

THE CITY OF DURHAM TRUST

Web site: <http://www.DurhamCity.org>

c/o Blackett, Hart & Pratt, LLP
Mandale Business Park
Belmont
Durham, DH1 1TH

23 September 2024

Planning Policy Consultation Team
Planning Directorate – Planning Policy Division
Ministry for Housing, Communities and Local Government
Floor 3, Fry Building
2 Marsham Street
London
SW1P 4DF

Email: planningpolicyconsultation@communities.gov.uk

Dear Planning Policy Consultation Team

Consultation on proposed reforms to the National Planning Policy Framework

The City of Durham Trust is very pleased to have the opportunity to comment upon the proposed reforms to the National Planning Policy Framework. We have submitted our responses on-line to the questions, but we are also submitting this letter and attached note so that we can explain the purpose of the City of Durham Trust.

The Trust is a long-established organisation dedicated to maintaining the City of Durham as an internationally acknowledged historic Cathedral City rich with historical assets and contained in a green setting. Our purpose is to celebrate, protect and enhance the heritage and landscape of the City. We celebrate positive action and are forthright in resisting damaging change and holding decision-makers to account. We also champion and celebrate innovative developments and initiatives that keep the City of Durham distinctive, attractive and liveable.

We should add that the Trust is a Strategic Partner of the Durham Castle and Cathedral World Heritage Site (WHS). The members of the WHS Strategic Partnership Board are very happy to associate themselves with our response where we mention the WHS (questions 1, 4, 5 and 60).

Thank you again for the opportunity to comment, we hope that the attached schedule of answers to questions are helpful.

Yours sincerely

John Lowe

Chair of the City of Durham Trust

THE CITY OF DURHAM TRUST

Proposed reforms to the National Planning Policy Framework

City of Durham Trust response

Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?

Answer: the proposed reversal will impose on Local Planning Authorities the calculated housing need using the Standard Method, with almost no provision for alternative figures. For County Durham the outcome is virtually doubling housing need, from 1,129 p.a. to 2,210 p.a. (compares with the net average annual completion of 1,572 p.a.). There are several problems with this, as follows.

Firstly, the proposed Standard Method figures are stated to not be reliable: “*All figures presented are based on data available at the date of publication and should not be considered as definitive for local planning decision or plan making as the inputs to the standard method are variable and not fixed.*” What figures then are LPAs to use?

Secondly, and as a follow-up, the latest ONS population projections for LA areas are 2014-based. Much has changed since then. We understand from the Population Statistics Engagement & Support part of ONS that there is a provisional release date for 2022-based projections of February to March 2025. We ask that as soon as the 2022-based projections are available they should be substituted for the 2014-based projections in the Standard Method¹.

Thirdly, the approved strategy for County Durham loaded 40% of the whole County’s new housing development sites onto Durham City. The City of Durham Trust considers that the outstanding heritage qualities of the city with its Castle and Cathedral World Heritage Site set in a surrounding green landscape bowl are of paramount international importance. The County Durham Plan Adopted in 2020 after an exhaustive Examination in Public removed two areas of Green Belt for two ‘sustainable urban extensions’ and re-affirmed the rest of the Green Belt surrounding the city. The Trust considers that any increased Standard Method requirement for County Durham should be used to stimulate regeneration in the towns and villages of County Durham by bringing new families and workers supporting local schools, shops, libraries and all the other valued community facilities.

We will return to this in answering questions about the Green Belt proposals..

Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

Answer: see above.

Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?

Answer: Yes, it was always a very crude ‘fix’.

Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?

¹ <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

THE CITY OF DURHAM TRUST

Answer: Yes, in principle we welcome the proposed approach that offers more localised design guides and appropriate densities. The Trust would not support a significant uplift in the density of residential development within sensitive areas, such as the Durham City Conservation Area which provides and protects the setting of the World Heritage Site, but believes that in the context of plan-making the current NPPF para. 129(a) allows for such matters to be taken into account already. Paragraph 130 required evidence through an adopted authority-wide design code. A design code covering the whole of the Durham County Council area could simply not be produced in sufficient detail to be helpful at a local level. Deletion of paragraph 130 therefore offers the opportunity for more localised design guides and appropriate densities.

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

Answer: Yes, in principle, but wary as to the interpretation of these words; we believe that it will continue to be important to have design guides for all major housing and related development schemes. Further, spatial visions must be more than layouts, they need to be three-dimensional spatial visions so that, for example, policies to protect the Durham Castle and Cathedral World Heritage Site take precedence.

Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?

Answer: Yes in principle, with the text of Chapter 3 paragraph 17 of the consultation document very much to the fore: "*We are clear that the presumption cannot offer a route to creating poor quality places, and so we are proposing changes to the presumption to add explicit reference to the need to consider locational and design policies*". The Trust therefore very much supports the proposed changes to NPPF para. 11. Clarifying that it is the land supply policies only which might trigger the presumption if they are out of date will avoid the presumption being invoked inappropriately. The Trust is pleased to see the emphasis on compliance with chapters 9 and 12 of the NPPF but considers that chapter 11 is of equal importance here and suggests that it also be referred to in para. 11.d.ii. It is essential, if a plan's land supply policies are out of date, that planning proposals make effective use of that land in accordance with chapter 11. If a local authority is experiencing challenges in ensuring a five year supply of deliverable housing sites, it makes no strategic sense for low-density proposals on unallocated land to be permitted.

Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

Answer: Yes given the national housing crisis. We would add that the requirement should be to publish an up-to-date SHLAA; here in County Durham a request to see the latest SHLAA has been unsuccessful .

Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?

Answer: No, it is our opinion that past over-supply should continue to be set against upcoming need. Otherwise, local authorities will find themselves in the absurd situation of having met the Standard Method's figure of housing need and yet be required to find more sites.

Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?

Answer: Yes.

THE CITY OF DURHAM TRUST

Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?

Answer: We agree.

Question 11: Do you agree with the removal of policy on Annual Position Statements?

Answer: Yes, they have not been used here.

Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

Answer: Yes, very definitely in the regrettable absence of regional planning.

Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?

Answer: Yes. We do not have any firm proposals to improve the assessment of soundness of strategic-scale plans but we believe that it is right to try.

Question 14: Do you have any other suggestions relating to the proposals in this chapter?

Answer: While the Trust supports greater density of development coupled with sustainable transport where appropriate, the NPPF uses comparative and subjective terms such as “*low densities*” and “*significant uplift*” (2023 NPPF para. 129). This vagueness is reflected in question 5 above which refers to “greater density”. This situation allows for considerable variation in interpretation and is unlikely to lead to the changes that expert bodies recommend. For example, the RTPI's research paper, ‘Settlement patterns, urban form & sustainability: an evidence review’, May 2018, section 3.5 (pages 17 to 18) covers the evidence on the spatial principles which encourage accessibility by sustainable transport. For good bus accessibility, densities of 50 to 100 dph are recommended. This figure is also recommended in the Committee on Climate Change report ‘UK housing: fit for the future?’, February 2019. Lower density also has a clear effect on the viability of local retail and use of active transport.

In the absence of national guidance on desirable densities, local authorities may not be sufficiently prescriptive or ambitious. The Trust offers the evidence of the County Durham Plan, adopted in 2020 after examination in 2019. The only policy on density required a mere 30 dph “*in and around town centres*”. The centre of Durham city, within the conservation area, has streets at densities ranging from 48 dph to over 70 dph. There is some newer development at 44 dph, but this was built prior to the Coalition Government's withdrawal of the PPS3 minimum density targets. The recent green belt releases around Durham City will be

developed at well under 30 dph and on the basis of the cited research are therefore unlikely to foster the uptake of sustainable transport.

The Trust suggests that clearer enforceable target densities would make a major contribution to making effective use of land and enabling delivery of a greater quantity of housing while minimising the additional land required and the pressure to release Green Belt land. This would need to be coupled with investment in sustainable transport, as provision of carriageway access and car parking for car-dependent developments runs counter to the efficient use of land.

Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

THE CITY OF DURHAM TRUST

Answer: No, we do not agree. The proposal to use the current number of houses to predict how many extra houses are needed is fundamentally flawed. Areas where there is a housing shortage are going to have a lower baseline to otherwise comparable areas where housing has kept pace better with the growth in the number of households.

Furthermore, when the ONS release the 2022-based predictions of household numbers, comparisons will be made between these predictions and requirements derived from the proposed new standard method. There will be major differences, and the whole question of methodology will re-open.

The complexities of arriving at any nationally imposed 'Standard Method' have bedevilled all previous attempts. Under the proposed method County Durham would be required to produce 40% more new dwellings each year than the recent rate of actual completions. There is no relationship of this increase to any assessment of actual need. Far more important is the nature of the need for particular kinds of housing, especially truly affordable housing and housing for the elderly. We therefore consider that a much greater role needs to be played by local authorities in ascertaining the level of genuine need for social and other forms of housing in their area.

Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?

Answer: No. The Trust notes that saying that the ratio "*is relatively stable over time*" is at odds with the facts. The ratio has fallen by 18% in County Durham between 2021 and 2023, and elsewhere by 21% in Middlesbrough and similar variances may be seen elsewhere, most if not all as decreases. 2021 seems to have been an outlier and when 2024 figures are available the three-year average seems likely to move down.

Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?

Answer: As above.

Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

Answer: Given a 'Standard Method' then yes. We suggest that for areas with a University the effect that the student rental market has on affordability would need to be factored in.

Question 19: Do you have any additional comments on the proposed method for assessing housing needs?

Answer: Yes, geographically large unitary authorities such as Durham County Council have major differences within the authority. For example, the average house price in County Durham is £124,998 but in the DH1 postcode area it is £235,865².

Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

² <https://www.rightmove.co.uk/house-prices/dh1.html>

THE CITY OF DURHAM TRUST

Answer: Yes, the extra emphasis on 'brownfield' first' is welcome. It will be necessary to have safeguards to ensure that "*acceptable in principle*" does not override statutory planning policies for safeguarding local amenity or important heritage.

Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

Answer: No. The existing five principles for maintaining Green Belts are retained, and we support this. They include the principle of openness. This is very important in preventing sprawl. At present, previously developed land (pdl) in Green Belts can be developed but must not have a greater impact on the openness of the Green Belt than the existing development. The proposed changes would say that development is "*not inappropriate*" where it would not cause "*substantial harm to the openness of the Green Belt*". The Trust considers that this should be qualified to make clear that it is not a question of substantial harm to the openness of the Green Belt as a whole; instead, it is about substantial harm to the openness of the immediate area of the Green Belt.

We are also concerned that the developments currently permitted under 154(a) and (b), plus 155(a) and (c) and (e) would be creating 'previously developed land' and provide a route to developing on the Green Belt.

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

Answer: This is about hardstandings and glasshouses; We would accept including these in the definition of pdl provided that the test of 'substantial harm' is applied to the immediate area. It is important guard against glasshouses and polytunnels being accepted as temporary structures but with the deliberate intention of coming forward in a few years with a Green Belt development.

Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

Answer: The Trust considers that the proposed definition rightly addresses all five principles for the purpose of a Green Belt, but wonders how the wordings will operate in practice as these are very much the same factors by which Local Planning Authorities have always sieved out land which is not worth of Green Belt designation. Furthermore, the definition "*land that make[s] a limited contribution to the five Green Belt purposes*" is too vague and seems destined to lead to protracted legal arguments about just how limited is the contribution. For the avoidance of doubt, we suggest that Local Green Spaces should be added to footnote 7.

Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

Answer: It is not possible for developers to do cynical degrading (other than legitimate agricultural works), provided that LPAs continue to resist inappropriate development and their decisions are upheld on appeal. A suggested requirement to prevent deliberate degrading is to declare and show what state the land was in some years ago, perhaps five, as well as today.

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Answer: Probably in Guidance because it is simpler to improve as learning from experience will show that further refinements would be helpful.

THE CITY OF DURHAM TRUST

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

Answer: Yes, the proposed Guidance is appropriate.

Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

Answer: On the face of it, a Local Nature Recovery Strategy would always be a good input into enhancing an area of Green Belt.

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

Answer: It will all depend on whether the Standard Method requires such a quantity of housing development allocations that the proposed approach is overwhelmed and significant areas of worthwhile Green Belt are sacrificed. We welcome the retention in paragraph 144 of the draft of considering locations beyond the outer Green Belt boundary ahead of any release of Green Belt land.

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

Answer: It is right to make that clear but it is not sufficient; releases of land should not materially undermine the function of the Green Belt in the area that it has been designated.

Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?

Answer: Partially yes. We say partially because of the qualification we put in our answer to Question 29. There are obvious dangers that must be addressed: although an updated Local Plan could possibly allocate land beyond the Green Belt and so preserve the Green Belt, but until the Plan is updated developers could go straight for the Green Belt.

Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?

Answer: We have major reservations about this aspect of the proposals. On what grounds could there be inadequate non-Green Belt land to accommodate commercial and other development needs such as to justify releasing existing Green Belt land?

Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?

Answer: Traveller sites are akin to meeting the needs for housing for any and all categories of need - the elderly, people with disabilities, vulnerable people, students and so on. To the extent that the quantum of allocations identified as necessary to meet these needs is greater than all possible sites outside the Green Belt, then it is right to include traveller sites in the search for 'grey belt' and PDL sites within the existing Green Belt.

THE CITY OF DURHAM TRUST

Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?

Answer: Not something we have any expertise to offer.

Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?

Answer: We support the 'golden rule' that 50% of the land released in a Green Belt for residential development should be affordable housing. Given the huge margin of profit that residential development offers in previously protected Green Belts, a higher percentage could well be justifiable. The actual % target should be determined by the LPA to reflect the particular circumstances in a locality.

Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?

Answer: The 50% target should apply to all Green Belt areas as a minimum, but the Government or local planning authorities should be able to set higher targets where this can be justified, such as low land value areas where cheap land ought to enable a higher proportion of affordable housing.

Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

Answer: We agree wholeheartedly.

Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?

Answer: This section of the proposed NPPF provides an ingenious method to capture for the public good the vast increase in financial value, through no merit or action by the lucky land owner, which undeveloped/agricultural land acquires if there is a hope and expectation of residential development. We are pleased that an attempt is being made to construct a workable system, but we do not have the knowledge to say whether it will succeed.

Question 38: How and at what level should Government set benchmark land values?

Answer: Pass.

Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?

Answer: It would seem to be the right approach.

Question 40: It is proposed that, where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?

Answer: This would seem to be a matter of striking a balance between legitimate public and private interests, so we would support it in principle.

THE CITY OF DURHAM TRUST

Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?

Answer: We agree, but do not have suggestions about the support required by LPAs.

Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?

Answer: Pass.

Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?

Answer: Pass.

Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?

Answer: Our only comment is that we are very wary of how "plus a reasonable and proportionate premium for the land owner" will be interpreted.

Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?

Answer: We support the use of compulsory purchase powers (where appropriate) with no 'hope value' as part of a pro-active approach by local authorities to the meeting of housing targets. The use of such powers or the threat of their use can be invaluable in dealing with land owners in a site assembly in multiple ownership and in dealing with private third party rights such as easements and restrictive covenants which may otherwise prevent development.

Question 46: Do you have any other suggestions relating to the proposals in this chapter?

Answer: We welcome the retention in paragraph 144 of the draft of considering locations beyond the outer Green Belt boundary ahead of any release of Green Belt land.

Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?

Answer: We do not have particular expertise in this field but would answer yes on general principles of social justice.

Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?

Answer: Yes, we agree to removing the requirement to deliver 10% being only about home ownership. This should not signal that lower rates of provision of affordable owned homes are desirable. The 10% requirement on all sites should be expanded to include a mix of tenures, not removed altogether. Without an impetus to provide a minimum number of affordable homes, developers will simply not provide them. We are also disappointed that the definition of

THE CITY OF DURHAM TRUST

affordable housing has not been updated. Government must redefine the term 'affordable housing' so that the cost of new affordable homes for sale or rent are directly linked to average local disposal incomes.

Question 49: Do you agree with removing the minimum 25% First Homes requirement?

Answer: Yes, with the same proviso as in our answer to Question 48 and support for how the proposed Glossary to the NPPF defines affordable homes.

Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?

Answer: No.

Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?

Answer: Yes. There is a mis-match between the type of market housing that the major house-building companies most want to build and the range of needs that are increasing, such as social housing, housing for the elderly, housing for special needs.

Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?

Answer: This should require a percentage of affordable homes (say 25%) delivered by whatever means the local council deems appropriate. In other words keep a requirement to achieve a minimum percentage of affordable homes without being prescriptive about whether these are owned, privately rented or social rented. The most straightforward and previously very successful approach is for local authorities to build Council Houses.

Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?

Answer: Pass.

Question 54: What measures should we consider to better support and increase rural affordable housing?

Answer: Pass.

Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?

Answer: Yes, making changes to include explicit reference to looked-after children is welcome.

Question 56: Do you agree with these changes?

Answer: Yes; changes that provide even stronger support for community-led development are welcome.

Question 57: Do you have views on whether the definition of 'affordable housing for rent' in the Framework glossary should be amended? If so, what changes would you recommend?

THE CITY OF DURHAM TRUST

Answer: Yes, we support the proposed changes to the definition of 'affordable housing for rent' in the Framework glossary to make it easier for organisations that are not Registered Providers, for example community-led developers and almshouses, to develop new affordable homes.

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

Answer: Yes, we support all four proposed ways to ensure that there are as many as possible small sites identified and allocated.

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to 'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework?

Answer: No, introducing the words '*beauty*' and '*beautiful*' was one of the most welcome improvements made in the last changes to the NPPF. Dropping them on the grounds that it is "subjective" simply does not convince; design guides are very important tool-kits but their application in specific cases is just as much a subjective issue, as the Trust has experienced in the most recent major housing development decisions here at Durham City.

Question 60: Do you agree with proposed changes to policy for upwards extensions?

Answer: No. In our judgement, the proposal that NPPF should be "***strongly supportive of all upward extensions***" is a serious mis-step. Taking Durham City as our example, the roofscape of the historic city lying below the Castle and Cathedral World Heritage Site is an absolutely crucial component of the glorious composition. A vital qualification is needed in the envisaged wording to remove the word "all" and to require the primacy of Conservation and WHS protections. Besides, upward extensions have very little to do with tackling the housing crisis, though we do acknowledge circumstances such as young and growing families being able to 'stay put' or re-arrangements that enable a 'granny flat' to be created on the ground floor.

Question 61: Do you have any other suggestions relating to the proposals in this chapter?

Answer: No.

Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

Answer: Yes to making sure that modern industrial and logistics requirements are provided for, but we would not support these as appropriate developments in the Green Belt.

Question 63: Are there other sectors you think need particular support via these changes? What are they and why?

Answer: No.

Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

Answer: Yes.

Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

THE CITY OF DURHAM TRUST

Answer: Pass.

Question 66: Do you have any other suggestions relating to the proposals in this chapter?

Answer: No.

Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?

Answer: Yes, we agree that significant weight should be placed on the importance of facilitating new, expanded, or upgraded public service infrastructure when considering proposals for development.

Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?

Answer: yes to including early years and post 16 provision.

Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?

Answer: We strongly support the proposal to abandon the transport planning 'predict and provide' approach and instead work with communities to identify the desired outcomes for how we want places to be. The effectiveness of these changes will very much depend on the promised revised guidance introducing the "vision-led" approach.

However, the Trust has grave concerns about the proposed paragraph 113 (formerly 115) regarding the refusal of planning permission on "highways grounds". In an earlier version of the NPPF this was worded as "transport grounds" and developers seized on it to justify proposals which failed to provide any meaningful improvements in active travel or sustainable transport access. We have seen this repeatedly in local planning applications. The change to "highways grounds" was perhaps an attempt to limit this clause to the impacts on motor vehicle access, but if so, it was poorly conceived. The proposal to qualify this paragraph with the words "in all tested scenarios" potentially weakens the ability of the Local Planning Authority to resist inappropriate development. Who determines which scenarios are to be tested? Are overly optimistic scenarios, under which impacts on highway safety would be absent, to be accepted? On the whole, the Trust considers that deleting this paragraph in its entirety would be the right approach.

Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?

Answer: Very pleased that the NPPF will cover this vital (literally) topic. There is so much to say and we are confident others will submit authoritative suggestions. Suffice to say that banning fast-food outlets anywhere near schools is one absolute necessity. Further encouraging independent travel to enable children to make their own way to and from schools and other activities needs more emphasis. Few planning authorities have effective policies to ensure that active travel access is prioritised in the actual delivery and build-out of developments, so that healthy active lifestyle choices can be established at the outset.

It is a pity that no new wording was suggested to achieve this objective. Paragraphs 94 and 95 in the redraft (96 and 97 in the current version) would seem to be the place to do *this*. We suggest (using the new paragraph numbering) amending 96.a, b, c as follows (underlining is add, strikethrough is delete):

THE CITY OF DURHAM TRUST

“a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that ~~allow for easy~~ prioritise safe pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that road traffic danger, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, residential streets which enable children's outdoor play, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling, including independent travel for children.”

We also suggest amendment of 97 (new 95) to insert after (a) a new point reading:

“ensure that these facilities, and the pedestrian and cycle connections to access them, are delivered in the early stages of major developments, in order to establish new communities and sustainable transport habits as early as possible;”

Question 71: Do you have any other suggestions relating to the proposals in this chapter?

Answer: The Trust has commented on many major applications in our area of interest during the operation of the NPPF, including considering issues of sustainable transport. While the NPPF seeks to promote sustainable transport, in practice the Trust finds that transport planning expertise at the LPA level is lacking, with responsibilities divided among a number of internal consultees, often under-resourced. The Transport Assessments and Transport Statements submitted by developers are often superficial. In particular there is little assessment of the active travel network beyond the site boundary, yet this is crucial to the accessibility of developments. The bulk of the report is usually seeking to demonstrate that there is no “severe impact” on the highway through assessment of the “worst case” peak hour scenario. (This is one of the effects of paragraph 113: see the response to question 69).

The Trust would like to see updated national guidance on Transport Assessments and Statements to put greater emphasis on active travel assessment rather than motor traffic modelling. Practitioners should be recommended to use quality assessment tools such as those provided in LTN1/20, and to identify off-site interventions which would improve accessibility. This would ensure greater respect for the introductory principles of Chapter 9 so that “opportunities to promote walking, cycling and public transport use are identified and pursued.”

Paragraph 111 of the current NPPF (109 in the proposed draft) sets out the criteria to be considered when setting local parking standards. In order to support the mitigation of climate change, the Trust suggests that a further criterion be added: “the need to reduce motor vehicle use to support transport decarbonisation”. The current wording does not acknowledge the need for demand reduction alongside the transition to electric vehicles.

Paragraph 112 of the current NPPF (110 in the proposed draft) requires there to be “clear and compelling justification” that maximum parking standards are necessary, and limits the allowable justification to managing the local road network and optimising density of town centre development. This very high bar discourages planning authorities from considering parking standards. The wording was not present in the 2012 NPPF. The Trust considers that a more positive wording would help towards transport decarbonisation and more effective use of land,

THE CITY OF DURHAM TRUST

providing there are safeguards to ensure that parking restrictions do not lead to overspill car parking in the wider area. The following wording is suggested:

“110. Maximum parking standards for residential and non-residential development, coupled with appropriate on-street parking controls, should ~~only be set where there is a clear and compelling justification that they are necessary~~ be set where they would be beneficial for managing the local road network, for encouraging modal shift and transport decarbonisation, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.”

Beyond the planning system, Local Authorities have limited powers over the pricing and use of private car parking. There is no counterpart to the Workplace Parking Levy to influence the cost of parking at out-of-town retail parks, for example. Being able to do so would help Local Authorities “ensure that established shops, facilities and services ... are retained for the benefit of the community” (NPPF 97.d) in town centres, which tend to be the locations best served by sustainable transport.

Question 72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?

Answer: Yes, with the proviso that local concerns must be fairly and transparently included in the considerations.

Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?

Answer: Yes. This is a fundamental issue for the future of the planet.

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

Answer: Yes, essential to deploy all ways of tackling the climate emergency.

Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?

Answer: Yes, to get around the current problem that too many schemes are clogging up and slowing the NSIP process and that proposals are being deliberately designed down to slip within the current 50 MW threshold so as to avoid the delays in the NSIP system.

Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

Answer: Yes, as in our answer to question 75.

Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?

Answer: We have no grounds for offering other thresholds than those being proposed.

THE CITY OF DURHAM TRUST

Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

Answer: The Trust has suggested ways to strengthen the support of sustainable transport in questions 69-71 and these have interactions with development density as addressed in questions 4 and 6. Planning policy could also require higher standards of energy efficiency for developments, alongside improvements in Building Regulations. Some Local Planning Authorities, such as Cornwall, have taken this further through a Climate Emergency Development Plan. Aside from these areas, the Trust looks to others to provide deliverable answers to this huge and important question.

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

Answer: Again, really refreshing that this question is being put, and others are better-placed than us to offer answers.

Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?

Answer: Beyond our expertise, but we support the intentions.

Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?

Answer: The Trust wonders about projects with outline planning permission granted before these changes to the NPPF come into effect. When details come forward via Reserved Matters or Variation of Conditions or Minor Variations (e.g. substitution of house types) would it be possible to require adherence to the new and higher standards?

Question 82: Do you agree with removal of this text from the footnote?

Answer: Yes, it is too elusive to work.

Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?

Answer: Beyond our expertise, but we support the intentions.

Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

Answer: In principle we agree, though it lies outside our expertise.

Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

Answer: This lies outside our expertise.

Question 86: Do you have any other suggestions relating to the proposals in this chapter?

Answer: There is little mention of demand reduction to improve water resilience. It is clear from new housing developments that en-suite facilities in houses are increasingly fashionable. Has

THE CITY OF DURHAM TRUST

there been research on the impact on water (and energy) consumption? Equally, rain water capture for domestic purposes might contribute.

Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?

Answer: We agree with explicit criteria, with a right for local planning authorities to put forward a case against intervention in their plan-making.

Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?

Answer: No, this would leave the situation uncertain and leading to possible arbitrary decisions.

Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?

Answer: Strongly yes.

Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.

Answer: N/A.

If Yes, please explain in the text box what you consider an appropriate fee increase would be.

Answer: The cost recovery amount, which might be £528 nationally but a different figure locally.

Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?

Yes

No – it should be higher than £528

No – it should be lower than £528

no - there should be no fee increase

Don't know

If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.

Answer: Yes as a national benchmark but local cost recovery amounts will differ.

Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.

Answer: Pass.

THE CITY OF DURHAM TRUST

Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

Answer: No, fees should not be introduced for listed building consents, consent to undertake relevant demolition in a conservation area, and works to trees that are protected because they are located in a conservation area or by a Tree Preservation Order. We agree with the reasons why fees are not charged for these applications, namely that owners cannot opt out of these designations and such designations confer burdens with regard to preservation and maintenance that are in the public interest.

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee? Please give your reasons in the text box below.

Answer: Yes, each local authority should be able to set its own non profit-making planning application fee.

Question 95: What would be your preferred model for localisation of planning fees?

Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.

Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.

Neither

Don't Know

Please give your reasons in the text box below.

Answer: Local variation offers the best of both worlds.

Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?

Answer: No, this would not be widely accepted. Other planning services need to properly funded of course, but that is for individual local authorities to address. Adequate development management resources are the issue for speeding up the planning aspect of housing development schemes.

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

Answer: N/A.

Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?

Answer: Planning enforcement is a service with a cost that is not met by any fee. I suggest that where an investigation by Planning Enforcement leads to a retrospective planning application, there should be an uplift in the fee by 50%.

THE CITY OF DURHAM TRUST

Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?

Answer: Pass.

Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.

Answer: Pass.

Question 100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?

Answer:

Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

Answer: Pass.

Question 102: Do you have any other suggestions relating to the proposals in this chapter?

Answer: No.

Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?

Answer: In principle, yes, they seem to us appropriate and helpful.

Question 104: Do you agree with the proposed transitional arrangements?

Answer: Again, yes in principle.

Question 105: Do you have any other suggestions relating to the proposals in this chapter?

Answer: No.

Question 106: 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? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

Answer: The implication of Question 106 is that negative impact is the issue. The City of Durham Trust will probably experience adverse impacts in terms of workload as disputable housing need calculations emerge and while debates about "grey belt" take place. On the other hand, the Trust should benefit from better-resourced development management teams - for

THE CITY OF DURHAM TRUST

some time we have experienced unnecessary extra work caused by having to put right the omissions and errors by over-stretched Council planning staff. This has to be understood in context - the appalling reports commissioned from consultants by applicants cause far more work for us.