

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

(The consultation draft NPPF 2026 is at:
<https://www.gov.uk/government/consultations/national-planning-policy-framework-proposed-reforms-and-other-changes-to-the-planning-system>)

Responses from the City of Durham Trust

Chapter 1: Introduction

1) Do you have any views on how statutory National Development Management Policies could be introduced in the most effective manner, should a future decision be made to progress these?

No.

2) Do you agree with the new format and structure of the draft Framework which comprises separate plan-making policies and national decision-making policies? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

We applaud the much greater clarity and functionality of the new format and structure.

3) Do you agree with the proposed set of annexes to be incorporated into the draft Framework? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The annexes form a very useful tool-kit for applying the Framework policies.

4) Do you agree with incorporating Planning Policy for Traveller Sites within the draft Framework? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

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

Traveller sites are outwith the experience and terms of reference of the City of Durham Trust.

5) Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree*

Strongly agree.

a) Please provide your reasons, particularly if you disagree

Balancing various weights against each other is inherently tricky, so the simplification in terminology is welcome.

Chapter 2: Plan-making policies

6) Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The introduction of Spatial Development Strategies is a huge improvement in the planning system because it overcomes to a significant degree the anomalies and conflicts that arise from the ill-fitting geographies of local government territories.

7) Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

8) If spatial development strategies are not altered every five years, should related policy on the requirements used in five year housing land supply and housing delivery test policies, set out in Annex D of the draft Framework, be updated to allow housing requirement figures from spatial development strategies to continue to be applied after 5 years, so long as there has not been a significant change in that area's local housing need? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

Continuation of the requirements beyond five years, if there have been no major changes in circumstances, provides assurance and clarity for long-term development proposals.

9) Do you agree with the role, purpose and content of local plans set out in policy PM2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

We support the role, purpose and content of local plans as set out in PM2.

10) Do you think that local plans should cover a period of at least 15 years from the point of adoption of the plan? Yes/No

Yes and no.

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

We can see the merits of moving to a "no less than 10 years" plan period but don't feel strongly about this particular point.

11) Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

We support the broad intentions set out here but regard the terms that "plans should not replicate, substantively restate or modify national decision-making policies unless directed by other policies in the draft Framework" as being unduly rigid. Until now, the test of soundness has been that local planning policies have to be consistent with national policy. We consider that being consistent allows for amplification and providing greater levels of economic, environmental and social outcomes than national policy requires. The stricture against modification appears to us to prevent such enhancements.

12) Do you agree with the approach to initiating plan-making in PM7? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

a) Please provide your reasons, particularly if you disagree

Helpful approach to achieve efficient and timely production of local plans.

13) Do you agree with the approach to the preparation of plan evidence set out in policy PM8? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

We fully support the need for evidence to be relevant; however, the emphasis on using existing evidence, updated where necessary, may inhibit the introduction of new issues that have arisen since that existing evidence was collected.

14) Do you agree with the approach to identifying land for development in PM9? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The procedural principles laid out in PM9 should assist in ensuring consistence and transparency.

15) Do you agree with the policies on maintaining and demonstrating cross-boundary cooperation set out in policy PM10 and policy PM11? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

It is essential to achieve cross-boundary cooperation.

16) Do you agree that policy PM12 increases certainty at plan-making stage regarding the contributions expected from development proposals? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

Provides for speedier agreement and less protracted negotiations.

17) Do you agree that plans should set out the circumstances in which review mechanisms will be used, or should national policy set clearer expectations? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The process for the review and subsequent adjustment of a developer's contribution needs to be prescribed so as to avoid repeated re-negotiations.

18) Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

Setting and requiring adherence to national standards is most welcome. However, PM13 also sets out several areas where local standards cannot be set (for example, energy efficiency, and the internal layout of buildings), and this is a rigidity which goes against the very purpose of a local plan, namely to be right for a particular locality.

19) Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

We broadly agree but with the caveat already expressed in relation to Question 11 about the rigidity of not being able to enhance national policies.

20) Do you have any specific comments on the content of the plan-making chapter which are not already captured by the other questions in this section?

No, other than how very welcome are the clarifications and strengthenings.

Chapter 3: Decision-making policies

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

Strongly agree.

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

Excellent requirements reflecting best practice.

22) Do you agree with the policy DM2 on information requirements for planning applications? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

We often see planning applications that have been validated yet lack essential information that the relevant policies require. The requirements set out in Policy DM2 should prevent omission of documents, but they do not adequately set out expectations for the quality and content of those documents. Transport statements and assessments, for example, are often highly formulaic and do not address route quality for active travel. The Trust would like to see, either through the NPPF or through associated ministerial direction, a definite requirement for objective assessment in this area. Please see our answer to Q155 for further detail.

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

No.

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

Partly agree.

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

All but one of the principles are agreed, but 1(f) risks excluding special individual circumstances unless “material circumstances” can be defined as such.

25) Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

Agree especially with point 3 – the issue of having paid over-the-odds for land or property has been found in the Courts to be of no assistance in attempting to justify non-compliant development.

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

No.

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

No.

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

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

No.

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

29) Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

30) Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

Provides clear boundaries for development assessments.

31) Do you agree with the new intentional unauthorised development policy in policy DM8? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

We support the proposal that substantial weight should be given to evidence that a retrospective application is for intentional unauthorised development. We would further support a doubling of the application fee in such cases.

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

There are many specific types of harm from unauthorised development that we deplore: destruction of designated and un-designated heritage assets; destruction of valued wildlife habitats; and destruction of valued landscapes, trees and hedgerows.

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

A third point could be added to DN8 cross-referencing to other NPPF policies that seek to protect heritage, habitats and landscape.

33) Do you agree with the new Article 4 direction policy in policy DM10? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

We consider, from local experience, that proposed DM10 will deliver the protections needed.

Chapter 4: Achieving sustainable development

Plan-making policy

S1: Positive plan-making

No questions against this policy; our answer would be:

Strongly agree.

The NPPF should clearly state that locally assessed needs (for all uses) are a material consideration when assessing an application.

34) Do you agree with the proposed approach to setting a spatial strategy in development plans? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly agree.

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

The NPPF should clearly state that locally designated sites of all types (whether for protection or enhancement) are a material consideration when assessing an application.

35) Do you agree with the proposed definition of settlements in the glossary? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly agree.

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

National decision-making policies

36) Do you agree with the revised approach to the presumption in favour of sustainable development? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly agree.

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

It is more clearly laid out than in the previous version of the NPPF. However, how is "without delay" defined?

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

Partly disagree.

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

Clause 2(a)(ii) is redundant as decisions should be "assessed against the national decision-making policies in this Framework". Replace with a new Clause 2(a)(ii) "the objectively assessed needs in the development plan"

Policy S4 would only cause applications to be refused if the benefits are *substantially* outweighed by adverse effects. It is conceivable that in approving a number of developments with less than substantial adverse effects, the quality of life and opportunity of those living in a settlement would gradually deteriorate. Is the intention so much to stimulate the bringing forward of development that the excellent decision-making policies in the proposed NPPF revision are to be complied with so partially? The effect is worsened by policy S4(2), which gives a very short list of adverse effects that could be considered substantial. Although S4(2) states that the lists is not restricted to these situations, the listing will have influence. In particular policy S4(2c) refers to "national decision-making policies which state that development proposals should be refused in specific circumstances". These are very few: while there are policies on effective use of land (L3) and design (DP3) which mention refusal, none of the policies on sustainable transport include reasons for refusal. As transport issues are usually cumulative in nature, and arise beyond the site boundary, policy S4 will render ineffective much of that chapter. Deleting the word "substantially" from the text of policy S4 would achieve a general amelioration of settlements through development.

It is not clear how clause S4(1) and clause S3(1c) are intended to interact. The latter urges approval without delay of "development proposals that accord with an up-to-date development plan and also the decision-making policies in this Framework" but S4(1) only mentions the national decision-making policies as grounds for potential refusal of a planning application. The City of Durham Trust considers that the local development plan should be mentioned in clause S4(1).

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

Strongly agree.

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

39) Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly agree.

a) Please provide your reasons.

40) Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly agree.

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

41) Do you agree that neighbourhood plans should contain allocations to meet their identified housing requirement in order to qualify for this policy? Strongly agree, partly agree, neither agree or disagree, partly disagree, strongly disagree.

Partly disagree

a) If not, please provide your reasons

There is no question relating to policy S6(1a) which sets a very short life-span for neighbourhood plans. The thrust of policy S6 is that neighbourhood plans will only have any force if adopted within the five years previous to a decision being made and if the neighbourhood plan contains allocation for its identified housing requirement. To keep a neighbourhood plan current and effective, this would imply revision of the plan would need to resume within two or three years of its adoption, which is a very onerous requirement. The City of Durham Trust would prefer to see wording which allows for neighbourhood plans to be given less weight if they have not undergone recent revision, but not to be wholly disregarded. The phrasing that benefits “are likely to be substantially outweighed” is a curious construction which does not assist in determining where refusal would be appropriate.

By Policy HO(5c) a neighbourhood plan area must have a non-zero housing requirement figure except in very specific circumstances. These include cases where “the constraints within the neighbourhood planning area are so substantial as to preclude any additional housing of any kind from coming forward”. Given the policy L2 allows for creating additional homes through upward extension or infilling, it is unlikely that clause HO(5c) would ever be met. But a non-zero housing allocation, on the basis that upward extensions and infill might come forward, does not mean that a neighbourhood plan would be able to allocate sites, because the deliverability would depend very much on the owners of the properties being interested in densification of their land. The City of Durham Trust sees a strong role for neighbourhood plans in shaping development even in highly developed areas where there are few vacant plots. The City of Durham Neighbourhood Plan was required to omit several housing site allocations by the examiner because the landowners had not been identified or acceded to the allocation. If neighbourhood plans are to be required to contain housing allocations, then the requirement for deliverability of sites included in the plan must be relaxed given the uncertainty inherent in relying on infilling and upwards extension.

42) Do you agree with the approach to planning for climate change in policy CC1? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly agree.

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

Particularly support 1d.

National decision-making policies

43) Do you agree with the approach to mitigating climate change through planning decisions in policy CC2? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly agree/partly agree.

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

Strengthen 1d: Presumption in favour of repurposing/renovating existing buildings rather than demolishing and building anew.

44) Do you agree with the approach to climate change adaptation through planning decisions in policy CC3? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly agree.

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

45) Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons

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

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

Chapter 6: Delivering a sufficient supply of homes

Plan-making policies

48) Do you agree the requirements for spatial development strategies and local plans in policy HO1 and policy HO2 are appropriate? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

Standard methods for calculations of need are in principle necessary to ensure that local plans make sufficient provision. Whether the demographics and the market match the calculated need is another matter. HO1 recognizes the many distinct needs of different groups; very welcome in principle even though the major private housebuilders have to be directed by policy percentages to provide anything other than standard 3 and 4-bedroom houses.

49) Is further guidance required on assessing the needs of different groups, including older people, disabled people, and those who require social and affordable housing? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*
Strongly agree.

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

The quantities and sizes needed in each category across the local plan area and its planning area sub-divisions.

50) Do you agree with the approach to incorporating relevant policies of Planning Policy for Traveller Sites within this chapter? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

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

The City of Durham Trust has no experience or knowledge to offer on this question.

51) Is further guidance needed on how authorities should assess the need for traveller sites and set requirement figures? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

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

The City of Durham Trust has no experience or knowledge to offer on this question.

52) Do you agree the new Annex D to the draft Framework is sufficiently clear on how local planning authorities should set the appropriate buffer for their local plan 5-year housing land supply? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

53) Do you agree the new Annex D to the draft Framework is sufficiently clear on the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision-making? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

It is very clear.

54) Do you agree the requirements to establish a 5 year supply of deliverable traveller sites and monitor delivery are sufficiently clear? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

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

Not something we have knowledge or experience about.

55) Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The requirements spelled out in HO4, HO5 and HO6 are all essential for creating balanced and sustainable communities.

56) Do you agree our proposed changes to the definition of designated rural areas will better support rural social and affordable housing? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

57) Do you agree with our proposals to ask authorities to set out the proportion of new housing that should be delivered to M4(2) and M4(3) standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

58) Do you agree 40% of new housing delivered to M4(2) standards over the plan period is the right minimum proportion? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

We agree that 40% is a good minimum proportion.

59) Do you agree the proposals to support the needs of different groups, through requiring authorities to identify sites or set requirements for parts of allocated sites are proportionate? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The requirements will be challenged and therefore need the strength of being a statutory planning policy not just a wish.

60) Do you agree with our proposals to ask authorities to set out requirements for a broader mix of tenures to be provided on sites of 150 homes or more? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

This ensures balance and diversity and prevents mono-culture on large developments.

61) Do you agree with proposals for authorities to allocate land to accommodate 10% of the housing requirement on sites of between 1 and 2.5 hectares? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

a) Please provide your reasons

We welcome the support for SME builders.

National decision-making policies

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

No.

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

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

Neither agree nor disagree.

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

Not something on which we can offer experience or knowledge.

64) Do you agree flexibility relating to the size of market homes provided will better enable developments providing affordable housing? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

We agree provided that the policy retains the precursor wording “Where development proposals meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures, including the minimum proportion of Social Rent properties.....”

65) Would requiring a minimum proportion of social rent, unless otherwise specified in development plans, support the delivery of greater number of social rent homes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

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

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

This is outside our scope.

a) If so, what changes would be beneficial?

67) Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

We broadly accept the two circumstances 1a and 1b set out in Policy HO8 for allowing in lieu payments and would support limiting the use of those circumstances such as the example given in the question.

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

We view the appropriate circumstances are as described above.

68) What risks and benefits would you expect this policy to have? Please explain your answer. The government is particularly interested in views on the potential impact on SME housing delivery, overall housing delivery, land values, build out rates, overall social and affordable housing delivery, and Registered Providers (including SME providers).

Very briefly, the chief risk is of developments not going ahead as a result of the developer not accepting the requirement for social and affordable housing. The chief benefit of the policy is that the leverage it applies is very probably the only way that the private sector will provide any social and affordable housing.

69) What guidance or wider changes would be needed to enable Local Planning Authorities to spend commuted sums more effectively and more quickly?

We are unable to offer any answer to this question.

a) Please explain your answer.

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

We are unable to offer any answer to this question.

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

N/A

71) Do you support proposals to enable off site delivery where affordable housing delivery can be optimised to produce better outcomes in terms of quality or quantity? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

Better outcomes are welcome in principle, but justification for off-site delivery may be put forward by a developer using this argument and deliberately proposing low quality or quantity on-site so as to achieve 100% full market housing on his/her site.

72) Do you agree the with the criteria set out regarding the locations of specialist housing for older people? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The criteria cover the basics. We would add to criterion 1c (iii) that the management plan in the case of student accommodation should ensure compatibility with the quality of life of the surrounding residential community.

73) Do you agree with the criteria set out regarding the locations of community-based specialist accommodation, including changes to the glossary? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

These criteria are welcome tests of the suitability of a location for the particular specialist need.

74) Do you agree with the criteria set out regarding the locations of purpose-built student accommodation and large-scale shared living accommodation, including changes to the glossary? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

These criteria are welcome tests of the suitability of a location for purpose-built student accommodation and large-scale shared living accommodation. In the case of student accommodation, we consider that consultation should be required with the relevant higher education provider as to the need for this type of accommodation in this particular location.

75) Do you agree the proposals provide adequate additional support for rural exception sites? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

The additional support is considered adequate; however, we have concerns that there are insufficient criteria to ensure that random sites do not proliferate in the countryside.

76) Do you agree with proposals to remove First Homes exception sites as a discrete form of exception site? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

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

We do not have a view on this.

77) Do you agree proposals for a benchmark land value for rural exception sites will help to bring forward more rural affordable homes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

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

N/A

78) Do you agree the proposals to set out requirements for traveller sites at policy HO12 adequately capture relevant aspects from Planning Policy for Traveller Sites, whilst ensuring fair treatment for traveller sites in the planning system? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

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

N/A.

80) Do you agree the proposals in policy HO13 will help to ensure development proposals are built out in a reasonable period? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

Far too many approved development sites stand undeveloped or too slowly developed, for rationing reasons that suit the development industry but frustrate the aim of building many more houses than are currently being delivered.

81) Do you agree the requirements to take a flexible approach to the consenting framework for large scale residential and mixed-use development is sufficient to ensure the opportunities of large scale development are supported? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

Very large-scale development schemes have to be adjusted in the light of almost inevitable changes in circumstances over a long period of time, but safeguards are needed to restrain “flexibility” becoming “watering-down”.

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

We suppose “yes”.

a) Please provide your reasons.

We suppose that a great deal more by way of specific approaches and definitions are needed, but we have no suggestions to offer.

83) Do you agree with the proposed changes to the Housing Delivery Test rule book? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

Requiring that the most recently adopted plan is used for housing need assessment is both logical and supportive of the planning system.

84) Do you agree that more emphasis should be placed on relevant national strategies and the need for flexibility in planning for economic growth, as drafted in policy E1? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*
Partly agree.

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

Our concern is that flexibility can be too open-ended – there should be some tests of the contribution a proposal will make towards the fundamental aspiration of economic growth. A local plan ought to be able to introduce such tests that are appropriate to its particular circumstances.

National decision-making policies

85) Do you agree with the approach to meeting the need for business land and premises in policy E2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

“Substantial weight” is to be given to the economic benefits of commercial proposals. We do not disagree with this but there needs to be guidance on balancing this against the “substantial weight” to be given to other key impacts such as negative impact on heritage.

86) Do you agree with the proposed new decision-making policy supporting freight and logistics development in policy E3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

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

Policy E3 seems reasonable to us.

87) Do you agree with the approach to rural business development in policy E4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

Appears to be positively helpful.

Chapter 8: Ensuring the vitality of town centres

Plan-making policy

88) Do you agree with the proposed changes to policy for planning for town centres? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

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

TC2 is most welcome in prioritising the strengthening of town centres as vibrant and attractive economic and community hubs. Including these principles in national policy TC2 is extremely welcome. However, the City of Durham Trust would like to see stronger guidance on the criteria for setting the hierarchy of centres. The glossary of the NPPF advises that out-of-centre developments do not count as town centres *unless included in the development plan*. In the County Durham Plan, examined in 2019, the planning authority included two large out-of-centre car-dependent retail areas as district centres second only to the city centre in the plan hierarchy. These two centres are competing to the noticeable detriment of the city centre. There should be clear and strong policy wording around the sustainable transport connectivity of sites which are to be identified as town centres: poorly connected sites should be excluded, and planning permissions refused, until such time as they can be made sustainable. Beyond the scope of planning policy, the ability to impose out-of-town parking levies, along the lines of the workplace parking

levy, should be considered to help redistribute retail provision and provide funding for sustainable transport improvements.

The Trust would also like to see recognition of smaller shopping areas: the glossary excludes “small parades of shops of purely neighbourhood significance” but such provision ought to be protected and enhanced by the NPPF as it can support active travel and healthier lifestyles as recognised in the “fifteen-minute city” concept. Policy L1(1b.ii) touches on mixed use and reducing the need to travel, but development plans should be encouraged to identify local centres which can be accessed via sustainable transport and seek their enhancement.

Durham city centre demonstrates what can happen when there is over-provision of car-dependent retail out-of-centre. While there are low vacancies for Class E uses, there has been a marked change in the balance of provision in the last decade. Modern, large floor-plate stores have closed and been redeveloped into leisure use and student accommodation. More are likely to follow. Smaller shops have moved away from everyday provision such as clothes, basic foods and hardware. While some banks remain, financial and professional services such as accountants and solicitors have generally left the centre. There has been no difficulty filling space above retail premises with more student accommodation, and the high student population helps to support the leisure uses which have taken the place of shops.

While the city centre, on the face of it, remains vibrant, and is the most accessible location in the county by public transport, people without cars who used to enjoy a wide range of practical shops are now very much disadvantaged compared with those who can drive to the two large out of centre retail parks. While these are accessible to some degree by public transport, the journey time is prolonged: no-one with access to a car would choose to travel to them by public transport.

In this context it is hard to imagine applying policy TC1(1c), which mentions accommodating “any increase in development which is needed”, to Durham.

National decision-making policies

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

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

Partly agree

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

The City of Durham Trust welcomes particularly the new policy TC2(1b) which would give substantial weight to improving or retaining access to local shops providing day-to-day services. The Trust considers that this could be strengthened to emphasise the diversity of types of shop as a characteristic worth protecting. Many businesses provide day-to-day services and might therefore fall under TC2(1b), but a balance is needed. It is hard to see how this could be made to work when use class E allows so much flexibility. Britain does not have laws requiring access to bakeries, like France, or provision of greengrocers, and these shops have to take their chances in the commercial property market. Do we need affordable commercial units like we have affordable housing?

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

In Durham city there has been a marked decline in general retail provision and these properties have mainly been converted to cafes and restaurants which are probably able to support higher rents. Durham city centre is much affected by the predominance of University students who are here for only just over half a year as compared with the minority of year-round long-term residents.

91) Do you believe the sequential test in policy TC3 should be retained? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The consultation document floats scrapping the sequential test and relying solely on sustainable transport policies to ensure developments are in suitable locations. The City of Durham Trust notes that the proposed NPPF revision does not assign substantial weight to compliance with policy TR3 at present. This should be changed, whether or not the sequential test is retained.

The Trust considers that, even with stronger sustainable transport policies being applied, the sequential test remains a valuable tool for steering development towards town centres (including district and local centres). In doing so it is crucial that the correct centres are identified in the development plan (see the Trust's comments on TC1 above).

The wording in TC3(3) provides much more clarity than the current NPPF paragraph 92, as it specifically suggests accommodating provision across multiple sites. This will help planning authorities to resist large-scale car-dependent developments.

92) Do you agree with the approach to town centre impact assessments in policy TC4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

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

The current NPPF paragraph 95 directed refusal of applications likely to have a significant adverse impact on town centres. It has been rare in the City of Durham Trust's experience that applications have been refused on these grounds, and yet there has been a steady cumulative adverse impact which the planning system has been unable to prevent. The Trust considers that if the direction in paragraph 95 is to be removed, then the wording of TC4(2) should be changed to require that it be demonstrated that "the development would be unlikely to have an adverse impact", i.e. remove the word "significant". This change would allow lesser impacts to be weighed in the overall planning balance.

Chapter 9: Supporting high quality communications

National decision-making policies

93) Do you agree that the updated policies provide clearer and stronger support for the rollout of 5G and gigabit broadband? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

How does this Chapter work in relation to Chapter 17. Pollution, public protection and security, Policy P4 Impact of development on existing activities, where such existing activities should not be restricted.

In particular, in clause 2, the phrase "should not require minimum distances to be maintained between telecommunications infrastructure and other development" is unacceptable when applied to residences. Some minimum distance must be designated, and criteria re acceptable relative position with respect to access to the residence (driveways, paths, doors etc), and windows should be drawn up.

94) Do you agree the requirements for minimising visual impact and reusing existing structures are practical for applicants and local planning authorities? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

95) Do you agree the supporting information requirements are proportionate and sufficient without creating unnecessary burdens? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

Clause 1a. In line with comments in answer 93 (a), consultation with nearby residents might be required.

Clause 1a. Why only include school or college "in particular"? What about including universities, hospitals and health care centres, care homes, community centres etc. - places where vulnerable people are likely to be present.

Chapter 10: Securing Clean Energy and Water

Plan-making policies

96) Do you agree with the approach to planning for energy and water infrastructure in policy W1? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The provision for new or enhanced renewable and low carbon energy development is very welcome. We suggest adding into paragraph 1: "should take into account" the demands of new technologies.

97) Do you agree with the amendments to current Framework policy on planning for renewable and low-carbon energy development and electricity network infrastructure in policy W2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

Support for the transition to clean power by planning positively for the increased supply and use of renewable and low carbon energy is very welcome.

National decision-making policies

98) Do you agree with the proposed approach to supporting development for renewable and low carbon development and electricity network infrastructure in policy W3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

99) Do you agree with the proposed approach to supporting development for water infrastructure in policy W4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

We suggest strengthen by Inclusion of consideration of environmentally friendly water infrastructure design.

Chapter 11: Facilitating the sustainable use of minerals

100) Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

101) Do you agree with how policy M1 sets out how the development plan should consider oil and gas? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

102) Do you agree with the proposed addition of critical and growth minerals to the glossary definition of 'minerals of national and local importance'? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

103) Do you agree criteria b of policy M2 strikes the right balance between preventing minerals sterilisation and facilitating non minerals development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

104) Do you agree policy M3 appropriately reflects the importance of critical and growth minerals? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Do you agree with the exclusion of development involving onshore oil and gas extraction from 105) policy M3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

107) Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

109) Do you agree with approach to coal, oil and gas in policy M5? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

110) Are there any other exceptional circumstances in which coal extraction should be permitted? Yes/No

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

112) Do you agree policy M6 strikes the right balance between preventing the sterilisation of minerals reserves and minerals-related activities, and facilitating non-minerals development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

113) Does policy M6 provide sufficient clarity on the role of Minerals Consultation Areas? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Chapter 12: Making effective use of land

Plan-making policy

114) Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

115) If not, what further guidance is needed?

The policy provides clear guidance, but to a great extent the planning for effective use of land is back to front. Policy L1(1a.iv) mentions the “availability of infrastructure and its scope for improvement”. It is almost impossible for a local planning authority to achieve effective use of land when the planning system does not direct the development of sustainable transport, especially mass transit systems such as light rail and metro. Since 2000, France has opened 19 new tram systems. In the same period the UK has opened three, and only two outside London.

In the North-East, extensions to the Tyne and Wear Metro have been proposed, and reopening of the Leamside line, but nothing has actually been delivered south of the Tyne in the last two decades apart from one new railway station. Now that the Northumberland line to Ashington and Blyth has reopened, there is great interest from developers in sites around the stations, but local authorities and campaigners have had to argue the case for that reopening for twenty years. Investment in sustainable transport must be brought forward swiftly, and without the constant threat of cancellation and deferral, in order to create the conditions where the land can be used effectively.

To redevelop the London Docklands, the government did not set office and apartment building targets: instead, the Docklands Light Railway was built to make the area more accessible, and the development rapidly followed through private sector initiative.

Requiring local authorities to allocate land for large numbers of houses before any infrastructure is secured will inevitably lead to lower-density car-dependent housing which will be an ongoing blight on the economic prospects of our region.

National decision-making policies

116) Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

Policy L2(3) is vague, and it is hard to see how to test whether development footprints optimise the potential of undeveloped land. That potential will also depend, very often, on delivery of suitable transport infrastructure and active travel connections along with amenities and services. The text in the latter half of the current NPPF paragraph 130 (“where there is an existing or anticipated shortage of land...”) was

clearer in relation to cases of high demand for housing, and helpfully would apply additional density requirements when there is not a five-year supply.

117) Do you agree policy L2 identifies appropriate typologies of development to support intensification? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

The principal inclusion is around “redeveloping under-utilised retail sites”. The risk for Durham city centre is that the demand for student accommodation has skewed the rate of return expected by property investors, and is militating against the survival of town-centre retail, leading to much useful retail provision migrating to car-dependent out-of-town shopping developments.

118) Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree.

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

There is a risk in height increase in heritage areas, which could be devastating. Even without this guidance, we have seen an ongoing trend to add storeys to city centre buildings when converting them for student accommodation use. The centre of Durham is particularly sensitive because of the impact of views of the World Heritage Site, but these views are being steadily eroded.

119) Do you agree policy L2 (d)(i) achieves its intent to enable appropriate development that may differ from the existing street scene, particularly in cases such as corner plot redevelopment and upwards extensions? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

Policy L2(1d.i) appears to achieve this intent, but the City of Durham Trust is concerned that this may weaken of Conservation Area and Listed Building protections. As well as the local street scene, the overall townscape is an important consideration. In Durham, for example, the appreciation of the World Heritage Site is enhanced by the long views across the hilly centre of the city, and taller buildings have generally intruded on the historic fabric of the city. The street corner exemption would be the most likely to cause issues, and should not be applied in heritage situations.

120) Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

The City of Durham Trust is concerned that the policy does not make clear whether Conservation Area status is to have an effect on decision making, and would very much support an explicit requirement to conform with Conservation Area policies. It is also unclear whether a driveway counts as developed land, or non-developed, when calculating the limits in L2(1d.iii).

121) Do you agree policy L3 provides clear guidance on achieving appropriate densities for residential and mixed-use schemes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

It is not clear how efficient use of land is to be judged in L3(1), especially how taking into account the various factors listed is to affect the overall design or density. It is hard to see how this policy can be applied sensibly without some kind of density requirements being set throughout the whole of local plan area.

Policy L3(1) says that the availability of sustainable transport options is one of the factors affecting the efficient use of land. Again, like policy L1, this seems to be back to front. We just should not be building developments in places where the lack of sustainable transport will rule out higher density typologies.

It should be made clearer in L3(2) how the density of an area is calculated, whether it is with respect to the whole area of the settlement, the developed area within the settlement, and whether the land to be developed is excluded from the calculation.

122) Do you agree with the minimum density requirements set out within policy L3?
Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
Partly agree.

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

The national minimum density requirements for areas close to railway stations are welcomed as a step in the right direction, but the NPPF still falls far short of delivering the housing densities which are required to make public transport viable. For example the RTPI 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. Increasing densities to this extent, moving much closer to continental European norms, will require a major change in housing type provision and greater involvement of architects and designers to move away from the major housebuilders' typical product.

A minimum density is essential to regulate the green belt development exceptions proposed for land around railway stations. Without an ambitious density requirement, GB7(1h) would almost certainly lead to low-density and ultimately car-dependent development which would significantly undermine the intent behind the exemption. Indeed, there is a case for making the minimum density requirement even higher for land exempted from green belt protection in order to minimise the encroachment, providing that this can be achieved without adversely affecting openness. There should be a clear link between applying a minimum density and applying maximum car parking rates compatible with sustainable transport, with an encouragement (albeit beyond the planning system) for on-street parking controls.

123) Do you agree that using dwellings per hectare is an appropriate metric for setting minimum density requirements? Additionally, is our definition of 'net developable area' within the NPPF suitable for this policy? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

Use of dwellings per hectare is an appropriate metric. A metric relating to bedrooms per hectare might be considered a closer fit for achieving housing needs, but in practice in County Durham we have a greater need for apartments and smaller houses than the market is currently willing to provide: most developer-led schemes include a high proportion of 4 and 5 bed houses, which do not address the main needs evidenced by the Strategic Housing Market Assessment. By adopting dwellings per hectare as the metric, there is therefore an incentive for developers to include a few apartment blocks or houses with fewer bedrooms within their developments.

The net developable area definition is mostly suitable. Including children's play areas within the calculation will have the effect of squeezing the space assigned to these. In larger developments, particularly those on greenfield sites, the placing of larger areas open space, which would not fall within the "incidental open space" of the definition, can have a crucial effect on whether the development is walkable. The transport policies will need to be relied on to ensure that open space does not reduce accessibility of amenities by active travel.

124) Do you agree with the proposed definition of a 'well-connected' station used to help set higher minimum density standards in targeted growth locations? In particular, are the parameters we're using for the number of Travel to Work Areas and service frequency appropriate for defining a 'well-connected' station? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
Partly agree.

a) Please provide your reasons and preferred alternatives.

As the 2021 census data is unrepresentative for commuting, the Travel to Work Areas are still based on 2011 census data, so the evidence is quite old. Moreover, just because a railway station is located within a top 60 Travel to Work Area does not mean that the railway services link to the key employment centres within the TTWA. For example, the Durham and Bishop Auckland TTWA covers most of County Durham, but the railway services from Bishop Auckland station lead to the Darlington TTWA, which happens also to be in the top 60, but it might not have been. Would it not be simpler if the threshold for higher density were simply based on the frequency of train services? After all, if the services are provided at higher frequency, there must be a demand? Or perhaps base it on the modal share captured by the rail services? Another issue locally is that, unlike stations in south-east England, service patterns on the East Coast Main Line prioritise long-distance connectivity, and the network and station provision is far from dense. This makes train travel impractical for many commuting journeys. This suggests that frequency of service and density of railway station provision may be a closer proxy for good connectivity.

125) Are there other types of location (such as urban core, or other types of public transport node) where minimum density standards should be set nationally? Yes/No
Yes.

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

A minimum density of 30dph, say, could be applied in the urban core, to land readily accessible by bus or other public transport services. The definition could be based on walking distance to public transport nodes. The acceptable distance would vary according to frequency of the services in line with Table 4 of "Buses in urban developments" CIHT (2018).

County Durham has a plan adopted in 2020, but the five-year housing supply was derailed by the significant change in government targets. This has led to housing developments coming forward on unallocated sites which are not ideally situated for access to amenities and where the developers propose housing densities closer to 20dph. To prevent this, there needs to be a much clearer and stronger steer on sustainable locations and minimum densities. The situation is not helped by the poor sustainable transport provision in the north-east. We must not build further car-dependent housing which will limit the economic prospects of the region.

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

No opinion offered.

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

No opinion offered.

128) Do you agree policy L4 provides clear high-level guidance on good design for residential extensions? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly agree.

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

This policy seems to be succinct and clear.

Chapter 13: Protecting Green Belt land

Plan-making policies

130) Do you agree that policy GB1 provides appropriate criteria for establishing new Green Belts? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

We are broadly in strong agreement but we flag up a potential weakening in the change of criterion (c) from “show what the consequences of the proposal would be for sustainable development;” to “that it would be compatible with long term growth ambitions for the relevant area.” This potential issue may however be allayed by the over-arching golden thread of sustainability that applies to the whole of the NPPF’s policies.

132) Do you agree policy GB2 gives sufficient detail on the expected roles spatial development strategies and local plans play in assessing Green belt land? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

We warmly welcome the retention of all five purposes and their precise wording. We further welcome the heading to the proposed new Chapter 13 stating “The objective of Green Belt policy, as set out in this chapter, is to prevent urban sprawl by keeping land permanently open. The government attaches great importance to Green Belts, the essential features of which are their openness and permanence.”

133) Do you agree with proposals to better enable development opportunities around suitable stations to be brought forward? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

Our reason for not strongly agreeing is concern that land might be released on the promise of a future railway station which then does not materialize. Accordingly, we would advise that the principle is supported but that the alteration to the Green Belt boundary releasing land for housing development should be qualified such that the housing or mixed-use development can only be approved after the new station has been built.

134) Do you agree the expectations set out in policy GB5 are appropriate and deliverable in Local Plans? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

We support all of the proposed measures for beneficial use of green belt land.

National decision-making policies

136) Do you agree policies GB6 and GB7 set out appropriate tests for considering development on Green Belt land? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree.

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

We partly disagree on two sub-clauses regarding “openness”. In GB7(1b) the requirement that the re-use of buildings must preserve the openness of the Green Belt and not conflict with the purposes of including land within it has been removed, saying it is “unduly restrictive.” And GB1 (f) replaces “preserve openness” with restrictions that ensure the impacts on openness is minimised. We regard openness as one of the fundamental and absolute tests of preserving Green Belts. Indeed, to quote the opening statement that we have already praised: “*The government attaches great importance to Green Belts, the essential features of which are their openness and permanence.*”

The definitive judgment on openness was delivered by the High Court ruling on January 16th 2017 by Mr Justice Supperstone in which he held that limited adverse impact on openness of the Green Belt was not a finding that there had been compliance with the policy that required openness to be preserved. If a proposal has an adverse impact on openness, the inevitable conclusion is that it does not comply with a policy that requires openness to be maintained.

In general, there are inconsistencies in the wording of the approach to openness in the proposed sub-clauses; we suggest that they should all be consistent with one another.

137) Do you agree policy GB7(1h) successfully targets appropriate development types and locations in the Green Belt, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*
Partly agree.

138) Please provide your reasons, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers.
We agree, but with the proviso that major releases of land from the Green Belt for housing and mixed-use development proposals must have a comprehensive masterplan which covers infrastructure, active travel, community facilities and all the other aspects of good practice set out in GB5.

Also, we note that GB7(1h) does not state, as GB7(1g) does, that all the criteria listed must apply. We believe that it should so state.

139) Do you agree that site-specific viability assessment should be permitted on development proposals subject to the Golden Rules in these three circumstances? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*
Neither agree nor disagree.

a) Please provide your reasons, particularly if you disagree.
We consider that the essential justification for lifting the restriction should be that there are commensurate benefits for the community.

140) With regards to previously developed land, are there further changes to policy or guidance that could be made to help ensure site-specific viability assessments are used only for genuinely previously developed land, and not predominantly greenfield sites?
No.

141) Do you agree with setting an affordable housing ‘floor’ for schemes subject to the Golden Rules accompanied by a viability assessment subject to the terms set out? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*
Neither agree nor disagree.

142) Please explain your answer, including your view on the appropriate approach to setting a ‘floor’, and the right level for this?
This is not an issue we have come across, but we would consider it right in principle. Having said that, we think the range of 10% to 15% that is offered is unambitious and we would prefer 30% to 50% if we are to lose Green Belt to housing.

143) Do you agree with local planning authorities testing viability at the plan-making stage using a standardised Benchmark Land Values scenario of 10 times Existing Use Value for greenfield, Green Belt land? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

a) Please explain your answer.

This is not an issue we have come across, but it seems right in principle.

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

No.

145) Do you agree that proposed changes to the grey belt definition will improve the operability of the grey belt definition, without undermining the general protections given to other footnote 7 areas? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agrees.

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

We think this is a logical tidying-up exercise.

Chapter 14: Achieving well-designed places

Plan-making policies

146) Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

DP1 offers sound and clear aspirations for developments plans. In combination with the draft Design and Placemaking Planning Practice Guidance it should help provide sufficient guidance to generate improvement in design. One area of concern for the City of Durham Trust is whether the professional team in the local authority have sufficient time and funding to input development plans in advance of developer interest and help generate the momentum to push for improved design. In turn it is not clear that developers in the north east have sufficient grasp of design potential to pursue betterment especially in volume house building. There will be substantial unease affecting developers about the financial profile of developments not being able to move away from standardised, countrywide house types and design.

147) Do you agree with the approach to design tools set out in policy DP2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

This is a generally sound policy. The authority wide design code for County Durham, although useful, by necessity had to be more generalised because of the large geographic area and removing this necessity in the future is not a loss. This would be providing that codes and masterplans are produced for major regeneration and development sites. The concern for the Trust is that DP2 1b) where the poor economic context of the north east could be used to justify weakening design expectations. It will prove very difficult to move volume house builders forward in relation to anything other than very standardised, uninspired layouts and designs. The introduction of monitoring is especially useful, but this will depend on

how it is achieved. It needs to reflect on the current poor quality of housing design.

National decision-making policies

148) Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

This is a potentially very useful policy for improving design quality. The tie-in with the Design and Placemaking Planning Practice Guidance is particularly strong. It is more weighted towards housing development, but the principles should be applicable to other development. Practice will confirm whether this is the case.

149) Do you agree with the proposed approach to using design review and other design processes in policy DP4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

The policy is very strong and if implemented fully should prove useful. The concern is with the cost and quality of design review that may weaken this in practice. There is good detail on design review in the Design and Placemaking Planning Practice Guidance and other guidance that may ensure this. However, as an example, that draft practice guidance states that 'Design review can be used for large and small-scale developments where the scale or impact justifies the investment'. The fear is that cost in the context of local authority financial difficulty will be an overriding constraint and the requirement will not be passed over to developers. The requirement that development should not be 'materially diminished between permission and completion' is very welcome.

Chapter 15: Promoting sustainable transport

Plan-making policies

150) Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through plan-making? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The City of Durham Trust is glad to see more emphasis throughout this chapter on "sustainable transport" where the current NPPF often merely mentions "transport". The requirement to identify and protect routes which will facilitate active travel in TR1(1d) is welcome. The Trust notes a measure of flexibility for planning authorities to set thresholds regarding the significance of movements generated by a development, which is potentially useful. For example, the physical constraints of Durham City and the poor air quality on arterial routes and in the historic core should justify greater weight being placed on sustainable transport, but this has not been applied in practice. There is the risk that local authorities act too cautiously and thereby enable the approval of unsustainable development which will ultimately harm the local economy unless there is some measure of oversight and calibration of these thresholds.

151) Do you agree that policy TR2 strikes an appropriate balance between supporting maximum parking standards where they can deliver planning benefits, and requiring a

degree of flexibility and consideration of business requirements in setting those standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

The City of Durham Trust is pleased to see that local parking standards should form part of a development plan, rather than being an optional add-on, and the requirement to align with the transport vision for the plan. This will ensure that they are examined thoroughly before adoption. The Inspector of the 2019 County Durham Plan stipulated principles to be applied to a subsequent Parking and Accessibility SPD, but these were not observed by the local authority, which adopted an SPD which is not supporting sustainable transport.

The current NPPF actively discourages the setting of maximum parking standards, but these are often beneficial, as detailed in TR2(2). On the whole the Trust considers that a good balance between business needs and setting parking standards has been struck. It is good to see car sharing and the opportunities for active travel mentioned in TR2(3) so that the setting of standards is holistic.

Where the framework could be improved is in the interaction of housing density and maximum parking standards with on-street parking controls. While the last is the remit of the Highway Authority rather than the Planning Authority, there is a clear interdependence. Without control of on-street parking, it is not possible to deliver the housing densities that are necessary to support active travel and public transport.

The national maximum residential parking limit of 1.5 spaces per dwelling, withdrawn in 2006, was unsuccessful partly because it was not linked to control of on-street parking. Since then local authorities have often over-provided for car parking, not helped by new estates being poorly served by public transport and active travel routes. In County Durham we currently have parking standards which, if applied to the current housing stock (as evidenced through 2021 census data), would mean that 47% of residential parking spaces would be unused.

While policy TR2 is a significant improvement on the current NPPF, more needs to be done in this area, including encouraging car clubs and other shared ownership models, and more mixed models of provision such as decoupling parking spaces from house ownership, so that more efficient use is made of land in a way which supports the national design guidance.

National decision-making policies

152) Do you agree with the changes proposed in policy TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The City of Durham Trust supports the changes proposed, not just in TR3(1a) but elsewhere in TR3. For example, the reference to optimising density and the relationship with active travel in TR3(1b) will help to ensure that we are building sustainable, rather than car-dependent, communities. The requirement to identify and mitigate environmental impacts and reduce air pollution is also an improvement. The wording regarding sustainable transport in rural areas in TR3(1d) is more positive than the current NPPF.

The Trust approves of the concept of the Connectivity Tool in principle, but notes that there are some limitations. For example, cycle connectivity appears to be purely on the basis of distance, and is not able to take into account the lack of cycle facilities on most major routes. It is not clear if the modelling of hills and the use of census data

used in the DfT's Propensity to Cycle Tool <https://pct.bike/> is also exploited in the Connectivity Tool. There is also a tension that the highest scoring areas around Durham City with potential for development are either green belt or valuable open space within the city. Nevertheless, the Connectivity Tool may provide a better basis for resisting highly unsustainable locations which have previously come forward.

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

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

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

The City of Durham Trust considers that policy TR4 represents a significant improvement on the current NPPF, beginning with the stipulation that “transport considerations should be integral to the design” of developments.

The examples of facilities to support the prioritisation of sustainable transport in TR4(1b) are very welcome, especially continuous footways, segregated cycle routes, and the provision of public seating and good quality waiting areas for public transport, most of which are very rarely offered in new developments locally. For the first time in the NPPF the travel needs of children are mentioned. Recent generations have suffered from public policy which has largely ignored children's independent travel, and this is undoubtedly contributing to inactivity, poor mental health and confidence. The NPPF could go further in promoting the needs of children.

The Trust welcomes the cross-reference to the proposed policy DP3 in TR4(1d), which will ensure that access by large delivery and emergency vehicles does not govern the design of streets. Residential streets are often designed for refuse collection vehicles rather than more vulnerable users like children.

The Trust acknowledges that the national design guidance will change from the National Design Guide and the National Model Design Code, but would like to see LTN 1/20, Cycle Infrastructure Design, added to the documents referenced by the footnote to TR4(2) because it considerably postdates Manual for Streets, and gives appropriate guidance for delivering the cycle facilities mentioned in TR4(1b).

154) Do you agree with policy TR5 as a basis for supporting the provision and retention of roadside facilities where there is an identified need? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree.

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

The City of Durham Trust considers that the wording of TR5(1a) is slightly loose, and could be exploited to justify the provision of roadside facilities such as drive-through food and drink outlets without other significant benefits. As currently worded the provision of a few electric vehicle charging points where there were previously none might be enough to allow a developer to argue that a proposal complies with TR5(1a) even if it meets no other need.

The proposed text of policy HC5 directs that hot food takeaway and fast-food outlets be refused near to schools, but there has been an increase in drive-through fast food provision along with the continuing use of cars for travel to and from school, and this, combined with inactivity, also has harmful health impacts. While it is important to maintain the viability of roadside fuelling and charging, along with rest facilities on long-distance journeys, the expansion of out of town roadside facilities close to settlements can divert users from town centre alternatives and should be resisted.

155) Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and travel plans will be required, and for considering impacts on the transport network? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The policy brings many improvements over the current paragraph 118 which did not set any expectation as to what a Travel Plan should deliver. There have been many examples locally around Durham of Travel Plans which contain ineffective measures, no fallback options, and where monitoring has not been carried out.

The City of Durham Trust would like to see planning policy and practice strengthened to ensure that Travel Plans are effectively delivered, and that the data from travel surveys are made available to the public and to local planning, highways and transport authorities. For example, the North East Combined Authority has been leading on a collaborative programme where local employers who carry out annual travel surveys have used a common survey interface, enabling information on start/end of journey and mode of transport to be aggregated across the region to inform transport planning. At a minimum, developers should be required to provide previous travel plan outcomes as part of any further planning applications on the same site.

Regarding Transport Assessments and Transport Statements, a formulaic approach has developed, where transport consultants review walking, cycling and public transport accessibility by the catchment area and without any regard to the quality of routes. The Trust would like to see, either through the NPPF or through associated ministerial direction, a definite requirement for objective assessment of route quality, using measures such as the LTN 1/20 quality of service and junction assessment tools, or ATE route assessment.

Even if such direction were made, there is currently little incentive for a transport consultant to highlight any deficiencies in accessibility, and the Trust considers that the public might be better served if such work could be funded through planning fees and delivered by experts commissioned by, or working for, local authorities or bodies such as Active Travel England.

The Trust very much welcomes the new wording in TR6(3), replacing the current paragraph 116. Paragraph 116 and its predecessors was quoted by developers frequently to argue against refusal of applications which had a less than severe impact on the highway network, but which also failed to deliver any improvements for sustainable transport, ignoring the requirements of the other paragraphs in the section. The new positive framing of the test ensures that the policy works together with the rest of the transport policies, rather than setting it in opposition.

156) Do you agree the proposed text in policy TR7 provide an effective basis for assessing proposals for marine ports, airports and general aviation facilities? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

The Trust has not had to be concerned with such proposals, but the requirement to consider the environmental effect and the encouragement of the transition to low and zero carbon fuels is welcome. Access to marine ports and aviation facilities by sustainable transport, both for people and freight, is often in need of improvement.

157) Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

In a city like Durham, the public right of way network is extensive, and contributes to the walkability of the city. This policy makes it clear that public rights of way are not just for access to green spaces and for leisure use. The requirement to consider expansion of the PROW network is extremely welcome. Sadly some housing developments only allow access via vehicular routes and do not connect to neighbouring developments. This policy, in conjunction with TR4(1a) should reinforce

the expectation that the PROW network will develop to support active travel as well as access to services and public transport.

Chapter 16: Promoting healthy communities

Plan-making policies

158) Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*
Strongly agree.

a) Please provide your reasons, particularly if you disagree.
The expectation that development plans should set local standards is most welcome.

159) Do you agree that Local Green Space should be 'close' to the community it serves? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

a) Please provide your reasons, particularly if you disagree.
The change from "reasonably close" to "close" helps to ensure that the local green spaces are genuinely local.

Decision-making policies

160) Do you agree that the proposed policies at HC3 and HC4 will support the provision of community facilities and public service infrastructure serving new development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

a) Please provide your reasons, particularly if you disagree.
Gives greater emphasis to the importance of community facilities.

161) Do you have any views on whether further clarity is required to improve the application of this policy, including the term 'fast food outlets', and the types of uses to which it applies?

Further clarity is desirable as 'fast-food outlets' is a shadow term for what is meant as "unhealthy-food outlets". Also, "reasonable distance" is too vague but a set national distance would be inappropriate; instead, NPPF should say that plan-makers should specify a suitable distance in their local plans.

162) Do you agree with the proposed approach to retaining key community facilities and public service infrastructure in policy HC6? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

a) Please provide your reasons, particularly if you disagree.
This new policy captures a significant and widespread concern.

163) Do you agree with the approach taken to recreational facilities in policy HC7, including the addition of 'and/or' with reference to quantity and quality of replacement provision? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

a) Please provide your reasons, particularly if you disagree.
Generally agree but regret that the replacement facilities would no longer have to be equivalent or better in both quality and quantity.

164) Do you agree with the clarification that Local Green Space should not fall into areas regarded as grey belt or where Green Belt policy on previously developed land apply? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

It is good to have the clarity that Local Green Space is exempted from the exceptions to Green Belt policy which relate to grey belt and previously-developed land. The explanatory note is helpful in pointing out that such land would not qualify as Local Green Space in the first place. However, given the stringent tests in policy HC2 regarding designation of Local Green Space, the Trust believes that policy HC8 should also exempt Local Green Space from the possibility of development under policy GB7(1h) if it is within reasonable walking distance of a railway station.

Chapter 17: Pollution, Public Protection and Security

Plan-making policy

165) Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

Decision-making policies

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

167) Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

168) Do you agree policy P4 makes sufficiently clear how decision-makers should apply the agent of change principle? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree.

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

Clause 1: "unreasonable restrictions" - unreasonable is open to wide interpretation. Why should any restrictions be placed on existing development by new development? Delete "unreasonable". It is up to the new development to be designed so that it does not restrict existing development.

Clause 1: include farming, horticulture, food production; operation of electronic communications networks

Clause 2: "significant adverse effect " - this tips far too strongly to benefit the new development. Delete significant. Mitigation should remove the restrictions not just reduce them.

There is no clause 3.

Clause 4: "and includes situations where new development may interfere with the operation of electronic communications networks." - unnecessary to pick this one example out: delete this phrase. When interpreting/implementing a policy the NPPF

must be taken into account in its entirety. It could be included in the examples given in Clause 1.

169) Do you agree policy P5 provides sufficient basis for addressing possible malicious threats and other hazards when considering development proposals? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*
Strongly agree.

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

170) Do you agree that substantial weight should be given to the benefits of development for defence and public protection purposes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*
Partly agree.

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

It is not clear what the sites etc for public safety in Clause 1 comprise. All developments, dependent on their design, will affect public safety (positively or negatively). This is dealt with under P5. Does it mean police stations? hospitals? health centres?

Chapter 18: Managing Flood Risk and Coastal Change

171) Do you agree with the proposed changes set out in policy F3 to improve how Coastal Change Management Areas are identified and taken into account in development plans? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

172) Do you agree with the proposed clarifications to the sequential test set out in policy F5? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

The clarifications are welcome.

173) Do you agree with the proposed approach to the exception test set out in policy F6? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

a) Please provide your reasons, particularly if you disagree

The clarifications are welcome.

174) Do you agree with the proposed requirement in policy F8 for sustainable drainage systems to be designed in accordance with the National Standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

This is eminently sensible.

175) Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

176) Do you agree with the proposed changes to policy for managing development in areas affected by coastal change? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

177) The National Coastal Erosion Risk Map sets out where areas may be vulnerable to coastal change based on different scenarios. Do you have views on how these scenarios should be applied to ensure a proportionate approach in applying this policy?

178) Do you agree with the proposed new additions to Table 2: Flood Risk Vulnerability Classifications? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Chapter 19: Conserving and enhancing the natural environment

Plan-making policies

179) Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

The phrase "and other relevant evidence at the most appropriate level" needs to link to where is it listed in the NPPF, what this relevant evidence at Local Plan and Neighbourhood Plan level is, and what the mechanisms are to produce/document it, e.g. OSNAs (Open Space Needs Assessment), non-designated heritage asset assessments, conservation area appraisal and management plan.

1a: This hierarchy must include local designations such as Local Nature Reserves, Local Green Spaces (under Neighbourhood Plans), and non-designated heritage sites where green aspects are a major component, etc to ensure that locally-important sites are protected not just nationally-important sites.

180) In what circumstances would it be reasonable to seek more than 10% biodiversity net gain on sites being allocated in the development plan, especially where this could support meeting biodiversity net gain obligations on other neighbouring sites in a particular area?

National decision-making policies

181) Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

We disagree with part of Footnote 69 - "Decision makers should not give weight to other development plan policies which require biodiversity gains which go beyond the statutory framework, including for development proposals which are exempt."

Other than site-specific enhancements which are allowed, there could be local evidence-based needs-specific enhancements. These should also be allowed and given weight.

Policy N3. Doesn't seem to be any questions for this section but would strongly agree.

182) Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Partly agree.

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

Paragraph 1: Protected landscapes must include local designations such as Areas of Higher Landscape Value, Local Nature Reserves, Local Green Spaces (under Neighbourhood Plans), and non-designated heritage assets where green aspects are a major component, etc to ensure that locally-important sites are protected not just nationally-important sites.

183) Do you agree policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the planning system? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Ignore.

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

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

Environmental Delivery Plans, proposed via the Planning and Infrastructure Bill, are controversial with many concerns that they give too much licence to developers to ignore local environmental protection and mitigation, and will cause extreme damage to our local habitats and green infrastructure. The BNG initiative exists and is still being rolled out and tested. There is the role of Local Nature Recovery Strategies to direct BNG contributions to needed areas. Until the outcome of BNG is clear, Environmental Delivery Plans are unnecessary.

Chapter 20: Conserving and enhancing the historic environment

Plan-making policies

185) Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

a) Please provide your reasons.

This will strengthen the protections for the most important assets.

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

187) Do you agree with the approach to plan-making for the historic environment, including the specific requirements for World Heritage Sites and Conservation Areas, set out in policies H1 – H3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

There are useful additions: that plan-making should be supported by a local list to identify non-designated heritage assets that are important to the local community; and that Conservation Areas should be reviewed periodically.

We suggest strengthening HE2 so that World Heritage Sites and Conservation Areas are given separate paragraphs to cover the different specific issues. This distinction is recognised later in HE8 and HE9.

National decision-making policies

188) Do you agree with the approach to assessing the effects of development on heritage assets set out in policy H5? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

This more systematic approach is very welcome. It could, however, be strengthened: substantial harm is defined in this policy but there is no guidance in assessing lesser degrees of harm.

189) Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

Support is welcome for changes that bring underused buildings back into use or improve energy efficiency. However, although this paragraph is intended to clarify the decision-making process for proposals affecting designated heritage assets, it is very technical, so much so that it needs a footnote to clarify them. This needs simplifying.

190) Do you agree with the new policies in relation to world heritage, conservation areas and archaeological assets in policies HE8 – HE10? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

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

We welcome the separate treatment of World Heritage Sites (HE8) and Conservation Areas (HE9).

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

We welcome the very positive note in the introduction to this chapter: "The government is committed to the conservation and enhancement of the historic environment which is an irreplaceable resource."

Further questions

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

Strongly agree.

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

Helpful clarity.

193) Do you have any further thoughts on the policies outlined in this consultation? **Pleased and relieved that so much of the 'planning-bashing' and disinformation has been resisted and indeed in many cases the NPPF as proposed gives greater protection and improvement for heritage, the environment, and communities.**

194) Do you agree with the list of Written Ministerial Statements set out in Annex A to the draft Framework whose planning content would be superseded by the policies

proposed in this consultation? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

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

Appears to be a worthwhile tidying-up exercise.

Annex A - Data Centres and onsite energy generation

195) Do you consider the planning regime, including reforms being delivered through the Planning and Infrastructure Act, provide sufficient flexibility for energy generation projects co-located with data centres to be consented under either the NSIP or TCPA regime? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

a) Please give reasons.

This is a complex and controversial matter, with data centres consuming most of the energy needs of a whole town. Fast-track procedures may be justifiable but are at the expense of in-depth public scrutiny.

196) Would raising the Planning Act 2008 energy generation thresholds for renewable projects that are co-located with data centres in England (for the reason outlined above) be beneficial? *Yes/No*

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

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

198) Do you think the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for other use types of projects should be increased, or should this be limited to projects co-located with data centres? *Yes/No*

a) Please provide your reasons.

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

Annex B - Viability: Standardised inputs in viability assessment

200) Would you support the use of growth testing for strategic, multi-phase schemes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

201) Would you support the optional use of growth testing for regeneration schemes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

a) Please explain your answer.

202) Do you agree greater specificity, including single figures, which local planning authorities could choose to diverge from where there is evidence for doing so, would improve speed and certainty? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

a) Please explain your answer. If you agree, the government welcomes views on the appropriate figure – for example, whether 17.5% would be an appropriate reflection of the industry standard for most market-led development.

203) Are there any site types, tenures, or development models to which alternative, lower figures to 15-20% of Gross Development Value might reasonably apply?

a) Please explain your answer. The government is particularly interested in views on whether clarifying an appropriate profit of 6% on Gross Development Value for affordable housing tenures would make viability assessments more transparent and speed up decision-making.

204) Are there further ways the government can bring greater specificity and certainty over profit expectations across landowners, site promoters and developers such that the system provides for the level of profit necessary for development to proceed, reducing the need for subjective expectations?

a) Please explain your answer.

205) Existing Viability Planning Practice Guidance refers to developer return in terms a percentage of gross development value. In what ways might the continued use of gross development value be usefully standardised?

206) Do you agree there circumstances in which metrics other than profit on gross development value would support more or faster housing delivery, or help to maximise compliance with plan policy? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

a) Please explain your answer.

207) Are there types of development on which metrics other than profit on gross development value should be routinely accepted as a measure of return e.g. strategic sites large multi-phased schemes, or build to rent schemes?

a) Please explain your answer.

208) Do you agree that guidance should be updated to reflect the fact a premium may not be required in all circumstances? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

a) In what circumstances might a premium, or the usual premium, not be required?

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

209) Do you agree that extant consents should not be assumed to be sufficient proof of alternative use value, unless other provisions relating to set out in plans are met? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

a) Please explain your answer.

210) If extant consents were not to be assumed as sufficient proof of alternative use value, should this be at the discretion of the decision-maker, or should another metric (e.g. period of time since consent granted) be used? *Decision maker discretion / Another metric / Neither*

a) If another metric, please set out your preferred approach and rationale.

211) What further steps should the government take to ensure non-policy compliant schemes are not used to inform the determination of benchmark land values in the viability assessments that underpin plan-making?

212) Do you agree that the residual land value of the development proposal should be cross-checked with the residual land values of comparable schemes; to help set the viability assessment in context. *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

a) Please explain your answer.

Annex C - Reforming Site Thresholds

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

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

214) Do you agree that a unit threshold of between 10 and 49 units is appropriate? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

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

216) If so, please explain your answer and provide views on potential mitigations. ODD

217) Do you have any views on whether the current small development exemption should be extended to cover a wider range of sites – indicatively to sites of fewer than 50 dwellings, or fewer than 120 bedspaces in purpose-built student accommodation?

a) Please provide your reasons.

218) If the exemption were to be extended, do you have any views on whether the development of 120 purpose-built student accommodation bedspaces is an appropriate equivalent to a development of 50 dwellings for the purposes of the levy exemption?

a) Please provide your reasons.

219) If the exemption were to be extended, do you have any views on whether the exemption should be based solely on the existing metrics (dwellings/bedspaces) or whether there should also be an area threshold.

220) If you do have views on possible changes to the small developments levy exemption, please specify the potential impact of the possible change of the levy exemption on people with protected characteristics as defined in section 149 of the Equality Act 2010.

221) What do you consider to be the potential economic, competitive, and behavioural impacts of possible changes to the levy exemption? Please provide any evidence or examples to support your response.

222) Do you agree with the proposal to extend the Permission in Principle application route to medium development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

223) Do you have views about whether there should be changes to the regulatory procedures for these applications, including whether there should be a requirement for a short planning statement?

Public Sector Equality Duty

224) Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic?

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

225) Is there anything that could be done to mitigate any impact identified?
