

Levelling-up and Regeneration Bill: reforms to national planning policy: open consultation

Response from: [The City of Durham Trust](#)

Table of questions and the City of Durham Trust's answers

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1	<p>Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?</p> <p><i>Yes.</i></p>
2	<p>Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?</p> <p><i>Yes.</i></p>
3	<p>Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?</p> <p><i>Yes.</i></p>
4	<p>What should any planning guidance dealing with oversupply and undersupply say?</p> <p><i>Pass.</i></p>
5	<p>Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?</p> <p><i>We support the proposed changes.</i></p>
6	<p>Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?</p> <p><i>Yes.</i></p>
7	<p>What are your views on the implications these changes may have on plan-making and housing supply?</p> <p><i>We support these proposals, on the grounds that a plan-led system is more productive, more trusted (provided that consultation is genuine) and more efficient in meeting the needs for development, infrastructure and the natural environment).</i></p>
8	<p>Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?</p> <p><i>We are acutely aware of the particular circumstances created by having a significant number of University students to accommodate in a city or town. The national household projections are not of much assistance in determining how many 18+ year olds will attend a given University in each of the future ten years. Far more informative are the development strategies of the given Universities. Whatever those numbers are, the forms of accommodation for students vary hugely - from University Colleges to private Purpose Built Student Accommodation developments and to houses in multiple occupation. We have in Durham City a combination of these types of accommodation; the proportions in this mix are</i></p>

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mainly in the hands of the University to formulate and shape through its decisions on whether or not to provide College accommodation. The housing market is heavily distorted, and the consequence for this very small city, with about the population about doubling in term-time, is that the housing stock available to year-round residents of the city reduces each time the University increases its number of students without making concomitant increases in University accommodation. Thus, we would agree that there are exceptional circumstances present in cities and towns with a significant term-time student bulge and therefore where the standard method is not appropriate.

- 9 Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?
We are fully supportive of these three clarifications.
- 10 Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?
This is a wide-ranging question; we would envisage that appropriate evidence would include severe physical or over-riding policy constraints.
- 11 Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?
The 2012 NPPF required (paragraph 182) the "most appropriate strategy" and since 2018 the wording has required "an appropriate strategy". The complete removal of the need for justification seems to allow plans to set out an inappropriate strategy, or for them not to be backed up by proportionate evidence. The requirement for proportionate evidence is especially important as this entails the planning authority publishing its evidence base, which can then be scrutinised by the public. Our experience with the preparation of the County Durham Plan, withdrawn part way through Examination in 2015, and with the revised version adopted in 2020, was that the requirement to demonstrate that the Authority's preferred strategy was appropriate and backed up by sufficient evidence significantly empowered objectors, who were able to demonstrate to the Inspector that alternatives existed which were both objectively and in public preference terms the better choice. The Inspector's amendments helped to protect the Green Belt and promote sustainable transport. The Trust therefore considers that test (b) should be retained.
- 12 Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?
We agree.
- 13 Do you agree that we should make a change to the Framework on the application of the urban uplift?
We are not persuaded of the logic of raising by 35% the estimated need for housing development in the 20 named cities and towns. Land for development is precious and so are green open spaces within cities and towns; requiring land to be consumed for more housing development than is estimated to be needed seems to risk the unnecessary loss of valued green spaces.
- 14 What, if any, additional policy or guidance could the department provide which could help

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	support authorities plan for more homes in urban areas where the uplift applies? <i>Regretfully, we cannot provide a response to this question.</i>
15	How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city? <i>We are concerned at the loss of the Duty to Co-operate. The realities of life are that, in the absence of firm regional or sub-regional strategies, neighbour authorities have proved to be reluctant to accept overspill. In short, we would support the adoption of sub-regional strategies.</i>
16	Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any? <i>We agree.</i>
17	Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220? <i>Probably yes.</i>
18	Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement? <i>We support the proposed introduction of better evidence.</i>
19	Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate? <i>Yes.</i>
20	Do you have views on a robust method for counting deliverable homes permissioned for these purposes? <i>Regretfully, no.</i>
21	What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results? <i>We prefer suspension.</i>
22	Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this? <i>We agree, but regretfully cannot advise on mechanisms.</i>
23	Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing? <i>Yes.</i>
24	Do you have views on the effectiveness of the existing small sites policy in the National

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	Planning Policy Framework (set out in paragraph 69 of the existing Framework)? <i>No specific views but supportive of the principle.</i>
25	How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing? <i>No specific suggestions but supportive of the principle.</i>
26	Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes? <i>Yes.</i>
27	Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing? <i>We are not aware of any major barriers.</i>
28	Is there anything else that you think would help community groups in delivering affordable housing on exception sites? <i>Probably many forms of help, but outside our expertise.</i>
29	Is there anything else national planning policy could do to support community-led developments? <i>Probably many forms of support, but outside our expertise.</i>
30	Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making? <i>Yes.</i>
31	Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms? <i>Option 1 is the more practical; option 2 is very tempting but could lead to endless litigation.</i>
32	Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures? <i>We agree.</i>
33	Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development? <i>Yes.</i>
34	Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word ‘beautiful’ when referring to ‘well-designed places’, to further encourage well-designed and beautiful development? <i>Yes.</i>
35	Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action? <i>Yes.</i>

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36	<p>Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?</p> <p><i>We can accept a mention of mansard roofs as a possible form of upward extension in appropriate circumstances but would oppose a general endorsement regardless of the local character.</i></p>
37	<p>How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?</p> <p><i>We welcome this intention to strengthen national policy on small scale nature interventions and trust that there will be many expert submissions from more knowledgeable sources than ourselves.</i></p>
38	<p>Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?</p> <p><i>We wholeheartedly agree, though we doubt that the phrase “Best and Most Versatile land is defined as grades 1-3a in the Agricultural Land Classification ”ought to be followed by “To build on this..”!</i></p>
39	<p>What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?</p> <p><i>We suggest that extremely valuable advice on obtaining a carbon impact assessment as described would be provided by the Durham Energy Institute of Durham University through lynn.gibson@durham.ac.uk</i></p>
40	<p>Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?</p> <p><i>We fully support the proposed more holistic approach but do not have expertise to offer.</i></p>
41	<p>Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework? <i>Yes.</i></p>
42	<p>Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?</p> <p><i>Yes.</i></p>
43	<p>Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?</p> <p><i>Yes. The Trust considers that the proposed wording for footnote 62 strikes a reasonable balance between enabling more on-shore wind and achieving community support. However, the interplay between footnote 62 and footnote 63 is confusing, and greater clarity here would be beneficial.</i></p>
44	<p>Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to</p>

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	<p>improve their energy performance? <i>Yes we do.</i></p>
45	<p>Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose? <i>Yes we do.</i></p>
46	<p>Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose? <i>Yes we do.</i></p>
47	<p>Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose? <i>Yes we do.</i></p>
48	<p>Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose? <i>We do not understand the need for Supplementary Planning Documents to be phased out. If the intention is to increase the weight given to supplementary material via the proposed new Supplementary Plans, this seems to be unnecessary. Planning authorities already have the option to bring forward revisions to adopted plans on a regular basis. Existing Supplementary Planning Documents could be granted more weight via a light-touch inspection. The proposal to phase out rapidly any existing SPDs will be overly burdensome for Planning Authorities and lead to policy voids which could be exploited detrimentally.</i></p>
49	<p>Do you agree with the suggested scope and principles for guiding National Development Management Policies? <i>There are many positive aspects of what is being proposed. Our reservations are that there need to be safeguards against national statutory policies pushing aside local considerations (as worryingly envisaged in paragraph 18).</i></p>
50	<p>What other principles, if any, do you believe should inform the scope of National Development Management Policies? <i>The proposed principles cover the key matters.</i></p>
51	<p>Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions? <i>Yes we do.</i></p>
52	<p>Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies? <i>No.</i></p>
53	<p>What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper? <i>The National Planning Policy Framework already provides a good foundation for sustainable development across the country. Consistent local government funding and devolved regional powers, accompanied by much greater investment in infrastructure, particularly sustainable transport, will be more significant in delivering the missions than new planning policies as such.</i></p>
54	<p>How do you think that the framework could better support development that will drive</p>

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economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

As with 53.

- 55 Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?
It is increasingly recognised that denser development (e.g. 60+ dwellings per hectare) is necessary to ensure viability of public transport and reduce active travel distances to amenities, and that this is essential to reducing carbon emissions from transport. There was a backlash to planning guidance from the early 2000s which sought to encourage greater density in housing developments, but the failure of that policy was partly through the lack of control of car parking, and partly through poor design. The National Design Code can help deliver well-designed denser development.
Managing car parking demand, however, is not adequately addressed by the current NPPF. Paragraph 110 of the revision is still predominantly discouraging of setting maximum parking standards. This should be rewritten to encourage maximum standards in conjunction with on-street parking controls. There is a need to link on-street parking management with planning policy, co-ordinating Highway Authority and Planning Authority decision-making. This is a major gap in transport planning.
City and town centres are not the only areas that could benefit from denser development. Edge-of-town developments on greenfield land are frequently low-density. Requiring substantially higher density to any greenfield extensions could help create new urban cores which can act as centres for the existing neighbouring lower density suburban developments. It will also help to safeguard agricultural land.
- 56 Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?
Certainly.
- 57 Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?
No major improvements to suggest.
- 58 We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.
No comments.