

Consultation response form

This is the response form for the consultation on the draft revised National Planning Policy Framework. If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. The comment boxes will expand as you type. Required fields are indicated with an asterisk (*)

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Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation. *

Local authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)

If you selected other, please state the type of organisation

Local Government

Please provide the name of the organisation (if applicable)

South Somerset District Council

Chapter 1: Introduction

Question 1

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

It is noted that planning policy for traveller sites has not been incorporated into the revised NPPF. This is considered to be a missed opportunity to align Government policy on all housing and make the NPPF more comprehensive in it's coverage.

Chapter 2: Achieving sustainable development

Question 2

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

Yes

Please enter your comments here

Agree with the economic, social and environmental objectives.

It is considered that the presumption in favour of sustainable development is clearer when read with the rest of Framework and supporting guidance. Pleased to see that it is explicitly stated that the presumption does not change the statutory status of the development plan as the starting point for decision making, reflecting recent legal judgements.

Question 3

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

Yes

Please enter your comments here

The remainder of the Framework captures the essence of these principles.

Question 4

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

No, the text relating to neighbourhood plans reflects the Written Ministerial Statement of 12 December 2016.

Chapter 3: Plan-making

Question 5

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

Not sure

Please enter your comments here

The proposed changes seem to be sensible however, it is unclear how the proposed amendment to the 'Justified' test – now referring to 'an' appropriate strategy rather than "the most appropriate strategy" aligns with the Strategic Environmental Assessment / Sustainability Appraisal process. Some clarification on this point would be welcomed.

Question 6

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

The revised approach to viability could result in delays and potentially elongate the plan –making process, perhaps taking over from the arguments around housing numbers. It may also place a further financial burden on LPAs due to the need to commission specialist assessments that will require significant levels of engagement with development industry representatives.

Additionally the proposed approach to viability does raise a question about the degree to which a standard methodology can be applied. Whilst on paper it seems to be a pragmatic approach, in reality it may overlook the fact that every site is different, existing use values will vary significantly from site to site and live developments can never be sufficiently close to the typologies tested. A plan wide assessment is only a snap shot in time. Although the framework allows for plans to identify circumstances where additional assessments are required we may end up in a situation where more assessments are required than not. Whilst plan-making can establish parameters testing at the decision making stage is still likely to be required.

The Draft Planning Practice Guidance clarifies that the price paid for land is not a relevant justification for failing to accord with relevant policies in Plans, this is welcomed.

Paragraph 22 states that strategic polices should look ahead over a minimum 15 year period. With regards to calculating housing need the draft PPG states:

“How can plan-making authorities apply the method to the plan period?”

The method can be applied to the whole plan period. However, local planning authorities are required to review their plans every five years. This will ensure that plans are based on the most up-to-date and accurate available projections.”

Step 1 and Step 3 b. of the guidance refer to a 10 year period. Clarification is needed as to whether LPAs should be calculating their housing needs over a 10 year period, a 15 year period or the whole plan period often 20 years. The time period over which the need is calculated will have an impact on the annual housing requirement, which is likely to result in LPA's deciding to base their Plan requirement on the option which results in the lowest figure. For example calculated over 10 years 2016-2026 South Somerset's housing requirement equates to 734 dpa however, if it is calculated over 20 years 2016-2036 it equates to 679 dpa.

It is accepted that if plans are reviewed every five years in the light of the latest evidence then the housing requirement is likely to change anyway. Experience has shown that local communities who are not supportive of housing growth in their locality will argue strongly for the lowest possible housing requirement in order to limit the amount of housing growth in their town.

Chapter 4: Decision-making

Question 7

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

Not sure

Please enter your comments here

From an LPA point of view, this would no be a problem. The development industry may have a different view and have concerns regarding commercial confidentiality.

Question 8

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

Yes

Please enter your comments here:

This would be helpful and would ensure a consistent approach across the country.

Question 9

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

Please enter your comments below

[Click here to enter text.](#)

Question 10

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

The clarity provided in paragraphs 48 to 51 is welcomed.

Chapter 5: Delivering a wide choice of high quality homes

Question 11

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

Please enter your comments here

The proposal that 20% of allocations (as clarified in the draft Practice Guidance but not made clear in the draft NPPF) should be on small sites seems rather ineffective. If an LPA is allocating 20 sites then that would be four small sites, depending on the definition of a 'small site' (see comments below) this would equate to a minimal proportion of the overall housing requirement, therefore as a proportion of the overall housing requirement seems more appropriate. However, allocating a very large number of small sites would be very resource intensive, cause delays in the plan making process and is unlikely to be particularly beneficial as many of these sites will be infill plots within existing development boundaries or would be permitted through other Local Plan policies. Consequently, the preferred approach would be for LPAs to be encouraged to deliver a proportion of their overall requirement on small sites through whatever mechanism they chose.

There is a conflict between the terms 'small sites' and 'major development'. Major development is expressly defined as development of 10 or more homes or where a site has an area of 0.5 ha or more. But Paragraph 69 seems to be defining a 'small site' as a site of 0.5ha (or less). Should the definition of a 'small site' be revised to a site providing 9 or less homes or having a site area of 0.49 ha or less? – In this scenario very careful site area measuring would be required.

As a rural authority it is our experience that a large number of our homes are delivered on small sites this is mostly facilitated through Local Plan Policy SS2 which allows development in qualifying Rural Settlements where it meets local needs and contributes to the overall sustainability of the settlement. Robust community engagement is expected.

Delivery in Rural Settlements is exceeding expectations. The policy does not preclude 100% affordable housing development or other specialist housing types.

Given the complications of setting percentages and thresholds it may be better to state that a mix of site sizes should be provided and 20% of the total dwelling requirement should be provided on sites that fall outside of the definition of 'major development'.

Question 12

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

Not sure

Please enter your comments here

The range of different percentages relating to the Housing Delivery Test is somewhat confusing:

- Action plan if delivery is below 95%
- 20% buffer to be applied to five year housing land supply if delivery is below 85%
- Application of the presumption in favour of sustainable development if delivery is below 75%

If an LPA is only delivering 75% their annual housing requirement then it is likely that it will not be able to demonstrate a five year housing land supply, therefore the presumption would apply anyway. This seems very much a 'belt and braces' approach. However, it does support the Government's objective of creating a planning environment where the balance is weighted towards the delivery of new homes.

It is re-iterated once again that in many LPAs are not housebuilder/developers therefore to penalise LPAs over something they do not have control over seems rather unfair.

Question 13

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

Yes

Please enter your comments here

As "entry-level" means lower quartile market housing this is supported. SSDC Policy SS2 (see response to Q11) allows for just this type of development. It may mean that more affordable housing is delivered alongside as acceptable types of market

provision can help cross-subsidise.

Question 14

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

The following comments are made on the Housing Delivery Test Draft Measurement Rule Book, March 2018 (HDTMRB):

- The text in paragraph 3 does not seem to align with Table 2 in terms of describing the transitional arrangements as there is no mention of the alternative potentially lower figure. Additionally the second bullet point in paragraph 3 states “..for financial years 2014-15 to 2017-2018” this is four years – 2014-15, 2015-16, 2016-17, 2017-18, is this intentional given that the HTD is based upon a three year period?
- PAS have sought to clarify what the HDTMRB means in terms of transitional arrangements; the explanation provided was complex and resulted in more confusion than clarity. It is vital that LPAs are clear about the data they should be using and the figure they are being assessed against. It is suggested that either LPAs are provided with much clearer guidance including worked examples or MHCLG provides the numbers to be used.
- Assessing LPAs against the number of homes delivered when they are, in the main, not housebuilders does not seem to be an effective approach to increasing the number of homes built. Measures should be directed towards the development industry. The findings of the Letwin Inquiry will be useful in informing this debate.

It is noted that paragraph 62 refers to identifying the type, size and tenure of homes for specific groups, including travellers. Planning Policy for Traveller sites has not been incorporated into the revised NPPF, it is suggested that this is an opportune moment to combine the two. The proposed revision to the online guidance also needs to be amended to take into account the needs of travellers (see pages 28 & 29 which outlines other specific groups but neglects to include this, potentially the most marginalised, group)

Paragraph 64 precludes seeking an affordable housing contribution on sites below 10 dwellings or 0.5 ha, except in designated rural areas. The paragraph should be more explicit about the nature of this designation, for example by citing the relevant legislation &/or the designating authority, but preferably by allowing the LPA to determine for itself, based on the character of the local area, which parts are rural enough to merit a lower threshold. Arguably the wording also retains the ambiguity over sites of 6-9 dwellings by referring to ‘5 or fewer’. For it’s rural areas the LPA should be free to set any lower threshold up to 10.

Paragraph 65 imposes a new requirement of at least 10% being for affordable home ownership (products). Whilst we welcome this in principle, there are two potentially unintended consequences. Firstly this may be an over-representation of the types of sub-market housing that can be afforded by local income cohorts – for example the recent SHMA evidences that in South Somerset this figure should only be 8%. Secondly, without a caveat, this may force the LPA to ‘sacrifice’ other forms of affordable housing, such as for rent, first where there are mitigating circumstances such as a legitimate viability argument (notwithstanding the above comments) – but

it should be for the LPA to determine which obligations, and in which proportions, to reduce in such circumstances according to the very specific needs of the locality.

Paragraph 72 (a) refers to 'affordable rent' – this should either be 'affordable housing for rent' (in line with the revised definition in the glossary) or 'social rent or affordable rent'

Paragraph 74 b) refers to an annual position statement. The draft PPG seems to infer that this would only be sought where the LPA believes they have a five year land supply. In many instances LPAs are challenged at appeal on their five year land supply despite having stated clearly that they do not have one. Developers seek to argue that the deficit in the supply is even greater than that stated by the LPA. This scenario needs consideration - it is suggested that guidance states that if the LPA accept they do not have a five year supply then this should be the basis on which the appeal is determined and no further argument ensues, alternatively LPAs could be given the opportunity to secure an annual position statement where they accept that they do not have a five year supply.

Overall the process for securing an annual position statement seems very resource intensive, it relies on PINS having the resources to issue decisions quickly; otherwise the statements will only be valid for a short period of time which may not align itself to the planning appeals where it would be useful.

Chapter 6: Building a strong, competitive economy

Question 15

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

Yes

Please enter your comments here

Yes, this is a positive approach to supporting business in rural areas. However, plan strategies and policies need to be carefully considered and monitored in order to balance any impacts of a significant increase in the number of workers commuting by private car to work in countryside locations.

Question 16

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

No other comments.

Chapter 7: Ensuring the vitality of town centres

Question 17

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

Yes

Please enter your comments here

Yes, support paragraph 86 d) and the use of 'reasonable period' in paragraph 87, although would appreciate guidance on what would be regarded as a 'reasonable period'.

Question 18

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

No other comments.

Chapter 8: Promoting healthy and safe communities

Question 19

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

Whilst it is appreciated that proposed new policy in paragraph 96 seeks to ensure that design solutions take account of potential malicious threats and natural hazards it seems somewhat city centric and onerous for rural LPAs to anticipate and address "all plausible malicious threats and natural hazards....."

Question 20

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

No other comments.

Chapter 9: Promoting sustainable transport

Question 21

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

Yes

Please enter your comments here

No other comments.

Question 22

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

Yes

Please enter your comments here

No other comments.

Question 23

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

No other comments.

Chapter 10: Supporting high quality communications

Question 24

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

Whilst being supportive of the requirement in paragraph 112 to set out how high quality digital infrastructure is to be delivered it is vital that the infrastructure providers actively engage with LPAs to help them to understand their strategies and planned investment.

Chapter 11: Making effective use of land

Question 25

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

Yes

Please enter your comments here

Yes, agree that under-utilised land within existing settlements should be prioritised for development. However, it should be recognised that many of these sites have not been developed due to particular site constraints such as contamination, access, landowner expectation or other complications which mean that viability is an issue.

Pleased to note paragraph 121 recognises that key economic sites or sectors should not be undermined by proposals for housing growth.

Question 26

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

Not sure

Please enter your comments here

It would be useful if guidance could clarify what is meant by “Where there is an existing or anticipated shortage of land for meeting identified housing needs,…” Does it mean where LPAs cannot accommodate their housing requirement within the Plan area or is it where there is no a five-year housing land supply or where the HDT result falls below 75%?

Question 27

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

No other comments.

Chapter 12 : Achieving well-designed places

Question 28

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

No other comments.

Question 29

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

No other comments.

Chapter 13: Protecting the Green Belt

Question 30

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

Yes

Please enter your comments here

Opportunities for housing development on brownfield land in the Green Belt should be supported.

Question 31

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

No other comments.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Question 32

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

No other comments.

Question 33

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

Not sure

Opportunities to create more sustainable buildings through design, location and orientation should be maximised, however this has to be balanced against individual site characteristics, local environment and other objectives such as those to make efficient use of land.

Chapter 15: Conserving and enhancing the natural environment

Question 34

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

Yes

Please enter your comments here

The additional protection afforded to ancient woodland and aged veteran trees is welcomed.

Question 35

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

No other comments.

Chapter 16: Conserving and enhancing the historic environment

Question 36

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

Welcome the revisions to paragraphs 182 and 189.

Chapter 17: Facilitating the sustainable use of minerals

Question 37

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

No other comments.

Question 38

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

No

Please enter your comments here

As a District Council we are not the Minerals Authority but it seems logical to have all the national planning policy in one document.

Question 39

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

No

Please enter your comments here

No comments to make.

Transitional arrangements and consequential changes

Question 40

Do you agree with the proposed transitional arrangements?

Not sure

Please enter your comments here

The transitional arrangements seem fair however would refer you to the response to Q14 regarding the HDT.

Question 41

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

Yes

Please enter your comments here

Planning Policy for Traveller Sites should be integrated into the revised NPPF.

Question 42

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

Not sure

Please enter your comments here

No comments to make.

Glossary

Question 43

Do you have any comments on the glossary?

The revised definition of affordable housing is welcomed but requires further refinement. In two places (a & c) there is reference to being at least 20% below the local market (rent/price), but this would be improved by inserting the word 'prevailing' to give absolute clarity to the intention. Under (a) there are, arguably, other social landlords who could or should be included in addition to Registered Providers such as certain Almshouses and Community Land Trusts. Further clarification would also be welcome under (a) in the new definition of 'affordable housing for rent' by inserting "(for example dwellings traditionally referred to as 'social rent')" after "...Government's rent policy". Finally the definition stills reflects a bias towards traditional forms of accommodation and could more explicitly include the provision of suitably serviced pitches for gypsies and travellers where these are provided at below the prevailing market cost.

Neighbourhood area is missing from the glossary – it would be useful to include a definition.

Given that the revised NPPF now refers to travellers, the definition found in Annex 1 of Planning Policy for Traveller Sites should be included.

The definition of Major development for residential development should include 1,000sqm floor space or 10 or more homes or site area of 0.5 ha or more.