homes are accessible and adaptable. This will reduce financial and environmental costs of future demand for accessible homes.

Impacts on viability will need to be considered on smaller sites when requiring these building regulation standards.

59. Do you agree the proposals to support the needs of different groups, through requiring authorities to identify sites or set requirements for parts of allocated sites are proportionate?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No further comments.

60. Do you agree with our proposals to ask authorities to set out requirements for a broader mix of tenures to be provided on sites of 150 homes or more?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

It is agreed that, in principle, local need should be assessed to inform the mix of tenures on sites of 150 homes or more. However, most applications are for schemes well below 150 homes which may limit our ability to secure tenure mixes on such schemes? It could be argued that the threshold set at 150 homes is too high.

61. Do you agree with proposals for authorities to allocate land to accommodate 10% of the housing requirement on sites of between 1 and 2.5 hectares?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons.

Smaller housing sites provide benefits, including quicker build out times, utilising infill and brownfield sites, and encouraging a range of small and medium house builders.

However, the provision of smaller sites may not be able to provide supporting infrastructure and services that are needed in local areas, for example, meeting thresholds to support expansion of village schools and contributions towards improving or extending public transport. Thus, these smaller developments may not be sustainable in some locations, particularly rural areas. It would be beneficial to find a way to capture multiple small sites to ensure combined contribution to infrastructure and services.

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

No further comments.

63. Do you agree that proposals to add military affordable housing to the definition of affordable housing, and allow military housing to be delivered as part of affordable housing requirements, will successfully enable the provision of military homes?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No comments.

64. Do you agree flexibility relating to the size of market homes provided will better enable developments providing affordable housing?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

In some circumstances, this will provide a more viable development or an incentive to deliver more affordable housing. However, arguably this change is not needed as in the current circumstance if a mix which diverged from the development plan enabled more affordable housing delivery, this would be a material consideration which could be weighed against the departure from policy.

Whilst we would not seek to have more scenarios in which FVAs need to be submitted and tested, the flexibility set out in Policy HO8.3 should only be available if it is needed to allow the affordable housing to be site-specific the plan making site allocation process and changes in the NPPF are working appropriately, schemes should be able to deliver the site specific affordable housing requirement at the size mix specified in the Plan.

65. Would requiring a minimum proportion of social rent, unless otherwise specified in development plans, support the delivery of greater number of social rent homes?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Whilst we don't have any evidence to support it, setting a minimum seems sensible as long as it can cater for circumstances where the number of units is so low that RPs don't want to take the units on. Similarly, the policy needs to be clear it is a bottom line and Plans should be able to specify a higher amount if local circumstances require.

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

a) If so, what changes would be beneficial?

Yes, changes are required to planning policy to enable the delivery of such accommodation – maybe most appropriately by including it in the list of specialist accommodation which must be planned for.

However, flexibility around standards, including internal space standards and energy efficiency should be approached with extreme caution – plenty of anecdotal evidence suggests that 1) such accommodation, often granted temporary consent,

remains in place for longer time periods and 2), more significantly, the length of time in which people occupy such accommodation is typically longer than expected at planning application stage. As such, care should be taken to ensure that residents of such accommodation still have an appropriately adequate standard of living accommodation.

67. Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Cash payments in lieu of on-site affordable housing delivery may speed up delivery of housing where less time is spent negotiating S.106 agreements and viability with medium applications. However, this approach raises concerns around sustainable delivery of affordable housing, and could lead to segregation of affordable and market homes.

Whilst cash payments are probably to be welcomed from the perspective of ensuring the speedy determination of applications and delivery of private homes, there are a lot of difficulties in this approach. Many local authorities may not have housing delivery programmes and the overheads of running such a programme need to be included in cash in lieu payments. It also feels like the planning system has been here before and moved to on-site delivery for good planning reasons. Moving away from it without a comprehensive plan to remove these blockers to delivery is short sighted and will result in delivery of fewer units of affordable housing.

Conversely, we recognise that there is an issue with RPs not wanting to take small numbers of units spread across different sites and that there are economies of scale. As such, if this is going to be introduced it should be limited to medium scale developments only.

Furthermore, cash payments should be a last option when more direct forms of AH delivery have been ruled out - as such H08 should be re-drafted to be a hierarchy of delivery options – the primacy of on-site delivery is not entirely clear and cash in lieu should be clearly below off-site delivery in a hierarchy of delivery options.

We consider that cash in lieu payments should not be appropriate where there is a proposed Green Belt release including within the Golden Rules), but also for large (50u+) schemes, nor medium schemes which are on green field sites. This should also be couched within the comments above (within this question) about cash payments being at the bottom of a hierarchy.

There is a lot of detail which needs to be put in place to establish a hierarchy – it would be appropriate for this to be enabled locally at Local Plan level.

Presumably, there is no barrier to the delivery of some tenures of intermediate affordable housing on-site (such as shared ownership) so these should also be excluded.

Where no on-site delivery of affordable housing is being proposed, appraisals should recognise the resulting uplift in sales values which are likely to result across the scheme and ensure that such a premium is captured for affordable housing delivery.

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

In exceptional circumstances, where evidence demonstrates that on-site delivery would prevent a scheme from coming forward due to viability concerns, cash payments could be suitable to ensure market and affordable homes are delivered to meet housing requirements. We need to be very clear what the exceptional circumstances are as it will put an onus on LPAs to build/keep links with affordable housing providers to ensure they understand the pipeline and increase the likelihood of on-site affordable housing delivery.

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).

Risks could involve further delays in providing affordable housing as money may sit with the LPA for a long period whilst an appropriate site is identified/ the money is allocated, thus extending build out rates where there is already high demand for housing. Additionally, there may be risks around the quality and sustainability of affordable housing delivered with a cash contribution as it will be designed and planned separately to the main site.

Anecdotally there are issues with AH providers being able to deliver their programmes on time in specific areas – so it would slow down AH delivery. Conversely, it would probably improve SME delivery which is a significant positive

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.

There is often no interest from Registered Providers for taking on Affordable Housing on smaller sites or those sites where on-site provision of Affordable Housing has proven to be unviable. Therefore, a commuted sum of a set financial contribution via Section 106 to support Affordable Housing provision is the only option, although this is not always an amount equivalent to the cost of providing on-site dwellings.

Registered Providers (Housing Associations) rely on on-site Affordable Housing provision and the relatively small amounts of Commuted Sums collected by the Council do not cover the actual costs and can be difficult to allocate effectively; one suggestion would be to use these to fund 'Additionality' via an agreed **Policy on Commuted Sums use by the Council and the Registered Providers.**

Requiring Local Authorities to have a Policy for the allocation and use of commuted sums would provide clear guidance to all on the actual spend of the held funds, and by having this clear guidance the funds could be used in a timely way to support 'Additionality' projects to make current Affordable Housing provision more energy efficient and sustainable. This policy could cover the agreed use of Commuted Sums for sustainability improvements, such as installing Solar panels and other energy efficiency measures. It could also support rent reduction or grant funding to Registered Providers to change tenures of Affordable Housing from Market to Social rent to increase the number of homes people could actually afford to rent. Opportunities to combine s106 cash in lieu payments with on-site affordable housing on other schemes may provide schemes of a scale which is of more interest to RPs. Additionally, there is often a pressing need for temporary accommodation, so freedom to use monies in this respect could be welcomed.

By requiring Local Authorities to have a policy on the use of Commuted Sums, Registered Providers would be clear on the availability of funding and the circumstances for its use. This may encourage Registered Providers to include this funding in their own plans and potentially devise projects they have not considered before. This joined up approach would benefit all concerned, being a joined-up approach to increase the provision and sustainability of Affordable Housing.

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

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

Yes, further guidance is required. An approach which compares the GDV of the scheme with/without AH on-site is unlikely to provide contributions that fully meet the costs of off-site delivery. The change in value is unlikely to allow for site purchase costs, as well as programme costs that delivery of AH by LAs would incur. Additionally, if schemes are looking to deliver AH off-site, there must be issues with on-site delivery and so establishing a realistic GDV with on-site delivery would be very difficult. Such an approach is not tied to the cost of delivering the affordable housing, but more to the value of not delivering it – as such it should be based on the cost of off-site delivery on a real site within the LPA area with a similar housing need and site typologies.

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?

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

The question asks whether off-site provision would be supported where quality *or* quantity outcomes can be improved, but in practice policy should ideally be seeking better outcomes in terms of quality *and* quantity where off-site provision is being proposed (or, as a minimum, no dip in one for the improvement in the other).

East Herts Council currently only considers off-site delivery of affordable housing in exceptional circumstances due to a number of concerns. The preference is to deliver affordable housing alongside market housing to ensure balanced and varied mixture of housing within a development site, preventing segregation of different tenures and types.

The proposal of enabling off site delivery of affordable housing may provide positive outcomes where higher quality is ensured.

The delivery of off-site affordable housing would need to be in appropriate locations to meet the local need, and well connected to infrastructure and amenities, including public transport. Concerns around time and resources regarding off-site delivery are raised. Affordable housing would be needed to be delivered alongside the same timeline as the market housing to ensure a variety of dwellings are

available. More resources and time would be required to ensure another suitable site is identified and assessed by the LPA.

Furthermore, the landscaping and design of an off-site affordable housing site would need to be delivered to the same standards of the original development, ensuring off-site delivery is not a loophole to deliver affordable housing at a lower cost and lower quality.

72. Do you agree the 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.

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

This issue is dealt with by Policy HO9.1(a). The criteria are important to ensure housing for older people is located suitably for independence and accessibility. More clarification and guidance are needed around the definitions of 'easily' and 'safely' in regard to access of services for older people. Whilst criterion a(i) is clear that such services include those on-site, there are clear wider community benefits if older people are able to access shops, services and facilities that the general population uses, rather than having specific services that only they use and are not more widely available. The policy is ambiguous on this point, but might consider enabling development that supports the wider community and ensures that older generations are visible in their wide community.

Additionally, the category of 'older people' covers a wide range of people with different abilities, health conditions, financial capabilities and lifestyles, therefore this criterion should provide more information to support those with varying needs and avoid segregating older people with different financial means. This is needed to support those with greater needs and alleviate pressures on social and health care. Explicit reference to the provision of subsidised or affordable accommodation in older persons accommodation should be made and, as mentioned in Q49 above, it would be useful to have some distinction between use classes C2 and C3.

Guidance should be provided around safe design of routes for walking and wheeling, and for public transport stops and hubs, suitable for older people, alongside other groups. This should include level, wide, and wheelchair suitable routes/ pavements, crime prevention design features, and welcoming public space design to ensure older people feel safe, included and comfortable using local amenities and taking public transport alongside secure, non-manual lifted, e-bike storage and charging facilities at destination and home particularly for tricycles/cargo bikes.

Housing for older people should also be well integrated with existing communities and other housing types to support health and wellbeing of older residents and reduce isolation.

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.~~

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

Again, the terms 'safe', 'secure', and 'easily' need to be clarified and supported with guidance on how to design these aspects into this type of accommodation and its surrounding areas. Similarly to the response to Q72, there are varying types of community-based specialist accommodation (notwithstanding the comment on the definition in the glossary below) which would have differing requirements in terms of housing and urban design depending on the groups of people this accommodation supports. Furthermore, this type of accommodation must fit well into the surrounding neighbourhood to ensure people can integrate well and are not segregated from the community.

In respect of the changes to the glossary – the definition of community-based specialist accommodation is not a definition at all – just an example of a form. What are the criteria which accommodation needs to meet to constitute this if it is not for those leaving custody? It is also under “community-based specialist accommodation” whereas the policy refers to it as “specialist community-based accommodation, which is inconsistent and therefore confusing to users of the Framework.

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.~~

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

Whilst East Herts does not have large quantities of either form of development, we recognise that changes in population means that this situation is not static. Within the policy wording, we have concerns as to what “adequate” means for internal standards, and a broader concern that, if over-provided, this form of accommodation cannot be easily adapted to meet general private housing standards without expensive work. Students are likely to benefit from their relevant educational facilities being geographically close to their place of study rather than just having easy and safe public transport which may still require a long journey

time and raised expense. As with earlier comments, 'easy' and 'safe' would benefit from definition bearing in mind that students have a different lived experience to older people and these groups may view easy and safe very differently (and likewise the developers of their accommodation).

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.~~

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

No further comments.

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.~~

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

No further comments.

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.~~

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

No further comments.

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.~~

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

Policy HO12 takes forward much of the key policy areas in respect of development proposals for traveller sites. Some of the changes to the existing provisions are

welcomed, such as the requirement to provide alternative site identification and provision for communities required to relocate for all forms of development, not just for major development, as in the current PPTS wording. This will ensure that travellers are treated fairly where relocation is required.

However, some currently included provisions have been omitted from the draft, which may not be the best way forward, as discussed in answers to other questions following.

The removal of the provisions to allow reference to local criteria in assessing sites, which may be important for some locations, is not supported. While it is agreed that there should be no repetition of national policy, there should be scope to include bespoke local criteria if needed to supplement this in certain circumstances. In particular, there is no reference in the current draft national policy around avoiding detrimental impact on historic assets, risk of flooding, or being located under pylons, etc, and the scope to add pertinent local matters of importance is sought. Clearly, all local plans will be subject to examination, so any superfluous criteria could be challenged by others or asked to be removed by the Inspectorate.

The removal of the requirement to consider proposals where there is no identified need, would prejudice the ability of travellers to move to a local authority area, even if their proposals would otherwise meet policy requirements, which is opposite to the opportunities for the settled community to have development proposals considered.

80. Do you agree the proposals in policy HO13 will help to ensure development proposals are built out in a reasonable period?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

There is already provision in the act to attach a different time period to a planning permission. It is unclear how the NPPF wording would positively change this. If the government is keen to see development brought forward in a timely manner, requirements for delivery could be secured through S106. Another key issue around delayed delivery is that it is often not linked to local authority processes, but rather to the reluctance of some landowners/developers to bring forward allocated land in a timely manner. Several large allocations have been delayed due to circumstances where multiple landowners have been unable to agree working arrangements/collaboration agreements for equalisation, etc, and the local authority has been powerless to act to expedite the process. Through no fault of their own, such delays can have a significant impact on local authorities' ability to maintain a 5-year land supply, which can then lead to speculative development

being allowed in less sustainable locations. This is a particular area where local authorities would appreciate having ‘teeth’ to ensure land is brought forward in a timely manner.

The practice of slowing build-out rate to match supply to demand and maintain prices is also key in the slower delivery of sites. This also has a significant impact on the maintenance of a 5-year land supply and having powers regarding the failure to build out to an agreed timetable or other ‘teeth’ would assist.

The wording as currently drafted re timescales to implement is unlikely to have any material impact.

- 81. Do you agree the requirements to take a flexible approach to the consenting framework for large scale residential and mixed-use development is sufficient to ensure the opportunities of large scale development are supported?**

~~*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*~~

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

Policy HO13.3 also constitutes best practice currently used on the largest schemes. Thought should be given to defining “*large scale*”.

- 82. Are any more specific approaches or definitions needed to support the delivery of very large (super strategic) sites, including new towns? supported?**

~~*Yes, No.*~~

a) Please provide your reasons.

No further comments.

- 83. Do you agree with the proposed changes to the Housing Delivery Test rule book?**

~~*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*~~

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

No further comments.

Chapter 7

- 84. Do you agree that more emphasis should be placed on relevant national strategies and the need for flexibility in planning for economic growth, as drafted in policy E1?**

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The emphasis on addressing the modern economy, taking relevant national strategies into account and allocating sites to meet employment needs in Policy E1 is a sensible approach to plan-making.

The focus on local plans setting targets to meet anticipated needs over the plan period, as opposed to the NPPF establishing specific targets for employment land, is supported. Continuing to allow local planning authorities to set their own targets ensures that these can best reflect the local context, for example, business needs and infrastructure issues.

85. Do you agree with the approach to meeting the need for business land and premises in policy E2?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Whether an employment proposal meets unmet need, particularly in compliance with Policy S5, will be an area of debate in the planning decision-making process. Criteria 2a and 2b(i-iii), helpfully set out the overarching market, business and infrastructure issues that need to be considered to inform a decision about unmet need.

However, there is some ambiguity about how to interpret policy criteria a and b, including, the type/ level of market evidence required, the appropriate catchment areas for different employment sectors and the amount of evidence needed to justify the locational requirements for a business to move to a particular location. It is recognised there needs to be flexibility in any judgement about unmet need, but ambiguity could lead to costly and time-consuming appeals or legal challenges. Therefore, it is suggested that further guidance is produced (perhaps in PPG) to support the interpretation and assessment of unmet need for employment uses set out in this policy.

It is noted that Annex C does not require the submission of assessments to support employment proposals. For decision-makers to assess if a proposal meets the requirements of Policy E2, it is considered that, if appropriate, some applications should submit an economic needs assessment.

86. Do you agree with the proposed new decision-making policy supporting freight and logistics development in policy E3?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

There should be some guidance / clarification at Policy E3.1a on which transport networks are deemed 'appropriate' for each given type of development.

In relation to criterion 1b, to avoid ambiguity, additional guidance should be provided to clarify what 'acceptable' would mean in the context of impact on local residents or other neighbouring uses. For residential neighbours this will be especially important, especially where night-time activity is expected, and additional text providing criteria could help reduce debate at appeal situations.

87. Do you agree with the approach to rural business development in policy E4?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The support for 'well-designed new buildings' should be clearer, referencing the need for development proposals to ensure / demonstrate that surrounding character and local amenity will not be adversely affected by inappropriate design.

Furthermore, there should be clarity offered on how to identify, and what constitutes sites which are 'physically well-related' to existing development; this term is undefined and left highly ambiguous / open to interpretation. This term is also used in four different policies through the NPPF, and it is unclear whether it is to be regarded in the same way in each instance.

In addition, while it is noted that development proposals may be located in areas poorly served by public transport, there should be further guidance on measures to address this, and greater emphasis on the need to mitigate against reliance on private vehicles while boosting local employment opportunities. There should be reference to enhancing sustainable transport accessibility and improving digital connectivity for new/existing sites.

Chapter 8

88. Do you agree with the proposed changes to policy for planning for town centres?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The introduction of town centre strategies to inform development plans is welcomed. Further guidance on the content of these strategies would be beneficial to ensure consistency across development plans and town centres.

89. Do you agree with the approach to development in town centres in policy TC2?

~~Strongly agree, **partly agree**, neither agree nor disagree, partly disagree, strongly disagree.~~

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

It is not clear what is meant by ‘...for specific locations’ in criterion 1.a of the policy. It is recommended that this is removed, or further clarity is provided to make it clear how this point should be applied.

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

Within town centres the application of Use Class E can help to reduce vacancy levels as it becomes easier to change uses within the Use Class E. However, the application of Use Class E outside of town centres can encourage movement of typical town centre uses outside of town centres, which can be to the detriment of town centres. In some cases, this can also have implications to employment areas as the makeup of these areas start to evolve to more town centre uses, which may not be appropriate to some of the industrial uses within these sites. Town centre uses outside of the town centre can lead to more unsustainable movement patterns away from town centres

91. Do you believe the sequential test in policy TC3 should be retained?

~~Strongly agree, partly agree, neither agree nor disagree, **partly disagree**, strongly disagree.~~

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

There are no objections to criteria 1,2,4 and 5 of the policy or the retention of the sequential test, however, criteria 3 of the policy should be rewritten as its current wording is ambiguous and would be difficult to apply, as well as encouraging proposals that may be inconsistent from the development plan.

There are two main parts to criterion 3 of this policy. The first proposes allowing flexibility when considering issues such as format, scale and form of development, and the second whether proposed development could be accommodated across multiple sites. In relation to the first part, it is understood that the reasoning behind this is to aide delivery of town centre and edge of town centre sites. However, in all instances what is required within the development plan should be sought in the first instance, and where this is found to not be deliverable evidence should be

provided for why that cannot be delivered before allowing flexibility on such application sites. This helps to ensure that the aims and objectives of the adopted local plan are investigated first before other options are explored. In relation to the second part, it is not clear how the process of exploring whether development can be accommodated across multiple sites would be actioned, by who and what constitutes enough investigation on this matter. This could involve a lot of additional time-consuming work to investigate land availability and development potential, much of which would have been completed through the preparation of the development plan.

92. Do you agree with the approach to town centre impact assessments in policy TC4?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No comment.

Chapter 9

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, strongly disagree.~~ **partly disagree**

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

The policies are clear in the requirements that they expect of development where the expansion or upgrading of electronic telecommunications are concerned, but the language is quite muted; it does not read as though the intention is to give '*clear and strong support*' to such a rollout, if that is indeed the intention. In our opinion, the language is appropriate for a national policy framework document.

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, strongly disagree.~~ **partly disagree**

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

This question seems to relate to criteria 1a and b of Policy CO1. These criteria seem quite thin and may not cover all scenarios. They favour developers. In the case of (a), it is sometimes the case that buildings and structures are utilised for

telecoms, but this restricts that building's reuse, removal or redevelopment. It would be counter-productive to tie sites and buildings that could be more suitably reused because of contracts relating to masts. In part (b), '*minimise the visual impact*' is a very generic ask which would seem to be satisfied by limited efforts to reduce visual impact. In sensitive landscapes or in characterful areas where the identity of a place is strong, it might only provide very limited incentives to properly reduce visual impacts to a minimum.

95. Do you agree the supporting information requirements are proportionate and sufficient without creating unnecessary burdens?

~~Strongly agree, partly agree, neither agree nor disagree,~~ **partly disagree,** ~~strongly disagree.~~

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

Policy CO2 does not cover any requirement to respond to Policy CO1.b in terms of the visual impact of proposals. As cited in Q94 above, such schemes could have a detrimental effect on special landscapes or acknowledged heritage assets (or even in places of local distinctiveness alone). It would not be burdensome or disproportionate to ask for evidence of the efforts to reduce visual impact when this is a requirement of Policy CO1.

Chapter 10

96. Do you agree with the approach to planning for energy and water infrastructure in policy W1?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The approach set out in W1 is broadly acceptable. In practice, energy and water companies have complex spatial distributions and overlapping responsibilities with differing attitudes to engaging early in plan-making. Whilst plan-makers will endeavour to undertake this engagement in developing plans, there should be a reciprocal arrangement ensuring that energy and water companies et al have the time, resources and inclination to discuss future needs with plan-making authorities.

97. Do you agree with the amendments to current Framework policy on planning for renewable and low-carbon energy development and electricity network infrastructure in policy W2?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

On the whole, Policy W2 relates back to the previous para 165 in the NPPF 2024. The proposed approach is no more expansive but seems a little more proactive for renewable energy. Guarding against adverse impacts appears to have been removed

98. Do you agree with the proposed approach to supporting development for renewable and low carbon development and electricity network infrastructure in policy W3?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

No further comments.

99. Do you agree with the proposed approach to supporting development for water infrastructure in policy W4?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

No further comments.

Chapter 11

100. Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

No further comments.

101. Do you agree with how policy M1 sets out how the development plan should consider oil and gas?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

No further comments.

102. Do you agree with the proposed addition of critical and growth minerals to the glossary definition of 'minerals of national and local importance'?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

No further comments.

103. Do you agree criteria b of policy M2 strikes the right balance between preventing minerals sterilisation and facilitating non minerals development?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Given the finite resources available, it is important that these do not become sterilised through development, so the policy is supported. However, it is considered important that sufficient checks are in place to ensure that, in addition to the criteria stated in the policy, there should be recognition of the need to protect residential amenity and any locally important historic features, where appropriate.

104. Do you agree policy M3 appropriately reflects the importance of critical and growth minerals?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

No further comments.

105. Do you agree with the exclusion of development involving onshore oil and gas extraction from policy M3?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

No further comments.

106. Please provide your reasons, particularly if you disagree?

No further comments.

107. Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

No further comments.

108. Please provide your reasons, particularly if you disagree?

No further comments.

109. Do you agree with approach to coal, oil and gas in policy M5?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No further comments.

110. Are there any other exceptional circumstances in which coal extraction should be permitted?

Yes/No

No further comments.

111. If yes, please outline the exceptional circumstances in which you think coal extraction should be permitted.

No further comments.

112. Do you agree policy M6 strikes the right balance between preventing the sterilisation of minerals reserves and minerals-related activities, and facilitating non-minerals development?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No further comments.

113. Does policy M6 provide sufficient clarity on the role of Minerals Consultation Areas?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No further comments.

Chapter 12

114. Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land?

~~Strongly agree, partly agree, neither agree nor disagree,~~ **partly disagree**, ~~strongly disagree.~~

115. If not, what further guidance is needed?

Policy L1 is clear in how Local Plans should promote efficient use of land on previously developed land for built development purposes. It does however lack guidance on how to deal with other types of development such as wildlife, habitats and flood risk mitigation.

In relation to 1a(iii) of the policy, it is assumed that this requirement can be used where it would uplift the minimum residential density standards (40 or 50 dwellings per hectare) that are set out in Policy L3 where it is within locations that are 'well-connected'. In the first instance the term 'high level of connectivity' should be defined, this should include travel distances, type and amount of transport provision required to meet this definition. Where travel distances are used this should make clear if this is in reference to walking or cycling and should not be based on 'as the crow flies' distances as this would bring about inconsistent application of accessibility across the country. If it is the case that criterion 1a(iii) of the policy only relates to an uplift of the minimum density requirements for town centres above that set out in Policy L3, this should be made clearer. There may be instances where town centres have constraints that make meeting the density standard in Policy L3 difficult, particularly due to heritage constraints. However, there may be instances where parts of the town centre could attribute higher minimum density standard. Criterion 1a(iii) of the policy should be made clearer in highlighting whether there is flexibility in the policy that allows some parts of the town centre to have a lower minimum density standard where known constraints are present, however also allowing an uplift in the areas where there are fewer limiting constraints impacting potential density.

116. Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land?

~~Strongly agree, partly agree, neither agree nor disagree,~~ **partly disagree**, ~~strongly disagree.~~

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

The majority of the policy is supported, but to ensure clear and consistent application of criterion 1d(i) of the policy, residential curtilages should be clearly defined in the glossary or as a footnote.

Additionally, criterion 2 of the policy should be reworded to be clearer.

Careful consideration should be given to the interplay between this policy and others, especially Policies S3 - S5. Those policies already provide significant incentive for making effective use of land. Especially with regard to Policy S5, L2 may have some unusual unintended consequences which would further undermine the sustainable location/existing settlements first approach. For example, a site located outside a settlement but in easy walking distance of a train station, but one which does not provide a good service would not be supported by S5. However, if the site were in a less sustainable location, further from existing services, but meeting Policy L2.1b (re using previously developed land) it would have substantial weight in favour of it – which seems inappropriate. It may be that removing Policy L2.1b may resolve this as the majority of these types of sites will be within settlements already or are already supported under Policy S5.1c or d.

117. Do you agree policy L2 identifies appropriate typologies of development to support intensification?

~~*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*~~

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

No comment.

118. Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy?

~~*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*~~

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

Whilst listing certain types of development which may be supported, other types (such as Mansard roofs) can lead to inappropriate development in some circumstances. The criteria at Policy L2(d) do provide opportunities for these to be assessed on a case-by-case basis, but it feels that undue prominence is given to this list of high-level design principles. For example, there will be other circumstances when height or larger buildings are appropriate beyond corner locations, but by not listing these they will not be supported so clearly through national or local policy.

We would also query why elements of Policy L2(d), which set standards such as access to daylight and sunlight, are necessary. All development proposals should

be adequately achieving these, and this issue should be considered for addition to Chapter 14.

- 119. Do you agree policy L2 (d)(i) achieves its intent to enable appropriate development that may differ from the existing street scene, particularly in cases such as corner plot redevelopment and upwards extensions.**

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Some of wording in Policy L2.d and d(i) is duplicated, and for clarity this should be refined. Given that the opportunities to set design principles and promote certain forms of development is limited at national level without creating unintended consequences, greater prominence here should be given to local design guidance and local design codes to identify appropriate typologies or opportunities for densification. The need for Local Design Codes to identify these opportunities could be added to Policy DP2.

- 120. Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages?**

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Residential curtilage and building curtilage need to be defined, and it should be clarified if that relates to the historic curtilage or the present site situation. It may be best to exempt the Green Belt from this section. Furthermore, we feel that 50% will not be appropriate in some instances – as there are many examples in rural places and in historic towns and villages where there are very large curtilages. A better approach is for Local Plans or local design codes to set these standards. The need for Local Design Codes to identify these opportunities could be added to Policy DP2.

- 121. Do you agree policy L3 provides clear guidance on achieving appropriate densities for residential and mixed-use schemes?**

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

It is not clear where the proposed densities for development around stations have emerged from, or whether any work has been done as to whether this density

would be compatible, generally, with railway stations, or whether this density might be appropriate for these sites (for example, Bayford station in East Herts district).

Further, in Policy L3.3, the NPPF states, “*Minimum densities for residential development proposals are appropriate in locations which provide high levels of connectivity to jobs and services*”. The second sentence makes a distinction between a density of 40 dph and 50 dph, but it doesn’t read well enough to determine when the 40 dph figure would be appropriate rather than the 50 dph figure. Surely development is only being promoted where the station is ‘well-connected’ because of what the first sentence says, so when would the 40 dph apply?

Additionally, there is no clear guidance for when a minimum density standard may not be appropriate, for example due to impacts to heritage assets or environmental reasons both of which can impact the density of a site. Within East Herts, the majority of the train stations are within or adjacent to Conservation Areas with a number of heritage assets that may impact the overall density of a site.

“*Within reasonable walking distance of a railway station*” should be clearly defined to ensure this is applied consistently and should take into account topography, routes and the likely users of same. The existing walking infrastructure should also be taken into account when applying ‘reasonable walking distance’ and be based on the ground data rather than as the crow flies. As currently worded, the policy could encourage development in areas that are not physically accessible or that do not have safe, appropriate and appealing walking routes to train stations, simply because they are within a close physical distance.

The capacity of the current railway service, particularly during commuter peak hours, should be assessed along with upgrade plans to determine whether a railway station has capacity for additional passengers. Building dense housing merely because of the public transport possibilities offered by a station seems intemperate if the sustainability of stations further along the line become unsustainable because passengers cannot get onto the trains.

In the context of this policy, one could end up with a situation where a site meeting Policy L3.2 (in a settlement, so preferable for higher density development) could have a lower density than one meeting Policy L3.3 (out of settlement but near to a station) as L3.2 only needs to be denser than existing. This seems to be inappropriate.

122. Do you agree with the minimum density requirements set out within policy L3?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The requirement for minimum density standards can help to ensure that the most sustainable locations use land more effectively. However, the local context is a large factor in ensuring development is suitable and embeds into the existing area. A standard minimum density does not account for other factors which may require a lower density, such as heritage concerns. It may instead be preferable to define local densities through design codes or other design guidance in some situations. As an aside, the densities cited may actually be below the prevailing density in an area (e.g. inner and suburban London), and therefore inappropriate as a generic density standard / target in the NPPF.

Criterion 2 of the policy helps to ensure that density is pushed above existing density standards and to make the most effective use of the land, it also allows for flexibility where there may be other restrictions that need to be considered on the site and is therefore supported. However, within criterion 3 of the policy, where considerations such as potential heritage impacts do occur and 40 or 50 dwellings per hectare would not be appropriate, this policy may hold up development in the most sustainable locations. Where 40/50 dph is 'forced' upon an area with a prevailing density well below that, development may have to work very hard to provide an acceptable design that feels appropriate to the area. The Design PPG ought to provide support in these instances.

Additionally, although a railway station may be well connected to larger built-up areas, in particular around London, not all of these stations are situated in sustainable locations in terms of access to local services and facilities. There are a number of railway stations within the rural area which may not have a shop to fulfil daily needs, school or healthcare etc and are isolated from nearby settlements (such as Bayford in East Herts). Criterion 3 of this policy is encouraging development at a higher density in such locations, which unless achieved through larger strategic development are unlikely to be sustainable, albeit accessible (by rail) to larger urban areas. Such locations may simply become dormitory settlements. Furthermore, the cost of train travel, in particular within the south of England and surrounding London could be a motivation for individuals to use their car to access local services and facilities, especially where development has occurred in the more rural train stations that lack these facilities. Therefore, this policy, although has the best intentions to encourage train travel as a sustainable mode of travel, the location of some railway stations and the cost of train travel could encourage an unsustainable pattern of development for day-to-day travel needs.

In addition, a minimum density standard for housing may limit the development of other uses on a site, which may be beneficial to the area, such as community uses, employment and retail. These uses are also valuable to creating sustainable places, in particular when they are co-located with residential uses. Further clarity on how such uses would be embedded into this policy if it is implemented would be beneficial.

Lastly, minimum density standards may in some cases prevent meeting the required housing mix within an area. For example, if larger family housing is required the minimum density standards may limit the amount that can be delivered in order to meet the minimum density standard quota.

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

Due to the nature of traveller accommodation, if a development were to be located close to a railway station, it is most unlikely that a density of anything like 40/50dph could be achieved while allowing for a sufficient distance between mobile homes/ caravans to meet environmental health/ fire standards, amenities, parking and open space.

123. Do you agree that using dwellings per hectare is an appropriate metric for setting minimum density requirements? Additionally, is our definition of 'net developable area' within the NPPF suitable for this policy?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Dwellings per hectare is an appropriate metric which is well used within the industry. However, implementing the same dwellings per hectare can become more difficult on larger sites where the infrastructure requirements are larger, requiring large areas of land for open space and schools for example. This may therefore impact the mix of homes that could be accommodated on the site. It would be beneficial to review this metric for larger sites to determine whether a set 40 or 50 dwellings per hectare could be applied to small, medium and large sites consistently. Additionally, the definition of 'net developable area' should reflect if this includes associated infrastructure and services such as schools, and healthcare, as well as other uses such as employment and retail.

124. Do you agree with the proposed definition of a 'well-connected' station used to help set higher minimum density standards in targeted growth locations? In particular, are the parameters we're using for the number of Travel to Work Areas and service frequency appropriate for defining a 'well-connected' station?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons and preferred alternatives.

The definition of a well-connected station is repeated in footnote 26, 45 and 52. It might be better to use the glossary for the term, rather than repeating it at different places. In reference to these footnotes. Policy L3.3 defines stations or stops as '*well-connected*', whereas S5.1h and GB7.1h(i) refers to areas providing a '*high level of connectivity*', all of which have the same footnote definition. For clarity these references should be the same within each policy.

In terms of the definition, there is an absence of a reference to proximity to a settlement, which is troubling. This arises in East Herts district in the context of Bayford station, which is within the Green Belt. Bayford lies on the Hertford Loop route between Stevenage and London Moorgate, and so qualifies as being within the London TTWA and has at least four services an hour. Bayford station is, however, distant from homes and other development and is relatively isolated, with no pedestrian footway. The NPPF definition includes a measure of 'well-connectedness' only in the context of the rail services, and not in the context of how well embedded a station is in the fabric of a settlement. The absence of a measure of the station's accessibility to the nearest possible users of the station (whether they are arriving or departing) ought to be included in the definition or it risks encouraging inappropriate and / or disproportionate development into places that cannot support it and would not otherwise be considered. This risks producing highly unsustainable developments and dormitory communities.

In such places, a standard measure of supposedly appropriate densities for development around 'well-connected rail stations' may also be misguided.

Footnote 45 defines '*well-connected*' areas as rail stations that are in a '*top 60 Travel to Work Area located partially or fully within England by Gross Value Added (GVA) and which, in the normal weekday timetable, are served (or have a reasonable prospect of being served due to planned upgrades or through agreement with the rail operator) throughout the daytime by four trains or trams per hour overall, or two trains or trams per hour in any one direction*'.

- Firstly, this footnote should be updated with clear links to source the correct annually updated information to ensure that information is sought from the same place.
- Secondly, based on the 2019 analysis '[Productivity in towns and travel to work areas UK:2019](#)' the majority of East Herts is classified as Cambridge and some falling into Stevenage and Welwyn Garden City. It does not provide a list of the top 60 Travel to Work Areas which would be beneficial to apply this policy easily. The information is also derived from the 2011 Census data, and it could be argued that this information is now out of date, especially as work patterns may have changed significantly since Covid, and whether another data source, such as the DfT Connectivity tool would be more appropriate and bespoke to specific areas.

Additionally, '*reasonable walking distance of a railway station*' within this policy should be clearly defined to ensure consistent application of this policy, this should also be based on the ground infrastructure, rather than as the crow flies, which may can take longer to walk. This could be referenced within the glossary.

Finally, the capacity of the line to cater for more passengers from either existing capacity or from planned infrastructure improvements has to be a deciding factor as to whether the railway service from the station is, in fact, sustainable. This is particularly germane to commuter peak hours and should be a consideration since higher passenger volumes earlier along the line may render existing city locations as undesirable due to lack of ability to be able to get on a service to commute.

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-Possibly

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

Question 40 above discusses an unintended consequence of Policies L2 and S3 – S5, where development could be required to be denser outside settlements than within them. We foresee a situation where densities for less sustainable places ought to be defined just to avoid this type of unintended consequence – but defining density along these lines is fraught with difficult in this generic way. This might start to address densities around rural (and more isolated) railway stations, but this still doesn't resolve the concern that developing around stations without basic services in the settlement where the station is located is unsustainable in principle anyway.

If the Government wants to be seen to be promoting densities in isolated rural areas and around small rural stations in places with few services, the issue of a density standard is a problem for you.

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

No, as set out in response to question 124, there may be instances where '*well connected*' stations are not easily accessible through active travel and minimum density standards for these locations would be inappropriate. A policy that requires local authorities to explore development around these '*well-connected*' stations and setting minimum density standards, where appropriate, could be more suitable as the local context would be taken into account.

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

Not applicable.

128. Do you agree policy L4 provides clear high-level guidance on good design for residential extensions?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

There two main issues with the policy wording:

- What does “*blend*” mean? There will be instances where proposals do not blend – especially in form – to the immediate surroundings but are still acceptable – either where a different design which has been carefully considered, or where the existing area is poor quality. In its current wording, ‘blend’ is not clear enough.
- At criterion 1b, it is not clear what makes ‘*acceptable living standards*’ in some of these circumstances. With PM13 limiting the ability to set quantitative standards locally, there are not national standards on all of these so it seems, at best, ambiguous.

Beyond these comments, we agree with keeping this relatively limited.

Chapter 13

130. Do you agree that policy GB1 provides appropriate criteria for establishing new Green Belts?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Policy GB1 reduces the number of criteria set out for establishing new Green Belt compared to the predecessor at para 144 of the 2024 NPPF. Whilst para 144’s final criterion (e) is not required if there’s a requirement to take the NPPF as a whole (as set out in para 6 and 7 of the Framework), the removal of the reference to demonstrating the sustainability of the proposal is less clear cut. One of the purposes of Green Belt is to assist urban regeneration, which on the face of it is sustainable, but on the flip side, it also encourages development beyond the Green Belt area in areas that are less sustainable (e.g. the metropolitan Green Belt focuses development within London, but development outside of London’s Green Belt is still likely to have an economic link back into London which requires travel; the same may be true of other Green Belt around major cities). We would suggest that the previous reference to demonstrating sustainability needs to be maintained.

132. Do you agree policy GB2 gives sufficient detail on the expected roles spatial development strategies and local plans play in assessing Green belt land?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Policy GB2 only mentions the identification of grey belt as a task under local plan Green Belt assessment. It is not entirely clear whether the intention is to exclude the identification of grey belt at the SDS level.

Policy GB7.1h also introduces the idea that housing and mixed-use development is not inappropriate where it is (essentially) within reasonable walking distance of a station and well-related to both the station and the settlement. This appears to disregard any assessment of the Green Belt as set out at Annex E. As it stands, GB7 would seemingly allow housing and mixed development on Green Belt that's '*well related*' to a settlement and close to a railway station without first considering available grey belt as an alternative and without having any recourse to the five purposes of the Green Belt, including its alleged openness and permanence. Without clearer definition than its current form, this appears to undermine the Green Belt and the purposes of Green Belt assessment as well as Policy GB2, which does seem to want some modicum of consideration towards a hierarchical, and planned approach to site selection in the Green Belt. This is unclear and undermines the coherence of the NPPF and the protections for the Green Belt, and so requires redrafting.

133. Do you agree with proposals to better enable development opportunities around suitable stations to be brought forward?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The NPPF's intentions in respect of Green Belt boundaries around stations is not clearly expressed at this point, and the relationship to other references to station-related development in policies such as Policy S5 is also unclear. There are several points here:

- GB3.1a should clarify that '*stations*' means railway stations (or rail and bus?); several other types of station exist, and several are mentioned in the NPPF in other places (e.g. converter stations, charging stations, ambulance and fire stations, pumping stations and coastguard stations);
- Continued use of the word 'should' is ambiguous. 'Should' in the context of the NPPF suggests that this is something that ought to be carried out in most cases. The opening sentence of GB3.1 suggests that altering Green Belt boundaries is an expected outcome in all cases and particularly where land exists in the Green Belt around 'stations';

- There is no cross reference to Policy S5. Policy S5 is the only place where the new policy aimed at encouraging development at and around stations is fleshed out (footnote 26 and Policy S5.1h). This policy deals expressly with the ‘principle of development outside settlements’, which most Green Belt will be, but possibly not all;
- It is not clear at what stage Green Belt boundaries around stations should be altered, and there is no cross reference to the guidance on Green Belt Assessments. Altering Green Belts around stations is not discussed within the guidance for carrying out assessments, and there is no indication in the NPPF or in the guidance as to whether land released around stations should be grey belt. Should local authorities be altering Green Belt around stations prior to understanding land availability and viability or in advance of developing a plan vision or strategy, or should Green Belt boundaries only be altered after the development of a strategy, after an assessment and once a plan area’s capacity and strategy options are fully developed? Is development in the Green Belt around stations intended as a last resort or a primary option?
- There is inconsistency in the policy as well. Whilst GB3.1a advocates the alteration of Green Belt boundaries around stations to enable development, GB7.1h states that housing and mixed-use development within the Green Belt near stations (subject to the criteria) is not inappropriate, so there is, in fact, no need to alter Green Belt boundaries at all around stations. As discussed above in Q132, Policy GB7.1h seems to state that housing and mixed-use development is not inappropriate in the Green Belt, but there is no recourse here back to the Green Belt assessment, to the availability and location of grey belt or to the five purposes of Green Belt, which is extremely worrying.

In the case of East Herts, there are several railway stations within the Green Belt which meet the criteria set out at footnote 26 / 45. However, they are all different in their contexts; the town of Sawbridgeworth differs from the large village of Stanstead St. Margaret’s which, in turn, is very different from the isolated station at Bayford. It is certainly not clear as to the extent of research that has evidenced this generic policy and whether the possible outcomes have been tested. In some cases, it may lead to very inappropriate development and in others, there are questions around the implications for the routes these stations reside on. For instance, development could be promoted at Watton-at-Stone station, where capacity exists in trains travelling between Stevenage and London Moorgate. But what would be the implication on this route if seating capacity is taken up much further out of London, making trains more uncomfortable and more crowded closer into London? What are the implications for significant new towns, such as that proposed at Crews Hill on the same route? Can additional capacity be assumed even if it isn’t yet planned? It is certainly not clear that the consequences of a one-size-fits-all policy for land around stations in the Green Belt has been fully thought through.

Given that GB7 states that development on grey belt and around stations (under certain other conditions that have to be met) is not inappropriate within the Green Belt, it would seem illogical to continue to maintain developed land as open and permanent Green Belt in future iterations. It may therefore be necessary to set out as an exceptional circumstance in GB3.2 the amendment of Green Belt boundaries where the development of land has come forward and been completed as part of a grey belt or railway station exception, as it will no longer be open or permanent. As a generally related side note, the changes to Green Belt policy through the introduction of new guidance, clear assessment and the grey belt are welcomed and bring a new perspective on the role of Green Belt. Whilst commented on above, the idea of focussing development around stations is a positive move. However, it does seem to be the case that villages within Green Belt areas but excluded from it have, as a consequence, become more attractive locations for development than areas closer to larger urban areas. This seems to be because the land adjacent to urban areas generally has a strong contribution to purposes (a) and (b) whereas land around villages does not. The presence of a station in such villages now heightens this.

Whilst it is acknowledged that GB4 also looks to promote a sustainable pattern of development overall, picking off small sites around villages rather than looking at areas much closer to larger urban areas seems perverse, particularly if those smaller sites cannot deliver the level of services, facilities and community benefits for the village because of the smaller scale of available sites. At the end of the day, many districts have limited options, and development on grey belt / railway-adjacent sites around villages may become a significant option for those who find their larger settlements much more constrained.

It may also be worth noting that the essential features of the Green Belt have always been its permanence and its openness – which deliver certainty – and whilst the new approach is a step in the right direction, the founding principles of openness and permanence seem to have been eroded, which has led to some uncertainty.

134. Do you agree the expectations set out in policy GB5 are appropriate and deliverable in Local Plans?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

135. Please provide your reasons, particularly if you disagree.

Whilst the benefits that can be accrued within the Green Belt is noted, it should be remembered that the essential features of the Green Belt are permanence and openness, and benefits provided should recognise this and the five purposes of Green Belt. Where areas of value are created – be it in terms of leisure, recreation, community facilities or nature – it's continued use and protection can be made

through other more specific designations and does not need to rely on protection by virtue of being within the Green Belt.

This policy feels as though some elements would be useful within decision-making policies.

136. Do you agree policies GB6 and GB7 set out appropriate tests for considering development on Green Belt land?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Linked to the response to Policy GB3 above, it is not clear whether, once developed under the criteria g in this policy, land ought to be removed from the Green Belt given that the site could be substantially developed and no longer open.

Also related to the response to GB3 above, it is not clear why GB3 advises alteration of Green Belt boundaries to accommodate development of land around stations when it is defined at GB7.1h as not inappropriate. Again, land developed through this route could be removed from the Green Belt after completion, but this is also ambiguous within the NPPF.

At Policy GB7.1b(iii), "*proposals for a replacement building*" should be reworded to "proposals to replace an existing building", as the current wording is ambiguous as to whether a replacement building could be provided a significant time after the building being replaced is demolished.

At Policy GB7.1f(iii), it may be very difficult to consider whether transport and other infrastructure are "*required*" in the Green Belt. There's a need for more guidance on how to make this assessment – there's basically a lack of knowledge in DM about how some things (such as, say, battery storage) work in terms of grid efficiencies – they are often co-located with renewables but do they actually need to be in energy efficiency/grid stability terms?

At Policy GB7.1f it is not clear what "*minimised*" means in terms of the impact on the openness of the Green Belt. This will be a key assessment to make to decide if development is inappropriate or not – guidance should be provided.

137. Do you agree policy GB7(1h) successfully targets appropriate development types and locations in the Green Belt, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

Policy GB7.1h is a badly written criterion which is unclear in its intentions and appears not to have considered its outcomes.

As a start, the criteria (i) to (v) do not state whether they are an '*and*' or an '*or*' list of requirements. Criterion (g) in the same policy, for instance, states, '*where all of the following apply*'. Do all the criteria need to be met in (h), or just one?

Policy GB7.1h makes no reference to density, or to Policy L3, so in terms of the question asked, the policy fails because it doesn't make the link to density clear enough.

In terms of the targeting of appropriate development types, the comments made at Policy S5 above are relevant here, namely, the poor consideration of isolated stations and subjectivity of some of the phrasing ('*reasonable walking distance*', '*high level of connectivity*', '*physically well related*'). As discussed in earlier questions 133 and 134, Policy GB7.1h could have an unintended consequence of prioritising Green Belt land that has not been assessed as grey belt land, because it only seeks proposals to be '*well related*' to a station or to a settlement, without making any attempt to define what this means or how it might to an assessment of the Green Belt land against the five purposes. This inadvertently (we assume) places pressure on Green Belt land ahead of non-Green Belt land simply because of this very loose definition of 'well-related'.

Further, GB7.1h is essentially the same as S5.1h. First, this seems unnecessarily repetitious. Second, it's not clear, if they are intended to be the same, why they're not set out in the same way. Lastly, GB7.1h feels as though it should be stricter towards development because it refers to development in the Green Belt, rather than land outside of settlements which is not in the Green Belt.

In conclusion, GB7.1h does not successfully target appropriate development or cross reference to density requirements, and needs to be made much more distinct.

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

Due to the nature of traveller accommodation, if a development were to be located close to a railway station, it is most unlikely that density approaching 40/50dph could be achieved while allowing for a sufficient distance between mobile homes/caravans to meet environmental health/fire standards, amenities, parking and open space.

139. Do you agree that site-specific viability assessment should be permitted on development proposals subject to the Golden Rules in these three circumstances?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Whilst agreeing with the principle of exceptions, allowing such exceptions may mean promoters aim to reduce the requirements when they can be otherwise met.

The wording of GB8.3c may be problematic. This seems to suggest that this reason only applies when an entirely different financial model approach is being taken. However, we know in reality that developers will be arguing that their schemes cannot support full requirements. As currently, we would not be able to accept these/give these weight if they use the same financial model and so will be in a difficult position of not being able to support schemes with lower levels of AH and / or contributions and have evidence to support this, but which we cannot give weight to – does not allow sufficient flexibility. Also, it will add significant time and slow down delivery – if you want this delivered quickly, set a rate at plan stage which then needs to be stuck to....

The policy also puts an awful lot of pressure on plan-making stage viability assessments to be accurate for the purposes of considering an individual development proposal and will bring a lot of contention and challenge to that stage.

Finally, at Policy GB8.3b, what is meant by a “*strategic*” site is not defined.

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

Only replacing the PDL trigger in GB8.3a with another term – such as abnormal contamination costs – but that will be equally problematic.

141. Do you agree with setting an affordable housing ‘floor’ for schemes subject to the Golden Rules accompanied by a viability assessment subject to the terms set out?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

No further comments.

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

No further comments

143. Do you agree with local planning authorities testing viability at the plan-making stage using a standardised Benchmark Land Values scenario of 10 times Existing Use Value for greenfield, Green Belt land?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please explain your answer.

As set out at Q139(a), authorities will then need to use this approach for whether or not to "allow" a scheme specific submission at application stage – so whether or not it is appropriate for plan-making stage will impact more directly the decision making process.

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

No further comments

145. Do you agree that proposed changes to the grey belt definition will improve the operability of the grey belt definition, without undermining the general protections given to other footnote 7 areas?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

From a development management perspective, there is strong agreement re: operability of the definition. Under the revisions, there is low risk to the other protections as they can be considered in their own right and then brought into the balance. Footnote 7 currently has issues of duplication and confusing need to assess contribution of the land as opposed to the scheme.

Chapter 14

146. Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Where Policy DP1.a states, "an evaluation of the area's existing characteristics and potential", the requirements are too vague. This point should be expanded to clarify the expectations.

Policy DP1 could usefully include an expectation for developers and land promoters to undertake meaningful community engagement during the pre-application period and show how the views of the community and any future occupiers have influenced the application.

Please also see the response to Q148 below which sets out a desire to ensure not just safety for women and girls, but equality of opportunity, which can be delivered through better and more responsive decision making around design prompted by better plan policies and enabled by better decision-making.

147. Do you agree with the approach to design tools set out in policy DP2?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

It would be helpful if the wording of Policy DP2 suggested some example situations where design guides, design codes and masterplans are necessary. The current wording leaves ambiguity to where these should be expected.

148. Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The effectiveness of this policy will be determined by the updated 'Design and Placemaking Planning Practice Guidance' (DPPPG). This DPPPG will have to do a lot of heavy lifting in requiring '*well-designed places*' for areas that don't have robust design strategies in place (as promoted under DP2).

The policy puts forward eight features (DP3.1a-h) for achieving well-designed places that are set out in the updated DPPPG. It is queried if '*connectivity*' has become lost and should be addressed alongside context, under the heading of 'Context and Connectivity' or as a separate heading.

With regards to '*Context*' we would like to see the reference to '*the arrangement of development plots and buildings*' amended to say, 'the arrangement of development plots, buildings, and the open spaces around them' to emphasise that open spaces should be integrated throughout a development and not simply pushed to the periphery.

'*Liveability*.' We would like to see reference to the provision of private or semi-private amenity outdoor space to all dwellings, to support domestic function such as clothes drying and outdoor dining.

'Nature' includes reference to 'green infrastructure' (GI), however, it should be clear that GI also includes public open space (both hard and soft), as well as aspects such as SuDS. There needs to be stronger policy throughout to promote the successful integration of these open space typologies and features.

'Movement' refers to good connections with the wider settlement, however, there should also be connection with other key destinations and honey-pot locations – which may not be within a settlement.

'Public Space.' We would like to see a much stronger emphasis on the delivery of a *hierarchy* of public open space, with an emphasis on well-integrated small-scale provision such as pocket parks/doorstop provision -which is generally lacking.

Criterion 1.d of the policy contains a cross reference to Policy NE3, which doesn't exist in the NPPF. We suspect this should be Policy N3 instead.

Finally, and in conjunction with comments around the safety of women and girls set out at Q224 and 225, we would like to ensure that design guidance doesn't just focus on *safety* for females but also equality of opportunity. The '[Make Space for Girls](#)' guidance is specifically highlighted in Q224 and 225 because this provides guidance to stop teenage girls 'losing out' and starting to see themselves as 'second class' at an early age. Equality should mean exactly that; opportunity as well as freedom from violence.

149. Do you agree with the proposed approach to using design review and other design processes in policy DP4?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Policy DP4.2a should be reworded to require a stronger requirement for design review, and a response to the advice provided.

Chapter 15

150. Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through plan-making?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

The draft NPPF's very broad definition of '*sustainable transport*' risks blunting the term, allowing car based solutions to be treated as equivalent to modes that genuinely reduce emissions and car dependence. The draft Design and Placemaking PPG is a welcome counterweight, cutting through that ambiguity by

anchoring sustainability in walking, cycling and high-quality public transport as the basis of good places. But the misalignment matters; where appeals test schemes that lean on the NPPF's wider definition, we may see tension between what policy allows and what design guidance clearly seeks to deliver, with inspectors forced to arbitrate not just outcomes, but the meaning of sustainability itself, with the potential inevitable conclusion that every site is sustainable and therefore the essence of what we as plan-makers and decision-makers seek to deliver is completely undermined.

Whilst Policy TR1 sets out a clear structure for considering transport and movement in relation to development proposals, it lacks a clear distinction between the role of the SDS and the local plan. Many places in the country (especially those in rural areas where public transport is not available to reach desired locations at suitable times) still have a high reliance on private cars for movement between a wide range of locations, and in order to make progress on sustainable transport, strategic spatial thinking needs to be in place.

Local Plans are infrequently an adequate document to consider large scale improvements to roads or public transport at that level, which usually require long lead in periods and high levels of financial investment often provided through national schemes. The NPPF's aspirations are all well and good, but a local plan cannot consider large scale transport solutions at that scale, and even sub-regional plans may struggle to make a case for transport infrastructure that can make a genuine difference to the country's reliance on cars.

At the very least, TR1 would benefit from acknowledging the different scale at which SDSs and local plans are intended to work and set out the groundwork each should be doing to bring forward genuinely sustainable transport options as an alternative to the private car. At the strategic scale, there should also be some discussion of how development proposals might generate funding for such schemes to be viable and deliverable.

In regard to criterion 2, Policy TR1 should go beyond '*based on the circumstances of their areas*' and specifically recognise that sustainable transport solutions will vary between urban and rural contexts and that different approaches will apply. This should be additional to Policy TR3.1d. because of the separate plan-making and decision-making nature of each policy role.

The proposed use of the Connectivity Tool in policy-making in TR1.1b is welcomed as a national approach in setting a level playing field for policy-makers and reducing potential discrepancies caused by the use of different methodologies by local authorities and land promoters in underpinning site selection. However, the Connectivity Tool should not be considered as a definitive tool, and shouldn't take priority over a 'common sense' assessment taking in various factors. Aside from

the Connectivity Tool still having some technical issues which can presumably be ironed out with time, it should be made clear that the Tool:

- does not currently take into consideration route quality, or whether there is the potential to improve provision (e.g. whether there is enough physical space within a carriageway to provide segregated cycle facilities);
- assumes that public transport is 'perfect' and does not take into consideration delays, cancellations or congestion;
- derived the route network from OS and OpenStreetMap and is not therefore always representative of the real world.
- does not take into account any financial considerations a person might make or consider time penalties (i.e. interchange time) or topographical challenges;
- at this stage only new public transport routes can be tested.
- has currently no agreed metric of what constitutes good or bad, and is therefore open to interpretation.
- cannot currently add new services, which might improve the connectivity score of a new site.

151. Do you agree that policy TR2 strikes an appropriate balance between supporting maximum parking standards where they can deliver planning benefits, and requiring a degree of flexibility and consideration of business requirements in setting those standards?

~~*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*~~

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

The policy provides flexibility for local authorities to apply locally suitable standards rather than a national approach and this is very much welcomed.

However, while the policy's setting of a clear approach in general terms in particular referring to '*using ranges where a degree of flexibility in desirable*' is a positive step, this should be strengthened by recognising that different approaches may be needed in urban and rural contexts, even within the boundaries of a single authority.

Furthermore, it should be recognised that the emergence of autonomous vehicles will bring with them the need for storage and parking provision. It would be helpful if guidance could be included to acknowledge these developments – perhaps within TR2.3d.

152. Do you agree with the changes proposed in policy TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

While the main contents of the entire policy are fully supported (rather than just TR3(1a) to which the question specifically references), particularly in the use of the Connectivity Tool, there should be greater clarity provided regarding the definition of 'significant amount of movement in the context of the area within which they would be situated'. It is considered that, as presently worded, there could be differences in interpretation so further guidance on this would be welcomed. A suggested approach would be for the local highway authority to be the arbiter of this.

Furthermore, it is considered that all developments that generate additional movements should aspire to reducing the need to travel, not just those with significant amount of movement so it is suggested that the policy could be strengthened in this respect.

153. Do you agree that proposed policy TR4 provides a sufficient basis for the effective integration of transport considerations in creating well-designed places?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

While Policy TR4 is supported, it is considered that the first line of part a. should be strengthened by the addition of wording to include ', wheeling' between 'pedestrian' and 'and cycle'.

TR4.1e should also cross reference parking standards, Policy TR2.

It is suggested that an additional criterion be included to state, 'Where garages are provided, these should be of suitable internal dimensions to accommodate modern car dimensions with ease of access and should also allow for additional storage space within them.

Policy TR4.2. should also make reference to, 'and local design codes, as appropriate' after '*national design guidance*'.

154. Do you agree with policy TR5 as a basis for supporting the provision and retention of roadside facilities where there is an identified need?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

While this policy is supported, it would benefit from additional text to protect residential amenity where roadside facilities development would be in such proximity so that the occupiers of dwellings could be affected by the proposals.

TR5 should also have a cross-reference back to Policy S5, where this type of use is allowed for.

155. Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and travel plans will be required, and for considering impacts on the transport network?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

While the currently proposed wording is supported, this should be strengthened by referencing the need for the contents, supporting data and measures included in the transport statement/assessment and travel plans to be acceptable to the local highway authority.

In subsection TR6.1b there is a typographical error where the text should state 'managed', not '*manged*'.

156. Do you agree the proposed text in policy TR7 provide an effective basis for assessing proposals for marine ports, airports and general aviation facilities?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

At TR7.1d., the policy should make reference to the need to both fully assess and mitigate any impacts the development may have beyond the determining local authority's boundary, where such circumstances apply. In particular, where more than one local highway authority or environmental health team would cover an area of potential impact, the views of both should carry significant weight in the determination process, particularly if additional modelling is deemed to be required.

The policy should also be expanded to provide specific guidance on vertiports, drones and their related infrastructure and operations beyond footnote 57. It important to note that the operation of drones and other vertical take-off vehicles

will have significantly different operational impacts as their flight paths may not be able to be predetermined at the application stage. Also, as these flights may not necessarily lie within CAA control, due to flying at lower altitudes, it is vital that the policy should be able to capture relevant checks and balances that would apply including, but not limited to, necessary restrictions over residential areas, privacy of occupiers, etc, in addition to the criteria already provided.

For autonomous vehicles it should be recognised that there may be storage and parking implications which may not necessarily be factored into the standards adopted by local authorities. See also comments on TR2 in this regard.

157. Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

The introduction of this policy is strongly supported as this will raise the prominence of rights of way within development proposals and enable local authorities to seek to expand on existing provision, which will be beneficial to active travel and help reduce reliance on private motorised journeys.

However, the policy would benefit from the addition of further wording to ensure that the delivery of newly created, or extensions to existing, rights of way should be achieved in accordance with any standards of the local highway authority for such provision. We would also welcome drafting that includes enhancement of existing rights of way that facilitate greater use; for example, improvements that would allow a right of way to move from footpath to allowing wheeling and bicycles, and also that would convert permissive paths to rights of way.

Chapter 16

158. Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

The Council agrees with the importance of planning for healthy communities and welcomes the approach to setting local standards for types of recreational land. Policy HC1 sets out the requirement to ensure good quality evidence is gathered to

understand local need which is important to providing appropriate open and recreational spaces for local communities.

A key aspect that is missing from policy HC1.1e is wheeling. Wheeling needs to be considered alongside walking and cycling infrastructure to ensure healthy movement is promoted and accessible for all. Infrastructure and recreational spaces need to be designed to appropriate standards to allow wheelchairs and pushchairs to access sustainable movement.

This policy highlights the need to draw upon relevant national standards; however, there is a gap in national planning policy and design guidance around providing prescriptive play standards for a wide range of different groups of children. Strategies for play standards need to provide informed design and policy guidance for creating inclusive and safe spaces for girls and teens, rather than just focussing on traditional recreational facilities mainly targeted towards boys.

Inclusivity and accessibility need to be central to recreational standards and intertwined with national planning policy and guidance. There is the opportunity to expand on the draft policy HC1.1d to ensure the delivery of inclusive spaces for healthy place making have enough attention, and could provide examples of the different groups that need to be planned for, similarly to Policy HO1.2.

159. Do you agree that Local Green Space should be ‘close’ to the community it serves?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

The Council agrees that Local Green Spaces should be genuinely local and connected to the community they serve, however, the word ‘close’ is vague and leaves space for dispute.

Local green spaces can also be designated due to natural beauty or environmental/historical value, meaning they may not always be connected by walking / cycling / wheeling routes to the local communities that they serve. Relevance to the local community should be considered, rather than just ‘closeness’ or proximity to the area.

160. Do you agree that the proposed policies at HC3 and HC4 will support the provision of community facilities and public service infrastructure serving new development?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

These policies are welcomed and the importance of good quality facilities and services delivered alongside new housing and employment provision is recognised, however, the concerns raised in the response to Q61 are also raised here; on smaller housing sites, how will community facilities and improvements to public services be delivered where this may be financially unviable? The phrase in policy HC3 – ‘*significant numbers of additional people*’ - is somewhat vague and may not capture the cumulative impact of multiple small sites coming forward over a number of years.

Policy HC4.2 uses the word ‘*should*’ in regard to engaging with local communities; more weight should be given to engagement for new recreational spaces as it is crucial in the design of good quality spaces that meet specific local needs and wants.

The mention of new play developments being ‘*inclusive*’ and reflecting ‘*user needs*’ in Policy HC4.2 is welcomed and could be expanded to include further clarity around the key groups that are often not provided for by traditional planning and design decisions for play spaces.

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?

Further clarity should be provided around this Policy HC5. ‘*Fast-food outlets*’ should be defined in terms of the types of establishments covered by this, as shops and cafes may also sell similar food items which have poor health impacts for young people. The Council also questions whether the restriction on such outlets should also be applied to local centres / neighbourhood centres in addition to town centres (given schools could well be in neighbourhoods with local centres rather than close to town centres).

Clarification also needs to be provided over the use of ‘*reasonable walking distance*’ – this should be defined, especially whether this is consistent with ‘reasonable walking distances’ from railway stations (Policy S5 / GB7) and other standards of walking distances such as those defined by Active Travel England.

Planning decisions around restricting fast food outlets from being located close to schools are only one part of tackling obesity and improving health – this policy needs to work well alongside other planning policies that support healthy travel options and good quality design for healthy placemaking, alongside wider non-planning focussed national policies and schemes.

162. Do you agree with the proposed approach to retaining key community facilities and public service infrastructure in policy HC6?

~~**Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**~~

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

No further comments.

163. Do you agree with the approach taken to recreational facilities in policy HC7, including the addition of 'and/or' with reference to quantity and quality of replacement provision?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

The more flexible approach of Policy HC7 is welcomed – it allows for local authorities to use evidence of local need and their judgement to decide which measure(s) (quantity and / or quality) is needed to address the loss of an open space.

164. Do you agree with the clarification that Local Green Space should not fall into areas regarded as grey belt or where Green Belt policy on previously developed land apply?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

The clarification in Policy HC8 that proposals in land designated as Local Green Space should be determined in a manner consistent with land in the Green Belt, excluding provisions relating to grey belt and previously developed land is helpful. The approach provides helpful clarity given that footnote 7 (defining exclusions to grey belt, including local green space) has now been deleted. It also rightly recognises that local green spaces have been designated for their value to local communities and should therefore benefit from the stronger, more restrictive Green Belt policy framework rather than the more flexible grey belt provisions.

Chapter 17

165. Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

No comments

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

No comments

167. Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

b) In respect of criterion 2d, as light pollution has a cumulative effect, (particularly around urban areas) which reduces the overall possibility of dark skies, there should be cognisance of the area wide effect of such pollution overall. Additionally, species – particularly insects but also nocturnal species such as bats – are particularly sensitive to light pollution so guidance on reduction of upwards light spill and timing of external lighting would be appropriate

168. Do you agree policy P4 makes sufficiently clear how decision-makers should apply the agent of change principle?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No comments.

169. Do you agree policy P5 provides sufficient basis for addressing possible malicious threats and other hazards when considering development proposals?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No comments.

170. Do you agree that substantial weight should be given to the benefits of development for defence and public protection purposes?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No comments.

Chapter 18

- 171. Do you agree with the proposed changes set out in policy F3 to improve how Coastal Change Management Areas are identified and taken into account in development plans?**

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No comment.

- 172. Do you agree with the proposed clarifications to the sequential test set out in policy F5?**

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The incorporation of more detailed flood-risk guidance (currently set out in PPG and interpreted by case law) into the NPPF is welcomed, emphasising the importance of the issue and providing a clearer framework for decision-makers.

- 173. Do you agree with the proposed approach to the exception test set out in policy F6?**

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The additional clarity on the application of the exception test within the NPPF is welcomed. Likewise, the inclusion of the flood vulnerability classification and vulnerability tables in Annex F, rather than in guidance, provides a clearer framework for decision-makers.

- 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.~~

The requirement for SuDs to comply with national standards provides more certainty and clarity for decision-makers.

175. Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

The new policy wording on avoiding the enclosure of watercourses and promoting de-culverting and re-naturalisation is consistent with best practice in flood risk management, biodiversity enhancement, and climate resilience. It also aligns with the ambitions of the updated Flood Risk and Coastal Change PPG, which highlights the multiple benefits of restoring natural river processes. However, to help decision-makers, it would be useful to provide more clarity on the possible 'compelling reasons' that would permit enclosure of a watercourse as set out in Policy F8.3.

176. Do you agree with the proposed changes to policy for managing development in areas affected by coastal change?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

No comment

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?

No comment

178. Do you agree with the proposed new additions to Table 2: Flood Risk Vulnerability Classifications?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

No comment.

Chapter 19

- 179. Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery?**

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Whilst the policy provides a robust framework for local plans to safeguard environmental assets, enhance green infrastructure and drive nature's recovery, the proposed approach to Biodiversity Net Gain (BNG) in Criterion 2 of Policy N1 raises some concern. It is accepted that a consistent and proportionate approach to BNG across local planning authorities is important, so it is agreed that development plans should only set local standards for BNG when fully justified and deliverable, and not for development exempt from statutory BNG. However, there should be scope for higher standards to be district-wide if justified and deliverable, not just on allocated sites. The proposed focus on allocated sites fails to recognise that in many locations significant development comes forward as windfall development. If appropriate, these windfall sites could potentially deliver more than 10% of BNG on-site. Instead of focussing only on allocated sites, it would be a better approach for the NPPF to define circumstances when local standards for BNG would be acceptable district wide.

The use of a percentage increase on BNG also means that the quantum of increase on sites with a low initial starting score of BNG is far lower than those with a higher score and the ability to have higher standards for depleted areas would be welcomed.

- 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?**

Given that the purpose of BNG is to increase the overall biodiversity value of a site, a key factor informing provision over 10% could be the site's strategic significance. Higher targets for proposals located in areas identified by the Local Nature Recovery Strategy, could help deliver the key habitat creation, restoration and connectivity priorities locally. Equally, if a proposed development site results in the loss of high distinctiveness habitats, higher delivery of BNG could help off-set the high value habitat loss.

Scale is also a key consideration, in our experience many strategic sites do not find it difficult to deliver a higher percentage of BNG on site, particularly as it contributes positively to place-making principles.

If one of the circumstances for higher targets is where a site could support BNG obligations on other neighbouring sites, further clarity will be needed about how this will work in practice in accordance with BNG Regulations. Currently, available BNG units need to be on the National BNG Register before they can be purchased. What happens if the site selling units is delayed and comes forward after neighbouring sites seek to discharge their Biodiversity Net Gain Plan? In practice it may be difficult to evidence the deliverability of this approach

181. Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Policy N2 clearly sets out that landscape character and existing natural features are matters to be considered in development proposals

182. Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No comment.

183. Do you agree policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the planning system?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

The hierarchical approach set out in Policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the planning system.

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

No comment.

Chapter 20

185. Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please provide your reasons.

The Levelling Up and Regeneration Act 2023 provides for a new duty, which is to have a 'special regard' to the desirability of preserving or enhancing designated heritage assets. This new duty reflects the existing duties in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of listed buildings and conservation areas respectively, so it is a logical addition to ensure a consistent approach to decision-making on different types of designated heritage assets.

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

The impact of implementing the new duty on LPA resources will be negligible, as these designated heritage assets are already a consideration during the assessment and determination of a planning application.

187. Do you agree with the approach to plan-making for the historic environment, including the specific requirements for World Heritage Sites and Conservation Areas, set out in policies H1 – H3?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No comments, but we note the typo in the question where it should read 'HE1 – HE3'.

188. Do you agree with the approach to assessing the effects of development on heritage assets set out in policy H5?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

We note the typo in the question where it should read 'HE5'.

HE5.2c requires refinement as if the degree of harm is to be defined the language for defining this should be clearly set out in the policy, ideally in order from positive, to no effect, to harm (low, medium, high), to substantial harm, to total loss.

The vast majority of harm identified in current planning casework falls under the definition of 'less than substantial harm', which as a term is to be deleted. Applicants seek to refine this classification with levels of harm under a 'scale', even though there is no statutory, policy, or guidance definition of a scale, and so this results in confusion and conflict. The draft NPPF now explicitly refers to scale in relation to NDHAs in Policy HE7.2, which will exacerbate this issue. The policy thus needs to include further definitions of harm set out as a scale in order of magnitude.

Additionally, this policy HE5.2c refers to impact on a 'key' element of an asset's significance. Assets are multi-faceted and complex in terms of their significance and they invariably have a number of elements of significance of varying degrees of importance. To narrow down the scope of impact to only be of key elements risks losing other aspects of importance which contribute to significance, and it is suggested that this word should be omitted. There is a risk that any elements not determined to be "key" (potentially a high bar) would therefore be able to be removed or destroyed, as this would not meet the definition of substantial harm as per Policy HE5.2c. Deleting the word "key" would remove the risk of this happening, whilst still making the point that for substantial harm to occur, a proposal would have to seriously affect an element of the asset's significance.

189. Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

The change from great weight to substantial weight could be seen to weaken this requirement and could cause confusion in terms of substantial harm.

In Policy HE6.3, - whilst the public benefits of energy efficiency/low carbon measures are understood, it is felt that in order that this public benefit is not misused resulting in harm to the historic environment, that this public benefit would need to be further defined through technical guidance, for example how are such measures to be calculated in terms of public versus private benefits and how should other less harmful measures or locations which could achieve the same benefits be considered.

As noted above, the lack of a scale of harm is likely to cause confusion and lack of clarity for both applicants and decision-makers.

190. Do you agree with the new policies in relation to world heritage, conservation areas and archaeological assets in policies HE8 – HE10?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

At Policy HE9.1a, the requirement for ‘*wherever possible*’ seems to not be in line with the approach used elsewhere, and a requirement for justification for it not being possible would provide stronger protection.

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

At Policy HE4.1b, the term ‘*avoid*’ harm needs defining, as at face value it appears to weaken protection. Currently the requirement to avoid and minimise harm enables exploration of schemes with lesser impact.

Policy HE7.2 refers to ‘*benefits of the proposal*’, not public benefits, and this may require clarification for applicants and decision-makers.

Further Questions

192. Do you agree with the transitional arrangements approach to decision-making?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Concerned that the lack of transitional arrangements for the submission of neighbourhood plans will be challenging for the local communities producing plans, under very constrained resources (particularly in light of the decision to stop national neighbourhood planning funding). Paragraph 239 of the current NPPF (December 2024) allowed qualifying bodies to submit under the previous NPPF until 12 March 2025. It is unclear why a similar approach is not being applied to this NPPF to provide more flexibility.

Para 1 of Annex A says, “*The policies in this Framework are material considerations*” in decision making - this should make reference to the NDMP only to not contradict elsewhere in the document.

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

There is no question on Policy HO11 but there are concerns with the detailed wording of criterion 1a – this allows for isolated homes to be acceptable if there is a need for a rural worker to be near to the place of work in the countryside – it does not refer to demonstrating that existing accommodation is not available – so you only have to demonstrate you need to live there/nearby - and do not need to investigate existing housing stock.

194. Do you agree with the list of Written Ministerial Statements set out in Annex A to the draft Framework whose planning content would be superseded by the policies proposed in this consultation?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No further comments.

Annex A

195. Do you consider the planning regime, including reforms being delivered through the Planning and Infrastructure Act, provide sufficient flexibility for energy generation projects co-located with data centres to be consented under either the NSIP or TCPA regime?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please give reasons.

We think it is very important that ‘co-located energy infrastructure’ is clearly defined, so there is no ambiguity as to what proposals would fall under the definition. The definition should consider distance, explicitly setting out that the energy infrastructure would need to be either on site or within very close proximity to the data centre. It should also set out that the primary purpose of the energy generation is to supply electricity to the data centre via direct wire.

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 – No view.~~

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

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

As per response to Q195, co-located needs to be next to each other and essentially within the same red line boundary. This would allow for clearer assessment of consent requests as within a more similar geographical setting and with similar constraints/ opportunities to ensure appropriate and sustainable development.

198. Do you think the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for other use types of projects should be increased, or should this be limited to projects co-located with data centres?

~~Yes/No~~

a) Please provide your reasons.

It would be beneficial to increase the thresholds for the other types of projects as high as possible, leaving only projects of genuine national significance within the NSIP regime. This would mean more applications would fall within the local decision-making process, strengthening local democracy.

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

A benefit will be to streamline how the consents are managed. A risk is that teams across England and Wales don't have enough appropriately trained staff to deal with Development Consent Orders.

Annex B

200. Would you support the use of growth testing for strategic, multi-phase schemes?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please explain your answer.

This generally happens at the moment. However, we need to be careful with highlighting it as it feels like if is going to be included it needs much more guidance.

201. Would you support the optional use of growth testing for regeneration schemes?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please explain your answer.

No comments.

202. Do you agree greater specificity, including single figures, which local planning authorities could choose to diverge from where there is evidence for doing so, would improve speed and certainty?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

We agree that there should be more clarity. However, return should be a factor of the risk of a scheme and so not entirely sure it is appropriate to set returns in a national document. we are also unclear how this would impact on other viability models.

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?

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

No comments.

204. Are there further ways the government can bring greater specificity and certainty over profit expectations across landowners, site promoters and 113 developers such that the system provides for the level of profit necessary for development to proceed, reducing the need for subjective expectations?

a) Please explain your answer.

No comments.

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?

No comments.

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.

a) Please explain your answer.

No comments.

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

a) Please explain your answer.

Yes, the examples quoted.

208. Do you agree that guidance should be updated to reflect the fact a premium may not be required in all circumstances?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

No comments.

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

No comments.

209. Do you agree that extant consents should not be assumed to be sufficient proof of alternative use value, unless other provisions relating to set out in plans are met?

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please explain your answer.

No comments.

210. If extant consents were not to be assumed as sufficient proof of alternative use value, should this be at the discretion of the decision-maker, or should another metric (e.g. period of time since consent granted) be used?

Decision maker discretion / Another metric / Neither

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

No comments.

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?

We agree with the problem being tackled, but as all viability exercises are circular by referring to other schemes, we're not sure how you get round this apart from stressing with practitioners that if they've not made full contributions, it should not be taken to be good evidence.

212. Do you agree that the residual land value of the development proposal should be cross-checked with the residual land values of comparable schemes; to help set the viability assessment in context.

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

a) Please explain your answer.

Yes, but with the caveats around whether they have fully met policy requirements.

Annex C

213. Do you agree that a 2.5 hectare threshold is appropriate?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

It is assumed that this question refers to the definition of 'Medium development' within the glossary. Based on this assumption, the text refers to medium development for housing as 'development where 10-49 homes (inclusive) will be provided, and the site has an area of up to 2.5 hectares'. It is noted that different sites will have different constraints that may impact the overall capacity and density that can be provided within sites. It is however not clear how the 2.5 hectare threshold was devised as 'medium' scale development as many of the principles within the draft NPPF seek to apply a higher density, in particular around areas of transport hubs. Applying a density of 40 dwellings per hectare for example on a 2.5 hectare site leads to more residential development than 49 dwellings.

It is therefore recommended to remove the size requirement for this definition, or if a size requirement is needed it should be based on developable area (taking into account constraints) and fit a suitable density range that would accommodate residential development of 10-49 dwellings.

214. Do you agree that a unit threshold of between 10 and 49 units is appropriate?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

Defining medium development as that of 10 to 49 units appears appropriate, however please see the response to Q213 for further comments in relation to the size and number of required dwellings to meet this definition.

215. Do you foresee risks or operability issues anticipated with the proposed definition of medium development?

~~Yes/No.~~

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

It is assumed that the term '*medium development*' within the glossary is a consequence of the requirement for 10% of development to be brought forward on sites between 1 and 2.5 hectares within Policy HO6. If this is the case then the definition of '*medium development*' should be amended to reflect the wording within the policy, and supply a minimum size standard. Without this then there will be ambiguity of what may constitute a 'small site' and a 'medium site'.

Additionally, Policy DM2 seeks the information requirements for different types of development. This includes 'major' and 'medium' development. In relation to housing development the glossary currently defines 'major development' as anything '*where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more*'. Based on this and the application of policies DM2 and HO6 there is crossover between the two definitions of 'major' and 'medium' development and further clarity would be supported to avoid confusion.

Furthermore, there are instances in the past where developments will deliver less than 10 dwellings to avoid being classified as a 'major' development, and in turn would not be required to provide certain infrastructure such as affordable housing for example. It is unclear the extent to which the introduction of a medium development class may lead to similar outcomes, or how local planning authorities could prevent larger scale development being broken up into smaller parcels to meet the medium development category to avoid potential infrastructure and Section 106 requirements. Further details on what medium developments are required to do or not do should be included within the glossary, with further provisions to ensure sites are not sub-divided to gain benefits of being a medium sized development.

Lastly, please see the response to Q213 for further comments.

217. Do you have any views on whether the current small development exemption should be extended to cover a wider range of sites – indicatively to sites of

fewer than 50 dwellings, or fewer than 120 bedspaces in purpose-built student accommodation?

a) Please provide your reasons.

No comment.

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

a) Please provide your reasons.

No comment.

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

No comment.

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

No comment.

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

No comment.

222. Do you agree with the proposal to extend the Permission in Principle application route to medium development?

~~Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.~~

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

No objection for this proposal in principle, however medium development may require more information to be submitted as part of the Permission in Principle due to the size and potential impacts of a larger scheme. This should therefore be factored into any proposals.

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?

No strong views on this, however a short planning statement may be appropriate for medium development due to the larger potential impacts of a larger scheme, and it should have a planning statement and should be 13 week processing time.

Public Sector Equality Duty

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

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

The draft NPPF does not mention the impact planning and design can have on gender equality and preventing violence against women and girls. The absence of this negatively impacts women, girls, gender diverse people and others with protected characteristics by not providing guidance on how to plan safer and more inclusive spaces. This is illustrated by failure to consider design of play areas for teenage girls by favouring activities for boys of the same age to designs making spaces feel safer at night.

225. Is there anything that could be done to mitigate any impact identified?

This draft iteration of the NPPF misses a key opportunity to support the Government's recently published violence against women and girls (VAWG) strategy (December 2025). The document, '[Freedom from Violence and Abuse](#)', calls for national design guidance to be updated to 'reflect a VAWG perspective, ensuring safety considerations inform how public spaces are designed'. Throughout the NPPF, where safety and accessibility are mentioned, guidance around planning spaces for women, girls and gender diverse people should be provided. A national cross-governmental strategy is needed to ensure planning is utilised as the important tool that it has the potential to be, and all areas of the country plan for women's safety in public spaces.

Planning policy is an important tool which has the power to improve gendered safety in public spaces; equality and accessibility for all genders needs to be included within planning policy and design guidance. An extensive amount of research has been undertaken to show how women, girls and gender diverse people feel in public spaces and how to improve safety and comfort. By integrating gender inclusive planning into national policy and guidance, the government can ensure they are meeting the Public Sector Equality Duty as all groups in society need to be considered in plan making and planning decisions.

Recent inquiries into cases of violence against women and girls have mentioned the opportunity to place a greater focus on preventing violence against women in public spaces by reflecting this priority in planning guidance and principles ('Public space measures', page 68, The Angiolini Inquiry - Part 2)

Furthermore, the importance of engaging with local communities needs to have weight within the NPPF to ensure a range of demographics are involved in creating and improving the built environment along with cognisance of best practice in designing for equality of use published by national bodies such as Make Space for Girls.