Dear Sir/Madam,

Levelling-Up and Regeneration Bill: Reforms to National Planning Policy

Thank you for your invitation to make a representation on the Government's consultation on the National Planning Policy Framework (NPPF) that has been open for consultation between 22 December 2022 and 2 March 2023.

This consultation seeks views on the government's proposed approach to updating the National Planning Policy Framework (NPPF). The consultation also seeks views on the proposed approach to preparing National Development Management Policies and how the government might develop policies to support levelling up. It is recognised that a fuller review of the NPPF will be required in due course and that its content will depend on the implementation of the government's proposals for wider changes to the planning system, including the Levelling-up and Regeneration Bill.

This response refers to questions that have been posed within the current consultation and is the Council's formal response to the proposed national changes to the planning system.

Chapter 3 – Providing certainty through local and neighbourhood plans

Question 1: Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) for as long as the housing requirement set out in its strategic policies is less than 5 years old?

Wealden District Council (WDC) adopted its Core Strategy Local Plan in February 2013 and under Policy WCS1 (Provision of Homes and Jobs 2006-2027), the Council anticipated that it would deliver 9,440 dwellings over the period 2006-2027, which equates to 450 dwellings per annum (dpa). Since then, WDC has seen its local housing needs figure rise substantially over the 10-year period to 1,212 dpa (or 24,240 new homes over a 20-year period) at present, which is over 2 ½ times the number of new homes it was expected to deliver each year in its recently adopted statutory development plan document. Now that this most recently adopted plan is more than five years hold, this has led to WDC being unable to substantiate a 5-year housing land supply position in recent years. It is unlikely under the current system to do so without the adoption of a new Local Plan and the allocation of housing land, due to the large disparity between the adopted housing requirement and current local housing needs through the standard methodology.

WDC agrees with the government that local planning authorities with an up-to-date Local Plan (i.e. under five years old) should not have to continually demonstrate a deliverable 5-year housing land supply position for as long as the housing requirement set out in its strategic policies is less than 5 years old. This will provide local planning authorities a significant incentive to produce and adopt their Local Plan, as they would be in good position to defend against speculative housing development in their area where there are good reasons for doing so. This will reinforce paragraph 15 of the NPPF that states *'the planning system should be genuinely plan-led'*, as it should be expected that new Local Plans, which take considerable time and effort to produce, should not be undermined a year or so later by the granting of planning permission for speculative housing development outside of the recent Local Plan process.

However, it is noted within paragraph 75 of the draft NPPF (December, 2022) that local planning authorities with adopted Local Plans (over 5 years old) should continue to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need. This represents no change for those local planning authorities without an up-to-date Local Plan, albeit there are other proposed changes within this consultation to the 5-year housing land supply process that may positively impact these local planning authorities.

Since the introduction of the 'standard method' for calculating local housing needs, which has greatly increased housing need within Wealden District, the Council has been unable to meet it's 5-year housing land supply position and this is unlikely to be met without the adoption of a new Local Plan (the Council is making progress on producing their new Local Plan). It is therefore questioned as to whether the continuation of the 5-year housing supply calculation for those local authorities is helpful, given that the Housing Delivery Test (HDT) is also in place and monitors housing completions in those districts. It is also considered advantageous for the sake of simplicity that only one process should be used to monitor local planning authorities housing delivery rates and it is considered that the HDT measurement is the simplest way to achieve this, combined with a permissions-based test as described later within the consultation.

Question 2: Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

Currently, the NPPF (July, 2021) under paragraph 74 confirms that local planning authorities should identify and update a minimum of 5 years' worth of housing against its housing requirement. It notes that this supply of specific deliverable sites should in addition include a buffer of:

a. 5% to ensure choice and competition in the market for land; or
b. 10% where the local planning authority wishes to demonstrate a 5-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
c. 20% where there has been significant under delivery of housing over the previous 3 years, to improve the prospect of achieving the planned supply.

The proposal by the government is to remove all buffers from paragraph 74 of the NPPF and therefore each local planning authority would only be required to demonstrate 5 years' worth of housing against its housing requirement, rather than being required to go over and above this. WDC supports the government in this approach, as it is considered that buffers (and applying the appropriate buffers) is overly complex, and moreover, that adding a further years' worth of housing to the 'local housing needs' calculation (in the case of a 20% buffer) is penalising those local planning authorities that are already struggling to meet their local housing needs calculation under the 'standard method' particularly. For some local planning authorities, the local housing needs calculation may actually be unachievable in their forthcoming Local Plan process (owing to physical or environmental constraints or tightly drawn administrative boundaries for example) and therefore not realistic or practical in the first place to be considered in a 5-year housing land supply calculation.

The addition of a further buffer to the 5-year housing land supply calculation only exacerbates this issue.

WDC does not consider that the application of a housing supply buffer is likely to improve the prospect of achieving planned supply and in some cases, as discussed above, this is not realistic or practical in any case. As is highlighted by government research referred to in this consultation, WDC also considers that local planning authorities with up-to-date local plans are more likely to deliver new homes and the application of buffers to the 5-year housing land supply position may hinder this process and deliver poorer quality housing development as a result.

Question 3: Should an oversupply of homes early in a plan period to be taken into consideration when calculating a 5YHLS later on, or is there an alternative approach that is preferable?

Within the current planning system, paragraph 31 of the housing supply and delivery section of the PPG confirms that for those local planning authorities utilising the 'standard method' for assessing local housing need, that Step 2 of the 'standard method' factors in past under-delivery as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure. Where Local Plans have been recently adopted, the local planning authority can account for under delivery against its adopted housing requirement, starting at the base date of their local plan.

Paragraph 32 of the housing supply and delivery section of the PPG confirms that where areas deliver more completions than required, the additional supply can be used to offset any shortfalls against requirements from previous years, but this does not go further and specifically deal with the oversupply of new dwellings. The government is proposing to amend paragraph 75 of the revised NPPF (December 2022) to confirm that local planning authorities can, when calculating their five-year housing land supply position, consider both the undersupply and oversupply of new homes.

The government is seeking to implement these changes to ensure that local planning authorities are not penalised when they adopt a local plan and then go on to overdeliver against their housing requirement in the early part of the plan period. In the current planning system, the oversupply of new homes in the early stages of the plan period cannot be formally considered in the 5-year housing land supply position. Therefore, in the latter stages of a plan period, it is possible for a local planning authority to not be able to demonstrate a five-year housing land supply position, even though they have delivered in excess of their overall housing requirement in previous years. As a result, the presumption in favour of sustainable development (paragraph 11 of the NPPF) would apply and this could result in inappropriate development being brought forward within a local authority area that is meeting the overall housing requirement of its adopted local plan. The amendments to the revised NPPF (December 2022) successfully this potential issue although there will be some debate as to how this guidance should be revised (see Question 4 below).

WDC supports the amendments to paragraph 75 of the revised NPPF (December, 2022) that confirms that the oversupply of new homes against a local authority's

housing requirement can be taken into consideration when calculating a Council's 5-year housing land supply position.

Question 4: What should any planning guidance dealing with oversupply and undersupply say?

As noted above, for those local planning authorities who calculate their 5-year housing land supply position based on the 'standard method' to calculate local housing needs, Step 2 of the 'standard method' factors in past under-delivery of new homes as part of the affordability ratio, so there is no requirement to specifically address past under-delivery separately when establishing the minimum annual local housing need figure. WDC is supportive of how the undersupply of new homes is currently considered within the 'standard method' calculation and we do not consider that this requires revision as part of any national planning changes. However, as stated above, WDC supports the amendments to paragraph 75 of the revised NPPF (December, 2022) that confirms that the oversupply of new homes against a local authority's housing requirement can be taken into consideration when calculating the Council's five-year housing land supply position.

It is noted that paragraph 31 of the housing supply and delivery section of the PPG confirms that where local plans have recently been adopted, the local planning authority can utilise the Sedgefield method to account for under-delivery against its housing requirement, starting at the base date of their adopted local plan. This approach can also be considered for the oversupply of new dwellings and would mean that a 5-year housing land supply position can be adjusted to account for the new homes delivered since the start of a plan period and would reduce the 5-year housing requirement moving forward. WDC would support the government if it were to apply the oversupply of new homes within the 5-year housing supply and to make this clear within PPG.

However, given the other proposed changes to the 5-year housing land supply calculation and particularly the proposal to not require local planning authorities with a recently adopted local plan (five years old or less) to demonstrate a 5-year housing land supply position, it is considered that there would only be relatively rare cases where this measure will take effect, particularly given the current requirement to review a local plan every five years.

Question 5: Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

WDC currently has three 'made' neighbourhood plans and eight other parishes and towns with designated neighbourhood plan areas working towards producing a neighbourhood plan. Our Town and Parish Councils, as well as local communities have valuable knowledge about the planning issues in their areas and neighbourhood planning can be a powerful tool to harness and engage communities in the planning process.

As stated in this consultation, where a neighbourhood plan is in force, the decision-maker on planning applications involving the provision of housing has to consider paragraph 14 of the existing NPPF (July, 2021). This states that where the presumption in favour of sustainable development applies (paragraph 11d of the

NPPF) to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that four criteria are met. In the existing NPPF (July, 2021), criteria a) states that a neighbourhood plan needs to become part of the development plan two years or less before the date on which the decision is made. The new consultation version of the NPPF (December, 2022) proposes changing criteria a) to state five years or less. The Council recognises the amount of time and effort that goes into producing a neighbourhood plan, both from local communities' perspective and also the efforts of the local planning authority, and we therefore support this change, which will provide protection from speculative housing development for a longer period of time.

The consultation also proposes to remove criteria c) and d) from paragraph 14 of the NPPF (July, 2021), which relates to the local planning authority having at least a three-year supply of deliverable housing sites and housing delivery being at least 45% of that required over the previous three years calculated via the latest Housing Delivery Test (HDT) measurement. This would remove two issues that are outside of a neighbourhood planning groups' control and would be a logical step towards boosting the strength of neighbourhood plans and incentivising those communities to undertake a neighbourhood plan in their area, even where there are wider issues associated with housing delivery at the district/borough/city level.

This means that criteria a) (as described above) and criteria b), which states that the neighbourhood plan should contain policies and allocations to meet its identified housing requirement, are the only proposed prerequisites for paragraph 14 of the NPPF to be applied. WDC agrees with this approach, which will provide neighbourhood planning groups a greater incentive to allocate housing land within their neighbourhood plans. Currently, very few of our neighbourhood planning groups who are preparing neighbourhood plans in Wealden District are looking to allocate housing sites, perhaps in part because of a perceived negative reaction from parishioners at the referendum stage if they do so, but also because of the amount of work involved in assessing and allocating sites for only two years of protection from further speculative housing development. WDC agrees that the proposed changes to paragraph 14 of the NPPF will give a boost to the status of neighbourhood plans and may mean that more neighbourhood planning groups choose to allocate housing sites and take a positive approach to new housing development given the incentives on offer.

Chapter 4 – Planning for Housing

Question 6: Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

This specifically relates to small changes to paragraphs 1 and 7 of the NPPF (December, 2022). This highlights that ensuring enough land is allocated to provide the right homes in the right places that our communities need, alongside other economic, social and environmental needs, is a central task of planning. It also notes that preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.

WDC agrees that the NPPF should provide a framework within which locally prepared plans can provide for sufficient housing and other development in a sustainable manner and that preparing up-to-date plans should be seen as a priority in meeting this objective. WDC has no immediate concerns with the proposed changes to paragraphs 1 and 7 of the revised NPPF (December, 2022) and the emphasis added. Notwithstanding that, the NPPF should also be clear that there may be constraints (be it environmental, infrastructure or otherwise) that can restrict ambitious levels of housing growth within particular local planning authority areas. This approach is already incorporated within paragraph 11b of the NPPF and should therefore be considered as part of these changes.

Question 7: What are your views on the implications these changes may have on plan-making and housing supply?

WDC notes that the 'standard method' for assessing local housing need was introduced in 2018 and that the government wishes to retain this feature as part of the planning system to have as a clear starting point for the plan-making process and WDC recognises that the government is not proposing to make any changes to the 'standard method' formula itself through this consultation process. It is noted that the government will review the implications on the standard method of new household projections data that is based on the 2021 Census, which is due to be published in 2024.

It is considered that any approach to setting a housing requirement figure for Wealden must strike the right balance between protecting the environment and delivering important social and economic objectives. Wealden is a highly constrained district, and these constraints are likely to have an impact on the scale and distribution of future development in the district. The High Weald Area of Outstanding Natural Beauty (AONB) takes up 53% of the district (predominantly in the north) and the Ashdown Forest and Pevensey Levels are both internationally protected sites, where development is rightly restricted to protect important habitats and rare species. There are numerous other important Sites of Special Scientific Interest (SSSI), Local Nature Reserves and Ancient Woodland that constrains future development. On the other hand, much like the rest of the Southeast England, Wealden is in an area with high housing need, with worsening housing affordability and there are real social and economic consequences if these issues are not addressed.

The weight we attach to these factors is perhaps one of the most important decisions for the Local Plan and attracts the highest level of public interest. In terms of the inputs into the 'standard method' formula, WDC is concerned that the household projection forecasts more recently published (i.e. the 2016 household projections and 2018 household projections) have not been used for the 'standard method' formula to date, even though these contain the most up-to-date household projection forecasts. At present, the 2014 household projections are over nine years old and do not necessarily reflect the current position on household demographics, particularly given the intervening national events that impact household formulation that includes Brexit, the Covid-19 pandemic and the more recent inflationary economic conditions. Although WDC supports an update on the inputs used for the 'standard method' calculation in 2024, it is considered that changes to this input could be made now and would bring the 'standard method' formula up to date.

In terms of the 'standard method' formula itself, the distribution of housing development in the future is an issue of national importance and there is concern that the current 'standard method' formula will continue to increase housing numbers predominantly in the South (where worsening affordability is an issue) and this does not address wider strategic goals such as investment in the North of England as set out in the government's 'Levelling Up' agenda.

In terms of the changes to the 5-year housing land supply process, as discussed in questions 1 and 2 of this response, WDC supports the proposed measures which means that local planning authorities with up-to-date Local Plans (i.e. those local planning authorities that have adopted Local Plans under 5 years old) should not have to demonstrate 5-year housing land supply position and the removal of the housing land supply buffers (i.e. 5%, 10% and 20%) for all local planning authorities. It is considered that such measures will help support the government in in terms of creating a planning system that is genuinely plan-led (as supported in paragraph 15 of the NPPF) and will incentivise local planning authorities to produce Local Plans and support growth within their local authority areas.

Nonetheless, WDC believes that the government can go further and actually remove the 5-year housing land supply calculation for all local planning authorities (even where an up-to-date local plan is not in place) and instead rely upon the HDT measurement to determine whether the 'presumption in favour of sustainable development' should apply for planning applications involving the provision of housing. It is considered that the application of both measures (i.e. the HDT measurement and the 5-year housing land supply mechanism) has and will continue to create confusion for the wider public, particularly where local planning authorities 'pass' one measurement, but 'fails' the other.

WDC supports the proposed measures for the operation of the HDT. The current HDT measurement confirms that local planning authorities where housing delivery rates fall short of 75% of their housing requirement over a three-year period will be subject to the 'presumption in favour of sustainable development' as described paragraph 11 of the NPPF. However, the NPPF consultation proposes an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement. It is considered that this proposed change will also support a plan-led system, by preventing local planning authorities who are granting sufficient permissions for new homes from being exposed to speculative housing development, which WDC agrees, can undermine community trust in the production of local plans and determining planning applications.

<u>Question 8: Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?</u>

The current NPPF (July, 2021) at paragraph 61 states the following with respect to determining the local housing need for a local planning authority:

'to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method

in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals'.

There is some limited further guidance within the PPG on when an alternative approach to the 'standard method' may be acceptable, but this does not provide specific examples of circumstances where this may be appropriate. The proposed changes to paragraph 61 of the NPPF (December, 2022) highlights that there may be exceptional circumstances relating to particular characteristics of an authority which justify an alternative approach to assessing local housing need, but it is clear that the onus is on the local planning authority to prove this through the examination process of the Local Plan.

Given the above, it is agreed that both the NPPF and specifically planning policy guidance should be clearer on what may constitute exceptional circumstances for the use of an alternative approach to the 'standard method'. The consultation on the NPPF refers to two specific examples that includes islands with a high percentage of elderly residents, or university towns with an above-average proportion of students, which both appear to be good examples of where the demographic make-up of the local authority would constitute 'exceptional circumstances' for not using the 'standard method'.

It is noted that Wealden District, as of 2019, does have a significant proportion of older residents of 65+ that equates to 26.1% of the overall population, which compares to 19.5% regionally and 18.4% nationally. This is only expected to increase, with the Council's latest Local Housing Needs Assessment (LHNA) suggesting that the total number of people aged 65 and over is projected to increase by 56% over 20-year period (2019-2039). There will equally be areas of the country where the age demographic is far younger than in Wealden District. WDC believes that there is merit in considering this issue more generally in terms of determining local housing need, particularly at the various ends of this spectrum, and whether there are cases where an 'alternative approach' to the 'standard method' should be pursued.

Lastly, there is a specific issue for local authorities that overlap with National Parks that has not been discussed within this consultation. Wealden District, like many local planning authorities in East Sussex, West Sussex and Hampshire incorporates a part of the South Downs National Park (SDNP) that is not subject to the 'standard method' calculation. It is noted that the South Downs National Park has its own adopted Local Plan[1] with a housing target for the whole area that is rightly not subject to the 'standard method' formula due to its national landscape constraints. However, the 'standard method' for calculating local housing needs for all those other local authorities (including WDC) still incorporates part of the SDNP and in effect, has to consider this within their respective 'standard method' calculation. At this stage, there has been no formal process proposed by the government for the disaggregation of this housing need and although this is limited in Wealden's case, guidance and clarity from government on this issue would be supported.

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[1] South Downs National Park Local Plan 2014-2033

Question 9: Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

Through this consultation, the government is proposing to make three changes to the NPPF that will set out how local planning authorities would need to consider density, the release of green belt land and past over-delivery of housing (in adopted Local Plans) when determining whether a new local plan is able to meet the entirety of its local housing need requirement.

Firstly, paragraph 11b) ii of the revised NPPF (December, 2022) confirms that local planning authorities are able to justify a lower housing requirement for a local plan (than the 'standard method' calculation) where densities would be significantly out of character with the existing area. To achieve this lower housing number, a local planning authority must successfully demonstrate that the only way to achieve its local housing requirement is to build at a density that is out of character with and would have an adverse impact on the existing area. Footnote 8 is proposed to be inserted into the NPPF (December, 2022) to confirm that adopted design codes or guides must be taken into consideration as part of this process.

WDC is generally supportive of the government's proposed changes to paragraph 11b) ii of the revised NPPF (December 2022). As a predominantly rural authority, Wealden contains many distinct settlements, each with their own individual-built form and architectural identity. Therefore, Wealden agrees that when planning for growth, it is important to consider the distinctive characters of existing settlements in order to help achieve well-designed places. However, it is also important in the context of urban areas specifically, where higher housing densities are expected to be achieved (chapter 11 of the NPPF) that this alteration to paragraph 11b) ii of the NPPF does not contradict the support shown elsewhere in the revised NPPF (December, 2022) for the delivery of new homes, at higher densities, in these urban areas. In this respect, the government should consider planning guidance on this matter and providing specific guidance as to what evidence will be required for a local planning authority to demonstrate successfully at examination that a lower housing figure is appropriate.

Paragraph 11b) iii of the revised NPPF (December, 2022) is also proposed to be amended to confirm that local planning authorities can take account of past over-delivery, in terms of the number of new homes permitted, compared to the housing requirement in the existing plan, in which case the over-delivery may be deducted from the provision required in the new Local Plan. The consultation document confirms that this proposal is separate to the proposals regarding the consideration of over-supply within the 5-year housing land supply calculation.

WDC is broadly supportive of the government's proposed changes to paragraph 11b) iii of the revised NPPF (December 2022) in relation to the past over-delivery, in terms of the number of homes permitted, compared to the housing requirement in the existing plan.

The last local plan adopted by WDC which included a housing requirement was the Wealden District Core Strategy Local Plan in 2013, which provided an annual housing requirement of 450 dpa. As this local plan is not up-to-date, the district's annual

housing requirement is calculated via the 'standard method', which identified a need of 1,212 dpa. Therefore, if WDC were to use the Wealden District Core Strategy Local Plan (2013) as the 'existing plan' for calculating how much housing the Council has previously over supplied, then the amount of housing that the Council would be required to provide within the new local plan would be significantly reduced.

WDC considers that this is unlikely to be the government's intention of these reforms; therefore, the government must clarify as to what exactly is meant by the 'existing plan'. If an 'existing plan' is simply a local plan that is up-to-date (i.e. under 5 years old), then this will not support many Council's who have been subject to significant increases in local housing need in recent years and have not yet adopted an up-to-date local plan.

In relation to the Green Belt, additional wording has been inserted into paragraph 142 of the revised NPPF (December, 2022) to confirm that Green Belt boundaries are not required to be reviewed and altered if this would be the only means of a local authority meeting its objectively assessed need for housing over the plan period.

WDC does not support the government's approach with regards to the proposed changes set out within paragraph 142 of the revised NPPF (December, 2022). The proposed changes will encourage local planning authorities to not review or amend Green Belt land as part of the process of adopting a new local plan. Green Belt is designated to prevent urban sprawl by keeping land permanently open, but it is not a landscape-based designation such as Areas of Outstanding Natural Beauty. There are instances of land within the Green Belt area which does not contribute to the five statutory purposes as set out in paragraph 138 of the NPPF and are sustainably located. Without requiring review of the Green Belt through the plan-making process this may result in otherwise suitable development not coming forward. The proposed change to the NPPF in this consultation indicates that Green Belt boundaries should not be reviewed and is likely to result in local planning authorities with Green Belt land, submitting local plans with potentially significantly lower housing numbers than may have been achieved, if a Green Belt review had been undertaken. This will result in a number of significant detrimental impacts that are set out below.

Firstly, some local planning authorities may face additional pressures to meet an increased amount of unmet housing need from local planning authorities with Green Belt land that lies in close proximity to their administrative boundaries. Many of these local planning authorities already face significant challenges in meeting their own identified housing need for other reasons (such as national landscape and ecological constraints).

Having consulted Green Belt designation maps across England, it is noted that there are considerable areas around cities in the north which are surrounded by Green Belt (Manchester, Liverpool, Sheffield, and Leeds, for example). If these areas are not required to review their areas of Green Belt, it is questioned whether development supporting policy programme set out in the Government's Levelling-Up agenda can be realised as there may be limited opportunity for growth/expansion.

WDC does not contain any Green Belt within its administrative boundaries; however, the High Weald AONB covers over 53% of the district (largely to the north). The district also contains the Ashdown Forest SAC and SPA, as well as the Pevensey Levels SAC/Ramsar site, a number of SSSI and one of the greatest levels of ancient

woodland in the country. These areas have high levels of national and/or international protection. WDC suggests that the additional wording provided for Green Belts allows for additional protection as part of the proposed local plan process, whereas other constraints such as AONB and SSSIs will not receive this same protection, yet they are recognised as potential constraints to growth.

WDC considers that some of these protected sites (be it the High Weald AONB, or the Ashdown Forest SAC and SPA) will hold more intrinsic value then Green Belt land on the edge of major settlements. However, local planning authorities with AONB for example will have to consider this land for growth as part of their Local Plan process, even though this is a national landscape designation that holds significant value. Given the above, WDC considers that Green Belt land should also be reviewed in this context to ensure that opportunities for growth on land that may have limited intrinsic value and relates to well to existing sustainable settlements is considered. In many cases, this land may well be more suitable for housing development than more rural areas of adjacent local planning authorities that have national/international landscape/ ecological designations.

Question 10: Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

As stated in the response to question 9, WDC is largely supportive of the government's proposed changes to paragraph 11b) ii of the revised NPPF (December, 2022) in relation to considering density when assessing whether a local plan can meet all of its housing need. There is a caveat in terms of ensuring that urban areas still continue to deliver new homes at higher densities, as is envisaged in other parts of the NPPF (chapter 11 – making effective use of land) to ensure that housing development is provided at higher densities, in the most sustainable locations.

WDC agrees that a local planning authority must provide robust evidence if they are intending to argue that that they can only meet their housing need by building at densities significantly out of character with the existing area through their local plan process. WDC suggests that this robust evidence base must be prepared in accordance with existing guidance within chapter 11 (making effective use of land) of the revised NPPF (December, 2022), as well as the guidance on the same topic within the PPG. The evidence expected of a local planning authority must demonstrate that they have thoroughly explored all opportunities to increase densities within its administrative boundaries. WDC considers that this evidence base should include a tall building survey, urban capacity study and a density study as these documents will help in identifying additional development opportunities, as well as the existing character/densities of urban areas contained within the local planning authority area.

Given the above, WDC suggests that the government should provide sufficient guidance to local planning authorities to assist with the plan-making process in relation to the changes proposed in paragraph 11b) ii of the revised NPPF. This guidance should state what evidence is required by a local planning authority to demonstrate successfully at an examination process of its Local Plan that they can only meet their housing need by building at densities significantly out of character within the existing area.

Question 11: Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?

Paragraph 35 of the existing NPPF (July, 2021) outlines how local plans are examined and specifically the criteria for finding a local plan 'sound' through the examination process. The government proposes through this consultation to remove criteria b from the tests of 'soundness' that states that local plans should be 'justified' and in that sense, an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence. Instead, the NPPF consultation proposes that local plans should be 'positively prepared' – providing a strategy which seeks to meet the area's objectively assessed needs so far as possible, taking into account the policies contained within the NPPF.

WDC supports the proposed changes to the tests of 'soundness' in the revised NPPF (December, 2022) under paragraph 35. It is agreed that this change provides more certainty to those local planning authorities that propose a plan with a housing requirement that is below their local housing need figure, so long as proposals are evidenced, the plan makes appropriate and effective use of land, and where all other reasonable options to meet housing need have been considered. It is considered by the government that this will reduce the quantum of evidence needed for the local plan examination process. However, as it stands, local planning authorities are still required to produce a Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) that will continue to consider options for strategic levels of housing growth, as well as individual housing site options to demonstrate that the local planning authority has chosen the most appropriate option. This will continue to mean that local planning authorities will need to produce lengthy documents that assesses these options and these will of course be subject to debate at local plan examinations.

Therefore, although the changes proposed to paragraph 35 of the revised NPPF (December, 2022) are supported, it is considered that there will continue to be substantive work needed in any case through the SA/SEA process, particularly in terms of assessing strategic growth options and allocation sites.

Question 12: Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

The government states that the proposed changes to paragraph 35 of the revised NPPF (as highlighted above) will not apply to plans that have reached the pre-submission consultation stage (i.e. Regulation 19), local plans that reach that stage within 3 months of the introduction of this policy change, or plans that have been submitted for independent examination. WDC supports the stance that there should be some transitional arrangements for this proposed change to tests of 'soundness' for those local plans that are or are about to be submitted for the examination process.

However, it is considered that the proposed 3-month term for the introduction of the policy change may not be long enough to revise documents in preparation for the local plan submission, particularly the SA/SEA and background documents to support the wider local plan growth strategy. It is suggested that a minimum of 6-months will be more appropriate in terms of a timescale for the transitionary period for the introduction of the policy change.

Question 13: Do you agree that we should make a change to the Framework on the application of the urban uplift?

The government proposes to insert paragraph 62 into the revised NPPF (December, 2022) to confirm that the top 20 most populated cities and urban centres are required to incorporate an uplift of 35% to their local housing need figure under the 'standard method'. This reinforces existing government guidance on this matter that is set out within paragraph 4 of the PPG (Housing and Economic Needs Assessment) that has applied since December 2020.

Paragraph 62 of the revised NPPF (December, 2022) also intends to make it clearer that when meeting this additional urban uplift, the top 20 most populated cities and urban centres should prioritise brownfield and underutilised sites. It also encourages greater levels of densities informed by masterplans and design codes within these areas. This is to ensure that homes are built in the right places, to make the most of existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable. This is set out within footnote 30 of the revised NPPF (December 2022). Lastly, paragraph 62 of the revised NPPF (December, 2022) confirms that this uplift should be accommodated within those cities and urban centres themselves, rather than neighbouring local planning authorities, unless it would conflict with policies within the NPPF and legal obligations.

WDC supports a 35% uplift as part of the 'standard method' calculation for the top 20 populated cities and urban centres and this demonstrates the importance of making the optimal use of brownfield land, in sustainable locations, to meet national housing need. Furthermore, such cities and urban centres are the most sustainable locations to support large scale housing growth, as they are the locations where predominantly people wish to live and benefit from existing services, job opportunities and facilities, in comparison to more rural areas. Therefore, WDC agrees that additional emphasis should be provided within the NPPF to demonstrate that those top 20 most populated cities and urban centres should be responsible for meeting a greater amount of national housing need.

Question 14: What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

Paragraph 62 of the revised NPPF (December, 2022) intends to make it clearer that the top 20 most populated cities and urban areas are expecting to deliver a greater proportion of housing in the future through a 35% uplift to the 'standard method' to calculate their local housing need. Paragraph 62 of the revised NPPF (December, 2022) also makes it clear that when meeting this additional urban uplift, the top 20 most populated cities and urban areas should prioritise brownfield and underutilised sites. It also encourages greater levels of densities informed by masterplans and design codes within these areas.

In terms of additional policy or guidance on this matter, WDC considers that the PPG should provide additional guidance that requires those urban authorities to undertake a number of evidence-based documents to identify opportunities for growth within their respective administrative boundaries. It is considered that evidence-based documents could include a tall buildings survey, a density study (that would identify existing

densities in towns or urban areas) and an urban capacity study that should identify additional opportunities to utilise underutilised brownfield land for housing. It is considered that these evidence-based documents will prove crucial in helping these authorities to deliver more housing in these urban centres. WDC is concerned that if there were a lack of national policy guidance on this matter, it would result in the underutilisation of brownfield land within urban areas.

In addition, WDC considers that this guidance should not be limited to the top 20 most populated cities and urban centres, as there are a number of other urban authorities where the 35% uplift to the 'standard method' does not apply that would benefit from additional policy guidance on this matter. There are a number of urban planning authorities within Sussex (excluding Brighton and Hove that is already in the top 20 most populated cities in the country) where similar issues will be faced for their local plan examination process (i.e. urban authorities, with tight administrative boundaries, that have high housing needs). WDC is therefore urging the Department for Levelling Up, Housing and Communities (DLUHC) to provide further guidance which can apply to all urban authorities on this matter, to ensure they make the most effective use of their brownfield land, thereby reducing the pressure on neighbouring rural authorities to accommodate their housing need in less sustainable locations.

Question 15: How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

The consultation on the revised NPPF states that 'the government intends to maintain this uplift and to require that this is, so far as possible, met by the towns and cities concerned rather than exported to surrounding areas, except where there is voluntary cross-boundary agreement to do so (for example through a joint local plan or spatial development strategy).' Paragraph 62 of the revised NPPF (December, 2022) confirms that the uplift should be accommodated within those cities and urban centres themselves unless it would conflict with the policies in the NPPF and legal obligations.

WDC supports the government in its stance and agrees that it should be the responsibility of the top 20 most populated cities and urban centres to meet their own housing need. As stated previously in our response to Question 13, those cities and urban centres are the most sustainable locations in the country to support large scale housing growth, as they are the locations where predominantly people wish to live and benefit from existing services, job opportunities and facilities in comparison to more rural areas.

WDC considers that if significant responsibility were to be placed upon neighbouring authorities in helping to meet this uplift to local housing need in the top 20 most populated cities and urban centres, then this would result in a number of detrimental impacts on those areas. These include:

a. The significant loss of greenfield land that adjoins urban settlements and these may be of high ecological, landscape and/or biodiversity value;
b. An increase of coalescence between larger urban areas and neighbouring smaller settlements. This could result in a significant impact on the distinct identity and heritage value of smaller settlements;

c. An increased delivery of residential and employment development that lies in unsustainable locations, some considerable distance from the facilities and services available in urban centres; and
d. The increased delivery of residential and employment development in more rural locations will put a further strain on existing infrastructure in rural locations (i.e. villages and smaller towns) where there are already significant constraints and/or limited existing infrastructure. This includes education, GPs, highways, wastewater, water supply and public transport to name a few.

On a separate issue, WDC has produced a Local Housing Needs Assessment (LHNA) (August, 2021) that demonstrates that Wealden District is overlapped by five housing market areas. This includes the urban areas of Eastbourne and Royal Tunbridge Wells that abut Wealden District to the south and north respectively. Whilst neither of these neighbouring local planning authorities feature in the top 20 most populated cities and urban areas, the Council does consider that Wealden District does have similar issues in the respect of potential unmet housing need from neighbouring urban authorities. Given the above, it is considered that further guidance as to how a local planning authority, which may function as part of the wider economic, transport or housing market for multiple settlements can develop its 'alignment policy' with those urban authorities.

In addition to the proposed changes to the NPPF, the consultation also references that the Levelling Up and Regeneration Bill is intending to remove the 'Duty to Co-operate' process placed upon local authorities when preparing a new local plan, although it will remain in place until those provisions come into effect. The Council understands that the government is intending to introduce an 'alignment policy' as part of a future revised Framework and that a further consultation on what should constitute the 'alignment policy' will be undertaken in due course. WDC supports the removal of the 'Duty to Co-operate' process through the Levelling Up and Regeneration Bill and will provide comment on the proposed 'alignment policy' once this is produced. However, WDC, as highlighted through this response, believes that the onus should be with the urban authority to deliver as much of its local housing need as possible, as this will be the most sustainable location for housing growth and will deliver on the government's objective of making the best use of brownfield land.

Question 16: Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?

The government proposes that it will introduce a 4-year rolling land supply requirement for emerging local plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply. In principle, WDC supports these transitional arrangements for those local planning authorities who are in the process of producing either a Regulation 18 or 19 consultation on their local plans that includes both a policies map and proposed allocations towards meeting housing need.

Given the amount of time and resources required for the production of a new local plan, it is considered that this temporary reduction in the housing land supply requirement (for period of 2 years from the point that these changes to the NPPF take

effect) will support local planning authorities in their plan-making process and provide time for review, whilst incentivising plan adoption by the spring of 2025. WDC is in this position and the support on the issue of 5-year housing land supply is welcomed, particularly given the issues raised in questions 1 and 2 of this consultation response. The proposal is set out in full at paragraph 226 of the revised NPPF (December, 2022).

However, there are some queries around terminology that will need to be addressed either through the NPPF or the PPG in terms of whether a local planning authority can benefit from these proposed changes to the NPPF. In particular, if a local planning authority was to publish either a Regulation 18 or 19 local plan that did not provide for the full local housing needs of that local planning authority under the 'standard method' but did provide both a policies map and proposed allocations towards meeting 'some' of its housing need, would that local planning authority be able to use a 4-year rolling land supply. At this stage, from the wording provided at paragraph 226 of the revised NPPF (December, 2022), it is not clear whether this is the government's intention and it is considered that there should be some guidance/clarity on this issue moving forward.

Question 17: Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?

WDC considers that the ramifications of this proposal have not been sufficiently thought through by government in terms of the local plan examination process. In effect, paragraph 220 of the existing NPPF (July, 2021) confirms that the policies of the original NPPF (March, 2012) will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019. This remains unchanged with the revised NPPF (December, 2022) at paragraph 223. To provide additional national planning guidance on constraints in 2023 (a full 11 years after the original NPPF was published) and to apply that guidance to plans submitted under that original NPPF appears illogical and will create significant confusion for those small number of local plans still in the examination process.

Notwithstanding the above, this question seeks to gain views as to whether those local plans that were submitted on or before 24 January 2019 should be allowed to take into consideration the additional guidance on constraints that has been proposed within paragraphs 11b) and 142 of the revised NPPF (December, 2022).

Currently, paragraph 220 of the existing NPPF (July 2021) confirms that 'the policies in the original NPPF (March 2012) will apply for the purposes of examining plans, where those plans were submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this framework will apply to any subsequent plan produced for the area concerned'.

WDC does not consider that those local plans submitted on or before the 24 January 2019 should be allowed to take into consideration the additional guidance on constraints within the revised NPPF (December, 2022) that has been produced over three years later. This would create a planning system where local plans submitted in 2018 or 2019 are being tested in accordance with two different versions of the NPPF. This will lead to the creation of a complicated plan-making system in the short term

and will mean that local plans submitted under different national planning policy guidance will be at least partly out-of-date in other aspects, if they were to be adopted in 2023 or 2024.

WDC is aware that by not supporting local planning authorities who have submitted a local plan on or prior to 24 January 2019 in relation to new guidance on constraints, that many local planning authorities may then seek to withdraw their local plan and start afresh. However, the Council do not consider that this is sufficient reason for the government to allow the creation of a planning system whereby local plans are examined in accordance with multiple versions of the NPPF, particularly when at the time of the submission of the local plan, this guidance on constraints was not in place. It could also be potentially unfair on local planning authorities that have submitted a local plan on or prior to 24 January 2019 but have since withdrawn their local plan owing to similar issues.

Question 18: Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

Paragraph 77 of the revised NPPF (December, 2022) confirms that where delivery falls below 75% of a local planning authority's requirement over the previous three years, the presumption in favour of sustainable development applies, as well as an housing action plan. However, footnote 49 of the revised NPPF (December 2022) confirms that this presumption is not to be applied if permissions have been granted for homes in excess of 115% of the authority's housing requirement over the applicable HDT monitoring period.

In principle, WDC supports the provision of an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where a local planning authority, under the HDT test has failed to deliver 75% of its housing requirement over a three-year period. It is agreed that the current approach to the HDT measurement may penalise those local planning authorities that have granted enough planning permissions for a significant number of new homes that have yet to be delivered. Of course, in many cases, the local planning authority has limited influence over the delivery of new homes, particularly where a detailed planning permission has been granted and a private housing developer(s) are in control of the site.

It is considered by WDC that this change will incentivise housing developers to build out their existing planning permission for new homes. In the current planning system, housing developers are able to 'landbank' new homes and not necessarily deliver those new homes at a sufficient rate where national and/or local economic market conditions are unfavourable, and this has meant that many large housing sites can take a significant amount of time to deliver. This proposed permissions-based test that will 'switch off' the application for the presumption in favour of sustainable development imposed by the HDT where a local planning authority can demonstrate sufficient permissions to meet its housing requirement is fully supported and will ensure that local planning authorities who have taken difficult decisions to grant planning permissions for new homes to meet their housing requirement are supported.

It is also considered that public confidence in the planning system will also be improved if a permissions-based test is implemented.

Question 19: Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

The existing NPPF (July, 2021) confirms that where housing delivery rates fall below 75% of their housing requirement over a three-year period, those local planning authorities will be subject to the 'presumption in favour of sustainable development' as described in paragraph 11 of the NPPF.

This consultation proposes a new permissions-based test as part of the HDT measurement. This will be introduced via paragraph 77 of the revised NPPF (December, 2022) and footnote 49, which confirms that local planning authorities which achieve a HDT result of less than 115% can 'switch-off' the application of 'the presumption in favour of sustainable development' under a permissions-based test. To qualify for the 'switch-off', the local planning authority must demonstrate that there are 'sufficient' deliverable permissions to meet their housing requirement over the HDT monitoring period. This is an up-to-date housing requirement as set out in the local plan, or where the local plan is out of date (i.e. over 5 years old), local housing need as calculated under the 'standard method'. The proposed NPPF (December, 2022) defines 'sufficient' deliverable units as 115% of a local authorities housing requirement, therefore incorporating a 15% contingency to allow for the non-delivery of sites granted planning permission.

WDC supports the introduction of the additional permissions-based test for the HDT as described in our response to question 18. This test will help to ensure that local planning authorities are not penalised by the behaviour of developers in relation to build out rates and 'land banking' specifically. The current planning system places the decision to build out sites largely in the hands of landowners and developers, with local authorities having minimal powers to influence this process once a planning permission for new housing development has been granted.

As of 1 April 2022, WDC has almost 7,700 (net) dwellings within its total housing land supply (this includes all sites with full planning permission, outline planning permission and with a resolution to approve planning permission as of that base date). Although not all of these new homes would have been granted planning permission within a 3-year period, this equates to around 6.35 years of housing land supply based on the Council's local housing need figure of 1,212 dpa, albeit that the Council does not of course expect all those new homes to be delivered in a 5-year period.

WDC does note that a permissions-based test over a 3-year period may result in peaks and troughs, as well as odd results for individual local planning authorities (for example, if a major scheme for new homes is granted planning permission in one year and there are limited planning permissions in the next year). WDC considers that a wider timeframe for the permission-based test may be more appropriate and as many Councils' (if the proposals on the 5-year housing land supply come to fruition) will be monitoring the total number of new homes within their total housing land supply for their 5-year housing land supply positions, this would not increase work for local planning authorities. In this respect, the government should consider local authority

resources for monitoring and be able to utilise existing datasets where this already exists.

WDC considers that the 115% 'switch-off' figure appears to be appropriate; however, we would wish for the government to provide some explanation as to exactly how this 15% buffer was chosen and what evidence this was based upon in terms of assessing a contingency for all local authorities in the country. Each local planning authority has a different housing market, and the contingency required for some local planning authorities compared to others will vary. For example, WDC given its within Southeast England and most new housing sites are greenfield, has shown through its 5-year housing land supply process that few major sites with planning permission for new housing lapses and the fail to build out.

Question 20: Do you have views on a robust method for counting deliverable homes permissioned for these purposes?

WDC considers that insufficient information has been provided as part of this consultation as to what the government is intending to define as a 'deliverable homes' for the purposes of the permissions-based test. WDC suggests that all sites that have commenced and not yet completed, sites with full or detailed planning permission, outline planning permission and those sites with resolution to approve planning permission during monitoring period should be included and be considered as 'deliverable homes' for the purposes of the permission-based test. If a 15% contingency buffer is chosen by the government for the permissions-based test, then the Council would expect that all new homes that have been approved by the Council during the proposed monitoring period to be included for the purposes of the permissions-based test, as there is already a contingency in place.

It is noted that in the Glossary to the revised NPPF (December, 2022), that there are currently definitions as to what constitutes a 'deliverable' and 'developable' sites for the purposes of plan-making and a 5-year housing land supply position, with 'deliverable' being defined as a realistic prospect that housing will be delivered within five years and 'developable' being defined as being available and could be viably developed at the point envisaged. Neither of these definitions are proposed to be revised by the government. WDC does not consider that either of these definitions will assist with the permissions-based test and in any case, this should be simplified as highlighted above for this particular test.

WDC does not consider that a proposed method to be brought forward by government for what constitutes a 'deliverable homes' for a permissions-based test should be too prescriptive. WDC is concerned that if additional requirements are placed on local planning authorities to provide evidence that a site is deliverable, then this will place a significant additional burden on already stretched local authority planning resources.

Question 21: What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

WDC notes that it is the government's intention to publish the 2022 HDT results. However, given the proposed changes to the HDT framework incorporated into the revised NPPF (December, 2022), the consultation seeks views as to whether consequences should follow from the publication of the 2022 HDT, or if they should

be amended, suspended until the publication of 2023 HDT measurement, or frozen to reflect the existing 2021 HDT measurement results while work continues on the government proposals to improve it.

Although WDC has no firm views on this matter, it is clear that the publication of the HDT measurement for 2022 and then the potential amendment to HDT measurement 2022 once the proposals on the NPPF are published may create confusion and/or adversely harm local planning authorities in the short term (i.e. a Council has a HDT measurement of less 75% for a short period and then it is found they have met the permissions-based test shortly thereafter). Given the above, WDC would support the use of the existing 2021 HDT measurement results until the consultation on national planning policy changes is completed and therefore suspending the publication of 2022 HDT measurement until the national planning policy consultation is concluded. This will provide clarity to all local planning authorities in the interim period.

Chapter 5 – A planning system for communities

Question 22: Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

WDC supports the government in terms of its commitment to create a planning system that focuses not simply on housing numbers, but on delivering the types of homes that communities want and need. It is noted that the existing NPPF (July, 2021) at paragraph 65 includes specific stipulations about securing homes for affordable home ownership, outlining an expectation that 10% of homes in major developments should be available for affordable home ownership. WDC agrees that the revised NPPF should also support the most affordable housing tenure, social rent. We agree that the revised NPPF should attach more weight to social rent in planning policies and decisions and that the focus so far in the drafting of the NPPF has been on affordable home ownership products and particularly First Homes.

WDC has undertaken its Local Housing Needs Assessment (LHNA) that was published in August, 2021 and this concludes that there is a substantial need for both rented affordable housing (social and affordable rent) and affordable home ownership products (i.e. First Homes, Shared Ownership and other discounted market homes). The LHNA confirms that for Wealden District, there is more affordable housing need then could be viably developed within its local plan. It is considered by WDC that the level of affordable home ownership product or social rented tenure should be decided at a local level, as each local planning authority is better placed to understand their local housing market area and what types of affordable housing tenure should be included within their local plan policies. For example, the PPG currently confirms that all local planning authorities should provide a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. This may not be the best affordable housing ownership product for all local authority areas, in all parts of the country and WDC believes that the Council's local plan should have discretion on what types of affordable housing tenures should be provided.

Therefore, although the government should support all affordable housing tenures (and particularly a mix of affordable home ownership products and rented affordable homes) and that more weight should be attached to social rented homes specifically

for plan-making and decisions, this should not be too prescriptive, given that many local planning authorities have specific local evidence on this issue themselves. It is considered that local planning authorities are best placed to consider the affordable housing mix for their area.

Question 23: Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

Wealden District has an older age population profile, with data from the Office of National Statistics (ONS) confirming that 26.6% of the population was aged 65 and over in 2021. This compares with 19.4% regionally and 18.3% nationally. This is expected to increase dramatically, with the Council's latest LHNA suggesting that the total number of people aged 65 and over is projected to increase by 56% over a 20-year period (2019-2039). In order to understand the housing needs of the district's older population, WDC undertook an assessment of older people's accommodation as part of the LHNA. The assessment within the LHNA concluded that the district has a potential shortfall in age-restricted housing, a need for around 2,200 housing units with support (sheltered/retirement housing), a need for around 1,100 additional housing units with care (e.g. extra-care) and a need for 993 additional residential/nursing care bedspaces between 2019-2039. The LHNA also identified over the same period, a need for around 1,800 dwellings to be for wheelchair users (meeting technical standard M4(3)).

In light of the above, WDC agrees that greater weight is needed in national policy to support the delivery of specialist types of older persons housing and that the NPPF should be revised to help achieve this.

Paragraph 63 of the revised NPPF (December, 2022) continues to set out that older people are a group whose specific housing needs should be assessed and reflected in planning policies. However, this will include additional wording to state that local planning authorities should place particular regard to retirement housing, housing-with-care and care homes, when establishing the housing needs of older people. The Council notes that other forms of older persons specialist housing such as age-restricted general market housing has not be included within the revised NPPF.

WDC suggests that the government must provide clarification as to why the proposed changes to the revised NPPF only specifically mention retirement housing, housing-with-care and care homes within paragraph 63 of the revised NPPF. The Council recognises that the PPG at paragraph 10 (Housing for older and disables people) sets out additional types of specialist older person's housing that are not specifically mentioned within the revised NPPF, such as age-restricted general market housing, sheltered housing, extra care housing or nursing homes.

The Council is concerned that by specifically mentioning some types of specialist older person's accommodation and omitting others could cause confusion for plan-makers specifically, particularly where the revised NPPF and PPG are not aligned. The evidence from the Council's LHNA (August 2021) demonstrates that we have a significant accommodation need for all types of older person's specialist housing. Therefore, the Council does not consider that a hierarchical system should be created, by which some specialist types of housing are preferred when there is an identified need for all.

The Council suggests that the wording within the revised NPPF is amended to list all types of specialist older person's housing to align with the PPG. Should the government not consider this appropriate, then paragraph 63 of the revised NPPF should revert to the existing NPPF and leave the specific types of older person's housing to remain listed within PPG.

Question 24: Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

The government has not proposed any changes to paragraph 69 of the revised NPPF (December, 2022). At this stage, the government only seeks initial views on the effectiveness of paragraph 69 within the existing NPPF (July, 2021) and the delivery of small housing sites.

WDC is generally supportive of the government's ambition to encourage a greater use of small and medium sized housing sites, especially those that will deliver high levels of affordable housing and are built out relatively quickly. However, smaller housing sites tend to be in more urban areas, and this presents opportunities for small and medium house builders to redevelop brownfield land in major towns and cities, therefore helping to achieve government ambitions to utilise disused and derelict land for housing in the most sustainable settlements. WDC believes that these urban local authorities should be prioritised, as they demonstrate the most effective use of land and allow for the creation of thriving communities located near to existing services, job opportunities and facilities.

Research gathered by the Federation of Master Builders[2] identified that in the 1980s, SME house builders were responsible for the construction of 40% of all new homes built in England. This has now significantly lowered to only 12%; therefore, WDC considers that paragraph 69 of the NPPF has largely been ineffective to date in helping to support small and medium housebuilders, who bring forward the majority of small sites.

Question 25: How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

As stated within our response to question 24, WDC is supportive of the government's ambition to encourage a greater use of small sites for housing, especially those that will deliver high levels of affordable housing and are built out relatively quickly. WDC is therefore supportive of strengthening the wording of paragraph 70 of the revised NPPF (December 2022) in order to meet this ambition.

In terms of the specific wording of paragraph 70 of the revised NPPF at criteria a), WDC suggests that local plans for urban authorities should be required to accommodate a greater percentage (i.e. beyond the 10% already identified in existing national planning policy) of their housing requirement on sites no larger than one

[2] Federation of Masters Builders – FMB and UK Finance unite to support small housebuilders: 25 July, 2022

hectare. This will help to ensure that a larger number of small sites are allocated within those local plans, therefore providing greater opportunities for small and medium sized house builders, whom specialist in smaller housing sites. This will also assist in the government's objective of delivering housing on brownfield land in urban areas and reduce the need for development on greenfield land in neighbouring local planning authorities. The additional support for small and medium house builders could offer valuable assistance to local planning authorities in assisting them to achieve a 5-year housing land supply position. In light of the above, the Council suggests altering the wording of criteria a) of paragraph 70 of the revised NPPF for urban authorities to accommodate more of their housing need on small sites (i.e. under one hectare).

However, we should also note that for smaller sites, in some instances, the margins of viability are tighter on such residential development sites and there may be less likely to deliver affordable housing, particularly where it falls below the Council's own affordable housing threshold (the revised NPPF confirms at paragraph 65 that the provision of affordable housing should not be sought for residential developments that are not major development, other than in designated areas such as the AONB). Given the above, we would highlight that new smaller sites may not, in all cases, deliver any affordable homes (let alone high levels of affordable housing).

WDC is concerned that the introduction of a one size fits all policy for small sites, with a higher prescriptive figure than 10%, may potentially penalise rural local authorities such as Wealden, if there is no flexibility in place to diverge from this figure. Wealden District is a predominantly rural authority with a small number of market towns and villages, the largest of which is Hailsham that has a population of 23,263 (2021 Census Data). There is little history of industrial legacy within the district. Therefore, it is expected that there are very limited number of sites smaller than 1 hectare that are available for redevelopment and could be suitable for small and medium house builders to develop. Therefore, whilst supportive of strengthening the wording within paragraph 70 of the revised NPPF, particularly for urban authorities, the Council considers that any wording must also continue to allow local planning authorities with extenuating circumstances to diverge from the target where this is proven necessary.

WDC is currently in the process of preparing a new local plan, with the Council's local housing needs figure for 20-year period being 24,240 dwellings, in accordance with the 'standard method' calculation. Given that Wealden is largely a rural authority, we will continue to be reliant on larger national house builders developing greenfield land adjacent to our larger settlements (or through new towns) in order to meet as much of our housing need as is possible, subject to constraints. Therefore, whilst supportive of the government's ambition to encourage the greater development of smaller sites, this must not have an adverse impact on the delivery of larger sites that form a significant part of our district's current and future housing land supply.

Question 26: Should the definition of "affordable housing for rent" in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

The affordability of housing in Wealden District has deteriorated significantly in recent years. As of 2021, the median house price in Wealden was 13.76 times median earnings, which is higher than the southeast regional average (10.74) and across

England and Wales (8.92). The district currently has an acute affordable housing need, and this is particularly felt within the High Weald AONB for those involved in rural work that tends to be lower paid and where there is a limited supply of affordable rural housing in the area.

WDC produced a 'Direction of Travel' consultation document that was consulted upon in late 2020/early 2021, which was the first stage in our Local Plan engagement process. The responses to our 'Direction of Travel' consultation document made it clear to us that many of our respondents (particularly our residents) were concerned with the delivery of affordable housing in the district and it was noted that community-led housing schemes were supported and could be a significant provider of affordable housing, particularly in rural areas. Whilst the Council supports community-led developments in principle, there are several concerns that would need to be overcome before it could support changing the definition of affordable housing for rent, as outlined below.

Annex 2: Glossary of the revised NPPF (December, 2022) confirms under 'affordable housing for rent' that it needs to meet a number of conditions including condition b) that states 'the landlord is registered provider, except where it is included as part of a Build to Rent scheme'. As it stands, all community led schemes for affordable housing would be required to have a registered provider as the landlord and this is proposed to change to incorporate community-led developers and almshouses if the government's proposal is brought forward.

In this respect, WDC would wish to ensure that any affordable housing for rent that is built on community-led schemes remains for affordable rent in perpetuity. Our main concern would be if community-led developers and almshouses (i.e. non-Registered Providers), are permitted to be landlords of affordable housing for rent, there may be difficulties in the long term safeguarding the provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. There may also be practical issues associated with non-registered providers in terms of nominations rights.

In addition, registered providers must meet a number of economic and consumer standards, that will be enhanced through the Social Housing Regulation Bill and are more likely to keep operating in the long-term. WDC believes that social housing should be of good quality and that residents should be able to have access to swift and fair redress, if issues are raised. If community-led developers and almhouses are permitted to manage affordable housing for rent, with no requirement to meet these strict standards, the rights of future residents could be affected for the worse. If the definition is to change, there would need to be a guarantee that those economic and consumer standards would still be upheld.

<u>Question 27: Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?</u>

As discussed above, Wealden District is predominantly a rural authority and an exceptions policy for affordable housing schemes has been adopted within previous local plans. However, these local plans are now out-of-date, and moreover, WDC has not been in a position to demonstrate a 5-year housing land supply position for a number of years, (albeit it has not dropped below 75% of delivery on its housing

requirement for the HDT measurement to date). This has meant that land on the edges of our villages and towns have been largely brought by national housing developers and submitted to our Strategic Housing and Economic Land Availability Assessment (SHELAA) or through the planning application process. This has meant that smaller community groups and/or registered providers have been unable to compete in the market for land in these locations and there is of course 'hope' value associated with such land given the 5-year housing land supply position of the local planning authority. It is considered by WDC that this is likely to be the case in many rural local planning authorities in the southeast where an up-to-date local plan is not in place. WDC has not therefore been approached with regards to its rural exception sites policy for a number of years.

However, WDC does support the addition of a specific referral to community-led housing groups in paragraph 80 of the revised NPPF (December, 2022). The paragraph goes on to state that local planning authorities should support opportunities to bring forward rural exception sites to meet identified local needs. Neighbourhood planning groups could be added here to encourage them to consider supporting rural exception sites in addition to local planning authorities. Some neighbourhood planning groups already do bring forward or support rural exception sites within their neighbourhood plans but reiterating this opportunity in the NPPF or the PPG would add extra weight to this issue and may reach groups that would otherwise be unaware that this was a possibility for them to pursue.

Question 28: Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

In terms of support for community groups in delivering affordable housing on exception sites, the government could help community groups, or neighbourhood planning groups financially through the provision of funding to support them to do this, particularly during the initial phases of developing an exceptions scheme. Grants were available under the Community Housing Funds that was promoted by Homes England, but this was withdrawn on 20 April 2022, and it is unclear whether the funds will be revived through the Affordable Homes Programme 2021 to 2026. Community groups will often not have sufficient funding to support the early stages of this process, such as securing a site and undertaking the work necessary to gain planning permission for the exceptions scheme; therefore, providing this funding is critical to success. As discussed above, even with funding, in areas like Wealden District, the competition for land on the edge of settlements is fierce and professional fees for planners, architects, lawyers etc. is also a significant hurdle to overcome.

The provision of training for community groups, including neighbourhood planning groups, in the form of online training or a written guide would certainly provide a useful source of information for these groups and may help to answer any questions they may have about the process of delivering affordable housing on exceptions sites. Examples could also be provided of community groups who have successfully delivered affordable housing on exception sites. Many community groups may find it a daunting process to deliver affordable housing, particularly if they have never done this before, and would view their lack of knowledge as a barrier to doing so. Training is therefore essential for these groups alongside sufficient funding overall.

Question 29: Is there anything else national planning policy could do to support community-led developments?

The neighbourhood planning system (and specifically neighbourhood development orders, including community right to build orders) already provide a mechanism by which communities can carry out community-led developments, whether that is for housing development or the provision of community facilities. As discussed in response to question 28 of this consultation response, the government could further support community-led developments through the provision of training and funding, and this should help support neighbourhood plan and community groups to recognise the potential routes to achieve their community-led schemes.

It should also be recognised by government that local planning authority resources are stretched, particularly in terms of the number of professional planners within those departments, and that formal advice on neighbourhood plans and orders (including community right to build orders), as well as producing local plans is of course a time-consuming process undertaken by a relatively small resource.

Question 30: Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?

As discussed within this consultation on national planning policy reform, the government does recognise that it is a long-standing principle that planning decisions should be based on the planning merits of the proposed development – and not the applicant. It is agreed that this principle is critical to ensuring the planning system is fair, open and focused on land use considerations. However, it is also recognised that there are planning decisions already being made (for example, in cases for Gypsy and Traveller sites) where personal circumstances of the applicant are taken into account (in those cases, based on human rights legislation and other issues) so there has already been a precedent made in the planning system to take account of personal circumstances in rare circumstances.

It is noted that the government is keen to explore whether past irresponsible planning behaviour should be taken into account when applying for planning permission. WDC and its residents are aware of breaches of planning control in recent years on both smaller and larger developments and the Council has taken action to address these issues where it has been in the public interest to do. WDC is acutely aware that breaches of planning control vary in their magnitude, and some are of course relatively minor and others are more significant and require significant Council resources to resolve.

The Council does not agree with the principle that an applicant's past behaviour should be accounted for in decision-making (particularly in enforcement cases). It is agreed that past irresponsible behaviour in relation to planning breaches is a cause of concern for our residents, particularly when dealing with multiple breaches on specific sites. However, WDC is of the opinion that long-standing principle that planning decisions should be based on the planning merits of the proposals should continue. Specifically, planning permissions will continue to run with the land and of course, the land can be sold to other persons/companies, meaning an applicant that has been subject to scrutiny previously by the local planning authority, can remove themselves from the situation, or act under another company name.

Nonetheless, if the government was to proceed with this principle, it will be expected to produce guidance (potentially within the PPG) for local planning authorities to confirm the following in respect of the applicant's past behaviour:

a. the level of the breach in planning control, where it is considered necessary to consider an applicant's past behaviour; and
b. the number and/or length of time for planning breaches by the same applicant, where it is considered necessary to consider an applicant's past behaviour.

It is noted that each case, in terms of determining an applicant's past behaviour should be considered on its own merits, but we would support the government in providing guidelines to follow on this issue, if this proposal was to come forward.

Question 31: Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?

The government has provided two options of taking account of this past irresponsible behaviour that includes:

a. Option 1: making such behaviour a material consideration when local planning authorities determine planning applications so that any previous irresponsible behaviour can be taken into account alongside other planning considerations;
b. Option 2: allowing local planning authorities to decline to determine applications submitted by applicants who have a demonstrated track record of past irresponsible behaviour prior to the application being considered on its planning merits - similar to the amendment which we have already made to the Levelling Up and Regeneration Bill allowing local planning authorities to decline to determine new applications on sites where the build out of development has been too slow.

It is noted both options will require primary legislation changes, as well further engagement with local planning authorities and the development sector to ensure that the proposals are fair, proportionate and workable. It is considered that option 1 would be the simplest option to implement and could be considered for all proposals, including retrospective development and enforcement matters. However, making past irresponsible behaviour a material consideration alongside other planning considerations may dilute the proposal, given that there could be many other planning considerations to consider, and the weight given to this issue would be somewhat subjective and dependent on the decision-makers view.

Option 2 allows local planning authorities to decline to determine applications submitted by applicants who have a demonstrated track record of past irresponsible behaviour. Although it is recognised that this would be a significant power to the local planning authority, there would need to be significant guidance as to what constitutes reasoning for declining to determine such applications. In cases where the planning application is retrospective or relates to a breach of planning control, the Council would (if it's in the public interest and causing issues for nearby residents) have to take action in any case to resolve breach (that would likely end with an appeal in any case). In addition, and as discussed in relation to question 30, the owner of the land subject to a planning application/enforcement proceedings can simply change ownership of the land.

Given the above, it is considered that option 1 would be preferable as it is simplistic and can be applied in all cases, although some care should be taken by government to ensure that sufficient weight is given in the decision-making process.

Question 32: Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

WDC strongly supports the government in its stance that development should be built as soon as possible once a planning permission is granted. As discussed earlier within this document, WDC as of 1st April 2022 had a total housing land supply of almost 7,700 (net) dwellings either with detailed planning permission, outline planning permission, or with a resolution to approve planning permission. Although it is recognised that for some larger sites, not all of these new homes are projected to be completed within a 5-year period, it is considered that all new sites for housing should be commenced within a short period of time upon the granting of a detailed planning permission and the discharge of pre-commencement conditions. In recent years, WDC has taken the decision for many major housing schemes to consider shorter time limit conditions (rather than the traditional 3-year period) for the commencement of those schemes to incentivise those developers to build out quickly.

The government intends, alongside the proposals within the Levelling-Up and Regeneration Bill, to introduce 3 further measures, via changes to national planning policy. These include:

a) The government publishing data on developers of sites over a certain size in cases where they fail to build out according to their commitments.
b) Developers being required to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate (which is the rate at which homes are sold or occupied).
c) The NPPF will highlight that delivery can be a material consideration in planning applications. This could mean that applications with trajectories that propose a slow delivery rate may be refused in certain circumstances.

WDC supports the Levelling-Up and Regeneration Bill in that housing developers will be required to report annually to local authorities on their actual delivery of housing against a proposed trajectory that they submit on commencing a scheme for which they have permission. This measure, on the face of it will support Council's in producing their 5-year housing land supply projections and the overall monitoring of housing schemes. However, there is some concern that local planning authorities will have limited control of what this housing trajectory would include at the commencement of the scheme and this may not reflect comparable developments in the area. In terms of the measure itself, the publication of data on developers of sites over a certain size in cases where they fail to build out according to their commitments will improve transparency over the issues, but is not necessarily effective in terms of dissuading developers to build out at higher rates. There will also be cases where housing schemes are sold part way through the buildout process (this is happening currently in Wealden for one of our largest schemes) and this measure would therefore have limited impacts in those cases.

In terms of measure b), although support is provided in principle to this matter, and WDC agrees that increasing the diversity of housing tenures will potentially maximise a development scheme's absorption rate, WDC, alongside other local planning authorities has or will likely provide a housing mix policy within their adopted local plan that would have considered housing mix, tenure and affordable housing tenures at the time of determining the planning application. This would have been based on local evidence of the housing mix, size and tenure needed for the local plan period as outlined in paragraph 62 of the existing NPPF. Therefore, although support is welcomed to understand how developers can maximise a development scheme's absorption rate, this will need to be considered against the adopted local plan policies on housing mix, size and tenure specifically.

Lastly in terms of measure c) this in part addresses the concerns raised for measure a) in that the Council can seek to refuse planning application for new homes that have trajectories that propose a slow delivery rate in certain circumstances. Nonetheless, WDC is concerned that those circumstances will be limited and that local planning authorities with a high housing need will still likely be in a position of having to accept slower build out rates, particularly when the local planning authority does not have 5-year housing land supply position, and/or has failed to meet 75% of its housing requirement as measured by the HDT.

At this stage, the full details of the three measures intended to speed up housebuilders in the delivery of new homes is not described within the revised NPPF (December, 2022), but it is not considered by WDC that these measures at first glance will have a significant impact on the speed of new housing development, particularly as there appears to be little in the way of penalties for those developers who are intending to build out slowly.

Chapter 6 – Asking for beauty

Question 33: Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

WDC supports the encouragement of well-designed places, and through the use of its own design guide and the national design guide, can offer applicants visual and written guidance on what would be considered a well-designed place. However, there are issues with the use of the word 'beautiful' and encouraging beautiful design in that the term is very subjective and what may be beautiful in a developer's eye may not be to a local planning authority or local residents. Also, what is considered beautiful changes over time and is constantly evolving, therefore, to attempt to define it at a single point in time is very difficult.

It is simply not possible to make every building beautiful. Some types of buildings by their very nature are required to be functional or due to financial considerations (for example, buildings with industrial uses, or for storage) are rarely going to be able to be considered beautiful. The change to paragraph 94b of the revised NPPF (December, 2022) (formerly paragraph 92b) now requires pedestrian and cycle routes to be beautiful. The previous language referred to attractive and well-designed places, which would seem to be a more realistic approach for such developments. Local planning authorities are not going to approve developments they consider to be ugly,

but at the same time perhaps beauty is too high a goal on every application for every use.

There is no attempt within the revised NPPF (December, 2022) to provide an explanation of how beauty is defined (because as suggested above, this is subjective) which will lead to confusion and ambiguity. At paragraph 129 of the revised NPPF (December, 2022) (formerly paragraph 127) it states that local plans are required to set out a clear design vision and expectations so that applicants have as much certainty as possible over what is likely to be acceptable. It is considered that the term 'beauty' is ambiguous at this stage, and this may not chime with other paragraphs in the NPPF which state that local planning authorities should set out clear expectations to applicants on design. If the word 'beauty' is to be used there needs to be some attempt at a definition or at the very least an explanation of how to assess it, in order to provide clarity for developers and local planning authorities alike.

The National Design Guide concentrates on the different components of good design, of which creating attractive buildings and spaces is just one element, and how they interact to form well-designed places. The consultation on national planning policy states that design codes prepared by local planning authorities will ensure beautiful and well-designed development; however, the National Model Design Code rarely mentions beauty and instead focusses on promoting successful and high-quality design, concentrating on form rather than style and beauty. We therefore have a situation where the proposed NPPF is emphasising the importance of beauty, but the suggested means of assessment (the National Design Guide and National Model Design Code) do not provide a means of assessing it.

WDC agrees with the principle that encouraging well-designed development is a positive move, that can be supported by the National Design Guide and National Model Design Code. However, an emphasis on 'beauty' in place making and encouraging beautiful development should only take place if there is some indication of how to define and importantly, how assess it.

Question 34: Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?

As discussed above, WDC is concerned with the term 'beauty' as described in answer to question 33 of this national planning policy consultation. There have also been a few factual issues associated with these changes proposed within the national planning policy consultation and the revised NPPF.

With reference to paragraph 86a of the revised NPPF (December, 2022) (formerly paragraph 84a), we can confirm that the revised NPPF does not show the term 'beautiful' as an addition, although this clearly is the intention when looking at both versions of the NPPF. The reference to paragraph 124c of the existing NPPF in question 34 also appears to be incorrect as there are no changes proposed to this part of the paragraph in the revised NPPF (now paragraph 126). We believe that the proposed change actually relates to paragraph 126e of the revised NPPF (December, 2022)

WDC does in principle support the encouragement of well-designed places and the government's attempt to drive up design quality. However, as explained at question 33, the Council has reservations about the use of the word 'beautiful' in this context.

Question 35: Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

WDC already uses planning conditions to reference the plans and drawings being approved or refused as part of any planning application for new development. WDC has a validation team and robust validation requirements, which are designed to ensure that plans are clear and accurate, and all the necessary reports are provided prior to reaching a Planning Officer. Planning Officers also have the opportunity to ask for revised plans during the course of the decision-making process if they feel they are inadequate. WDC does ensure that when planning decisions for approval reaches that stage, that the latest plans and drawings are included on the decision notice, rather than former iterations of those plans. The materials to be used for the proposed development are either shown on the approved plans or there is a planning condition imposed for details to be provided at a later date.

It is difficult to see what greater visual clarity could be achieved and further explanation is required within the revised paragraph 137 of the NPPF (December 2022), but the changes proposed to the NPPF is this respect, to make enforcement easier, are supported.

Question 36: Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

Mansard roofs are of French origin and in the UK, mansard roofs are traditionally used only in certain areas of the country, such as the eastern counties or parts of London. There are only limited examples of traditional Mansard roofs in East Sussex and to encourage their use in any situation, as the proposed changes to paragraph 122e of the revised NPPF (December, 2022) would appear to do, contradicts the provisions of the National Design Guide. The guide states that an understanding of context is crucial in influencing the design of new developments. It states that well-designed new development is based on an understanding of the existing situation, including the landscape character, patterns of built form including local precedents and the architecture prevalent in the area, including the local vernacular. The proposed changes to paragraph 122e of the revised NPPF appear to contradict this advice and whilst Mansard roofs may be acceptable in some situations, they should not be universally supported in all parts of Wealden, or indeed the country where this is not part of the local vernacular. The consultation on national planning policy is critical of local planning authorities who have been reluctant to approve mansard roof developments where it has been considered harmful to the character of neighbourhoods, but this, in some ways, is what the National Design Guide states local planning authorities should be doing, where it is not consistent with the local vernacular.

WDC does not agree that a specific reference should be made in the revised NPPF (December, 2022) to mansard roofs or that they should be supported regardless of

context or the local vernacular. The first part of 122e already supports upwards extensions in this context and is sufficient in supporting gentle densification through upward extensions.

Chapter 7 – Protecting the environment and tackling climate change

Question 37: How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?

At present, paragraphs 178, 182 and 183 of the revised NPPF (December, 2022) focuses on protected and priority habitats and species, as it should, but is light on any detail or depth as to what could be achieved at the smaller scale. This is left to local planning authorities to determine through their local plans. National planning policy on small scale nature interventions could be strengthened by including a greater emphasis on what can be achieved at that scale in areas that are, perhaps, not covered by a formal designation.

In response specifically to the use of artificial grass in new developments, this could be accounted for through the Biodiversity Net Gain (BNG) requirement and calculation, as WDC agrees that it does not add to the biodiversity value of a site. However, this does not necessarily stop occupiers of new developments from replacing 'natural' grass with artificial grass after its construction. A means to address this to some degree would be to apply a similar restriction to artificial grass as to impermeable surfaces (i.e. if over a certain size / area it would require planning permission). This would not wholly resolve the issue; however, it would go some way towards addressing it. Education as to the negative effects of artificial grass and the benefits of small-scale nature interventions (i.e. bird boxes, bat boxes, planting of fruit bearing plants and flowers) would be one way to strengthen national policy approaches.

Question 38: Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?

The government proposes a change to footnote 67 of the revised NPPF (December, 2022) that provides an additional sentence to state that the availability of agricultural land used for food production should be considered, alongside other policies in the NPPF, when deciding what sites are most appropriate for development. This approach strengthens the criteria to be considered in relation to agricultural land in the NPPF, as it would require plans and decisions to consider the availability and quality of agricultural land rather than just approaching it from the basis of the development proposal first. It also emphasises the importance of agricultural land through the amended footnote, as this is not explicit in the related paragraph 178 of the revised NPPF (December, 2022), formerly paragraph 175.

Question 39: What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

This is a complex area and should be addressed through 'methods' (i.e. the means to assess the carbon impacts of built development) and 'actions' (i.e. the things to be implemented to reduce carbon emissions) to effectively achieve net zero.

The most straightforward 'method' would be to set in national planning policy (i.e. the NPPF) the requirement for new developments to undertake and provide the outputs from a Whole Life Carbon (WLC) assessment of their scheme. This type of assessment encompasses carbon emissions arising from the construction, operation, demolition and reuse of buildings and therefore contributes to the circular economy, as well as contributing to reducing carbon emissions within/from the built environment. It is also an assessment tool that is already in use, and widely accepted by the construction industry with bodies such as the UK Green Building Council (UKGBC) and Low Energy Transformation Initiative (LETI) providing detailed guidance and advice on how to undertake them. The Royal Institute of Chartered Surveyors (RICS) have also promoted the use of a whole life carbon approach to reducing carbon emissions within the built environment through the Whole Life Carbon Assessment for the Built Environment[3].

As the WLC assessment is an approach that the industry is already accustomed to using, it would be a proportionate and effective means of undertaking a carbon impact assessment for new developments. In addition, embodied and whole life carbon are considerations currently included within the National Model Design Code, so this is an approach that appears to be accepted at the national level.

Alongside any national planning policy requirement, it would be prudent to develop a WLC guidance document (or to include guidance in the PPG) that explains how to prepare a WLC assessment and when it needs to be submitted for a planning application for new development (i.e. what category of development it is required for). This should be aimed at applicants, developers, designers, energy consultants and local authority officers. Any guidance document could also produce a WLC template for applicants to use, which would provide a consistent approach across the country.

Evidence to underpin WLC assessments at either the plan-making or decision-making level should include Local Area Energy Plans that consider supply chains and local markets for building materials, such as using local timber for housing, as timber absorbs and stores more carbon than it emits during processing and installation. Another downstream benefit of using more timber in construction is greater opportunities for UK forestry, as it provides an incentive for landowners to opt for forestry over carbon emitting land uses.

Local Area Energy Planning (LAEP) is a data driven, whole energy system evidence-based approach that sets out to identify the most effective route for a local area to contribute towards meeting the national net zero target, as well as meeting its local net zero target. The LAEP scope addresses electricity, heat and gas networks, future potential for hydrogen, the built environment (industrial, domestic and commercial) its fabric and systems, flexibility, energy generation and storage, and providing energy to decarbonised transport (e.g. electricity to electric vehicles and charging infrastructure).

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[3] Whole Life Carbon Assessment for the Built Environment, 1st edition (rics.org)

This would certainly be a great evidence base for both plan-making and assessing developments as they come through the planning application system.

In terms of 'actions', it would be pragmatic to take forward the recommendations within the UK Green Building Council's Net Zero Whole Life Carbon Roadmap - A Pathway to Net Zero for the UK Built Environment (November 2021)[4], which has broad industry support and is robustly supported by research and evidence.

The WLC Roadmap aims to build a common vision and agreed actions for achieving net zero carbon in the construction, operation, demolition and reuse of buildings and infrastructure in the UK. It does this through establishing a carbon budget and trajectory for the UK Built Environment sector, as well as setting out the key policies and actions for central government, local authorities and other relevant stakeholders. While the policy recommendations were developed independently by the project team, many of the recommendations have been aligned with industry initiatives such as Construct Zero from the Construction Leadership Council, the UK's Sixth Carbon Budget, and the Construction Industry Council's Climate Action Plan.

There is also an opportunity to create a place-based carbon tool. Examples that have been developed include Place-base carbon calculator[5] developed by the Centre for Research into Energy Demand Solutions (CREDS) and the 'scatter tool'[6]. These could assist in the development of local plan policies that reduce emissions through the understanding of key sources of carbon in a geographically defined area. These could be a great resource for developers/local planning authorities etc. but needs to be kept up to date, as national data sets emerge, they are often developed but do not have enough funding/resources to be maintained. They could be applied at the local plan-level or could cover emissions that result from locational, design, travel and development choices, but would need investment from central government.

Whilst discussions around embodied carbon, inclusion in the national model design code and plans to review the NPPF in this context are welcome, reforming planning policy to address retrofit and reuse will be essential, alongside the embodied carbon footprint of development at the masterplan level through grey infrastructure and site-level design choices – looking to opt for those with the least carbon impacts.

Question 40: Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?

The current focus around climate change adaptation in the revised NPPF (December, 2022) in chapter 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) does not make any explicit connections to nature based solutions, other than the provision of Sustainable Urban Drainage Systems (SuDS) and the management

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[4] Net Zero Whole Life Carbon Roadmap - A Pathway to Net Zero for the UK Built Environment (November 2021)

[5] Place-base carbon calculator

[6] SCATTER (scattercities.com)

of flood risk. Flood risk appears to be the main focus of chapter 14 of the revised NPPF, even though the chapter is titled 'Meeting the challenge of climate change, flooding and coastal change' at the expense of any acknowledgement of other climate impacts / risks.

WDC considers that there should be more linkages between the paragraphs in Chapter 15 (Conserving and Enhancing the Natural Environment) and Chapter 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) of the revised NPPF (December, 2022) to demonstrate the multiple benefits the natural environment can make to climate change adaptation and mitigation. For example, this could include national planning policy requirements for developments to provide significant green infrastructure as part of new developments within chapter 14 or making it more explicit in paragraph 177(b) of revised NPPF (December, 2022) what the wider benefits from natural capital and ecosystems are. This would provide a coherent and joined up approach within the revised NPPF to link climate change and the natural environment.

Chapter 8 – Onshore wind and energy efficiency

Question 41: Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

The proposed change to paragraph 157a of the revised NPPF (December, 2022) will ensure that the means for re-powering renewable and low carbon energy projects is fully taken into account at the earliest stages of their design, meaning there will be less issues and costs further down the line when projects are reaching the end of their design lives.

If we take onshore wind as an example, once a wind farm is installed, it has a finite life, typically 20-25 years on average. Without a long-term plan for these wind farms, there is a risk of losing renewable energy capacity gains accrued over the last two and half decades.

The government's Net Zero Strategy outlines the role of onshore wind in achieving net zero greenhouse gas emissions by 2050 and in helping to meet the UK Climate Change Committee's Sixth Carbon Budget by 2035. In October 2021, RenewableUK, the trade association for the wind, wave and tidal power industries, published its Onshore Wind Prospectus, calling for a generation target of 30 GW per annum by 2030 and outlining the significant climate, community and economic benefits of achieving this goal. RenewableUk concluded that to meet this target will involve both a doubling of historic onshore wind installation rates and, crucially, the repowering of approximately 8 GW of existing onshore wind capacity over the next 20 years.

Currently, the three main options for when wind farms reach the end of their operation life are decommissioning (although this should be the last resort as it removes capacity from the power network), life extension (which involves reviewing the terms of the lease and planning permission, establishing the structural integrity/general condition of the turbines and determining the best route to market for the wind farms power seeing as the commercial context is likely to have moved on) and repowering (which involves replacing old turbines with new turbines, taking advantage of more powerful and efficient types of turbine technology). Once life extension opportunities have been exhausted, owners of sites will start considering repowering.

Practically speaking, repowering a site is very similar to undertaking a new greenfield construction project, although repowering has a number of commercial advantages over building from scratch, namely the ability to repurpose/reuse existing infrastructure, the presence of existing connection agreements and generating licences and historic data on the yield of the site / how it has performed. There are also advantages as the sites coming up for repowering are amongst the first to be built in the UK and so will likely be in the most optimal locations for wind power generation. Also, if an existing site has support from the local community, underpinned by a community benefit fund, local supply chains and other inward investment, this can all be captured in a repowering project, provided the developer has cultivated good community relationships during the project's lifetime. Repowering a site also has the advantage of potentially producing more power (as a result of more efficient turbine technology) whilst minimising the land take across the country (i.e. fewer new sites need to be found).

The same approach can be applied to repowering solar PV farms in that due to technological advancement, modern inverters have a significantly higher efficiency than existing devices and can optimise the yields of the existing system. Replacing old components with new, more powerful components has a positive effect on the efficiency of the entire PV system. This way, the solar PV system again provides more power, saves more in electricity costs, and produces less CO2 emissions.

By having the requirement in the NPPF (December, 2022) to provide a positive strategy that includes the future repowering and maintenance of renewable energy projects, costs and financing methods can be factored in at the earliest stages and therefore minimise issues further down the line, as well as dealing with the issues of having to potentially find new sites for renewable energy projects in the future. This approach can also help to lessen pressures on the environment by removing the need to build new sites and their associated infrastructure, as existing sites can be upgraded to be more efficient and increase energy outputs.

For new renewable energy projects, this upfront requirement in the revised NPPF (December, 2022) at paragraph 157 also means that the design of the foundations and infrastructure for such projects can potentially be designed with the view to repowering in the future. This would provide some degree of certainty to developers and the renewables markets, as well as local planning authorities in the production of their local plans.

Question 42: Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

The government proposes the addition of criteria c to paragraph 160 of the revised NPPF (December, 2022), which states that local planning authorities should approve an application for the repowering and life-extension of existing renewables sites, where it impacts are or can be made acceptable. It notes that the impacts should be considered for the purposes of this policy from the baseline of the existing site.

As discussed above to question 41, in principle, WDC supports the repowering and life-extension of existing renewable sites and the inclusion of criteria c of paragraph 160 of the revised NPPF (December, 2022) means that local planning authorities can positively consider applications that will repower or extend the life of existing

renewable energy sites, and therefore improve the output from and efficiency of, existing renewable and low carbon energy sites, minimising the need to find potential new sites.

Question 43: Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

Paragraph 160 of the revised NPPF (December, 2022) confirms that when determining planning applications for renewable and low carbon development, local planning authorities should under criteria b) approve the application if its impact are (or can be made) acceptable. Footnote 63 of the revised NPPF (December, 2022) states that a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in a development plan, and following consultation, the proposal has community support, where the affected local community have been satisfactorily addressed.

In answer to the national planning consultation on the NPPF changes at Chapter 8 - Onshore Wind and Energy Efficiency (paragraph 7), WDC has a number of matters it would like to raise with this proposal. Firstly, footnote 63 of the revised NPPF (December, 2022) confirms that proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in either the development plan, or a Supplementary Planning Document (SPD).It is noted that this infers that an SPD could allocate land for wind energy development, but this is of course not the role of SPDs and this should instead be left to the development plan.

In addition, although footnote 63 of the revised NPPF (December, 2022) states that wind energy development should not be considered acceptable unless it is in an area identified as suitable for wind energy development in a development plan, but criteria b) of paragraph 160 of the revised NPPF (December, 2022) allows for such development, outside these areas to be considered providing that proposed location meets the criteria used in identifying suitable areas. It is WDCs position that if a suitable site comes forward for this type of development outside of a development plan, then this should still be supported through the NPPF. In either case, further clarity is needed on this issue.

Furthermore, some thought is still needed around ‘local support for the scheme’, as it may be the case that all planning considerations and impacts have been satisfactorily met, however, local communities may still not support wind turbine developments on non-planning matters. If the only way to get planning permission for such schemes is through ‘demonstrable local support’, this could prove a significant stumbling block and place unnecessary burdens on local planning authorities and the developers of such schemes, whilst also stifling renewable energy generation, which we crucially need.

Lastly, WDC is unsure how practically the Council and/or developer would be able to demonstrate ‘community support’ for the scheme. This is not outlined in the consultation or within the revised NPPF (December, 2022) itself and this guidance

would be needed to ensure that such schemes can come forward and not all development schemes of this nature end up at a planning appeal.

Question 44: Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

WDC supports the proposed paragraph 161 of the revised NPPF (December, 2022) that supports the adaptation of existing buildings to provide energy efficiencies improvements and the recognition that heritage assets should be particularly considered when determining planning applications of this nature.

There is a lack of recognition within the current NPPF (July, 2021) that in order to achieve net zero by 2050, reducing emissions and increasing energy efficiency through retrofitting/adapting existing buildings is crucial, and the new paragraph places this aspect on an equal footing with the need to create energy efficient new builds. However, this must be balanced against other objectives such as the protection and enhancement of historic buildings where energy efficiency proposals may cause harm to heritage assets. This is covered in paragraph 161 of the revised NPPF (December, 2022) as it states proposals affecting conservation areas and listed buildings should also take into account the policies set out in Chapter 16 (Conserving and Enhancing the Historic Environment) of the NPPF.

However, WDC would wish to highlight an important omission at paragraph 161 of the revised NPPF and that is the absence of reference to non-designated heritage assets. It is noted that non-designated heritage assets are covered in Chapter 16 of the revised NPPF (at paragraph 206), and this requires that the 'effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. Therefore, WDC would recommend adding non-designated heritage assets to paragraph 161 of the revised NPPF (December, 2021) potentially as follows:

'To support energy efficiency improvements, significant weight should be given to the need to support energy efficiency improvements through the adaptation of existing buildings, particularly large non-domestic buildings, to improve their energy performance (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Proposals affecting conservation areas ~~and~~, listed buildings and/or non-designated heritage assets should also take into account the policies set out in chapter 16 of this Framework'.

Consideration should also be given to the inclusion of scheduled monuments in paragraph 161 of the revised NPPF, as proposals could similarly affect these heritage assets.

Chapter 9 – Preparing for the new system of plan-making

Question 45: Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

The consultation on national planning policy reform confirms that the reformed plan-making system is intended to be introduced in late 2024. In the meantime, the government recognises the importance of ensuring that as many local planning authorities as possible can take advantage of the policy changes outlined in this wider consultation document, which is expected to take effect from spring 2023. WDC supports that the government wishes to allow plans to progress in the short term to allow land for development to continue to come forward. The government therefore proposes that plan makers will have until 30 June 2025 to submit their local plans for independent examination under the existing legal framework, including the duty to cooperate process that will still apply. The government also proposes that all independent examinations of local plans must be concluded, with plans adopted, by 31 December 2026.

In effect, this means that local planning authorities will have just over two years from the implementation of the current reforms contained within this consultation to submit a local plan under the current legislation, with a further potential 1 ½ years for the independent local plan examination to conclude. In terms of timescales for the production of a local plan under the current framework, WDC does support the proposed timetable for the Council to submit its local plan for independent examination by 30 June 2025, which should provide time to account for the proposed changes within this consultation document. However, there remains concern, particularly if many local planning authorities submit their Local Plans just prior to 30 June 2025, that the Planning Inspectorate may be overwhelmed by the number of local plans in the examination process and that the resources needed to adopt all of those local plans by the end of December 2026 will not be enough, particularly given the length of time necessary for an independent examination of a local plan. This will remain a key consideration for government.

However, there are concerns that existing issues related to the current national planning policy system, such as local housing need under the ‘standard method’ and the duty to cooperate mechanism will not change during that period (albeit, that proposals for their reform will continue to progress) and this may disincentivise local planning authorities from submitting their local plans under the current plan-making system, particularly when it is known that substantial reforms to the plan-making system are on their way and may have even been proposed by central government at that stage.

It is noted that there are also incentives to adopt a local plan under the current planning system through this government consultation, which includes the potential for a 4 year-rolling supply for a two-year period where a local plan is consulted upon under the regulation 18 or 19 stage with housing allocations to meet housing need. However, whether this incentive is enough for all local planning authorities to move forward with their local plan will be dependent on local circumstances and whether the new plan-making system discussed in question 46 below (that is not yet known) is considered more beneficial in the longer term. This is acknowledged by the consultation itself under question 46.

<u>Question 46: Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?</u>

The government also proposes transitional arrangements to the reformed plan-making system that includes the following timeline for transition:

- Spring 2023, Subject to Parliamentary approval, Levelling Up and Regeneration Bill receives Royal Assent.
- November 2024, Expected earliest date when local planning authorities with a plan which is more than 5 years old must begin the new plan-making process.
- 30 June 2025, Cut-off date for old-style plans to be submitted for examination.
- October 2026, Latest date for old-style local plans to be adopted.
- 31 December 2031, Latest date when LPAs must begin the new style plan-making process (if their previous plan was adopted on 31 December 2026).

The consultation response confirms that local planning authorities that do not meet the 30 June 2025 submission deadline for 'old-style' plans will need to prepare plans under the new plan-making system. The government also intends to set out that plans which will become more than 5 years old during the first 30 months of the new system (i.e. while the local planning authority is preparing their new plan) will continue to be considered 'up-to-date' for decision-making purposes for 30 months after the new system starts.

WDC in general supports the transitional arrangements and the timetable laid out in the consultation in relation to reformed plan-making system and the transition from 'old-style' plans to' new-style' plans. However, WDC is concerned that although support is given to Council's with adopted 'old-style' plans (i.e. that 'old-style' plans are considered up-to-date during the first 30 months of the new system), this is less time than is required to develop and adopt a new local plan. In order to incentivise local planning authorities to continue under the 'old-style' plan system, it is considered that a longer period for those local plans to be considered up-to-date is needed and this should at least be 5 years as outlined in the current plan-making system. This will ensure that all local planning authorities are protected from the risk of speculative development while preparing their new local plan.

Question 47: Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

WDC supports the proposed timeline for transitioning neighbourhood plans. The proposed consultation notes that Neighbourhood Plans submitted for examination after 30 June 2025 will be required to comply with the new legal framework. This should give ample time for those currently working to the current planning system to submit their neighbourhood plans for examination and will give the local planning authority sufficient opportunity to advise those neighbourhood plan groups likely to go to examination after this date on the new framework.

The Council is also reassured to see that 'made' neighbourhood plans prepared under the current planning system will continue to remain in force until they are replaced. Of course, neighbourhood planning groups take a substantial amount of time to produce a neighbourhood plan, and these also have buy-in from the local community through the referendums held. It is therefore important to make sure that such plans remain in force until they are replaced.

Question 48: Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

It is noted that within the reformed planning system, local planning authorities will no longer be able prepare Supplementary Planning Documents (SPDs). It is proposed that when the new planning system comes into force (expected in late 2024), existing SPDs will remain in force for a time-bound period and only until the local planning authority is required to adopt a new-style plan. Therefore, any current SPDs will automatically cease to have effect at the point at which authorities are required to have a new-style plan in place (this is likely to be in 2027).

The Council is in the process of producing its new Local Plan and it is not planning at this stage to produce SPDs alongside this Local Plan. WDC does have a number of older adopted SPDs that will expire at the point at which authorities are required to have a new-style plan in place. This is expected. The proposed transitionary arrangements for SPDs do seem appropriate, given the reformed plan-making system that is set to be in place by late 2024.

Chapter 10 – National Development Management Policies

Question 49: Do you agree with the suggested scope and principles for guiding National Development Management Policies?

As part of government's planned changes to national planning policy, the new Levelling-up and Regeneration Bill's clauses 83 and 84 intends (subject to parliamentary approval) to introduce 'National Development Management Policies' (NDMPs). In the Bill, the government proposes to centrally set a suite of generic development management policies into national policy. The government proposes that this suite of NDMPs are intended to replace the more 'general' or 'common' development management policies within local plans, which often have only slight variations in terms of their wording and form, but are largely replicated across England or significant parts of it. The government's intention is to remove such policies from local plans to make them shorter and quicker to produce, less repetitive, and more area and site specific.

The Bill proposes to revise s38(6) of the Planning and Compulsory Purchase Act 2004, which requires planning applications to be determined in accordance with the development plan 'unless material considerations indicate otherwise'. Under the proposed Bill, decision-makers on planning applications will be required to give regard to the development plan and any NDMPs when determining applications for planning permission, 'unless material considerations strongly indicate otherwise'. The Bill also alters the status of the development plan, by elevating the status of national development management policies above local planning policies where there is a conflict but affords both policies the same weight. Clause 83 of the Bill makes it clear that if to any extent, the local plan policy conflicts with national development management policies, legally, the national development management policies take precedence. In simple terms, the NDMPs will have the same weight as development plan policies, but will trump development plan policies where there is a conflict.

WDC broadly agrees with the suggested scope and content of the NDMPs but is unable to comment on the detail at this stage, as this consultation only explores the scope and principles of the proposed NDMPs in a limited way, raising some concerns. Although WDC recognises that the introduction of NDMPs would be advantageous given that it is intended to refocus local plans on more locally specific matters and expediate their preparation, it is still unclear what 'strong reasons' underlie the supremacy of the national development management policies. The Council is sufficiently concerned that giving NDMPs primacy would restrict the use of locally specific policies by a 'one size fits all' national approach, which is not considered appropriate in all cases. This means that where there is a conflict, NDMPs having primacy could constrain the use of locally specific policies, which are designed to respond to particular issues an area is facing and also, have been put through more robust and extensive testing during their preparation with local communities as well as justified through the independent examination process to establish their 'soundness'. The Council wishes to highlight that since NDMPs will not be subject to the same level of scrutiny in a local context, they should not be afforded the same statutory weight as locally defined planning policies in an adopted local plan. In short, given the evidence required to support local planning policies, it is our assertion that Local Plan policies derived in a local context should take primacy if there is a conflict with NDMPs.

Furthermore, in the event of a conflict, where NDMPs takes precedence, local planning authorities may not be able to tailor these national development management policies to local circumstances and this could, in the long-run, stifle innovation. The Council is also concerned that the type of planning matters the NDMPs would cover is not yet clear, although it is likely that nationally important issues such as flood risk and heritage protection, commonly encountered in planning decision-making across England will possibly be considered. That said, the Council still considers it unnecessary to reproduce national planning policy, locally, but maintains that there is a role for local plans to set appropriate locally specific policies to respond to particular issues, provided they are justified through the independent examination process.

Given the above, WDC encourages the government to give Councils much more autonomy with the use of local plan policies as they are meant to reflect issues, options and the varying priorities facing a local area. To ensure that local planning authorities develop and implement policies that are feasible at the local level, the Council maintains that more flexibility should be built into the national approach to enable local planning authorities to respond appropriately to local, complex and/or varying circumstances. As such, the Council is keen for government to work closely with local authorities on an ongoing basis to firm up the definition and other aspects of NDMPs, including specific issues that are not covered at a national level. In addition, WDC will engage with the government through the subsequent consultation where further details on the proposed suite of NDMPs are defined.

Question 50: What other principles, if any, do you believe should inform the scope of National Development Management Policies?

WDC is unable at this stage to recommend any other principles as further detail is needed to understand how 'principles guiding the NDMPs' are intended to be applied in practice.

Whilst WDC is broadly supportive of the inclusion of the 'principles guiding the NDMPs' and recognises that they would contribute to making the planning system more user-friendly, it urges the government to develop clear and succinct principles that would provide a logical and meaningful basis for the scope of the NDMPs.

So far, WDC considers the government's 'suggested principles' too vague (generic) and not explicit enough. Therefore, WDC would welcome the development of clear principles that would inform consistent decision-making. WDC would be supportive of collaborative working between local authorities and the government, as well as other stakeholders to progress work on establishing the scope of NDMPs, which should be informed by clear, concise, consistent and feasible principles.

Question 51: Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

The proposed NDMPs are also intended to encapsulate a list of 'selective new additions' that would reflect new, nationally important priorities such as net zero, where evidence at the district level may be difficult to develop. Similarly, the 'selective new additions' are intended to help bridge 'gaps' where existing national policy is silent on planning considerations that regularly affect decision-making across the country.

The Council supports the principle of 'selective new additions' and recognises that the inclusion of a selection of new additions that complement existing national policies would provide some basis for government to take forward its key nationally important priorities and actions. Whilst the Council is supportive of the overall direction of the 'selective new additions' set out in this consultation, it is equally concerned that the selective additions currently described, lack vision and ambition and do not add significantly to requirements already set out in national policy. However, as it currently stands, the Council has concerns that the selective additions lack sufficient detail to ensure they can be effectively and consistently implemented. The starting point for selecting new additions to complement existing national policies would be to strengthen further the proposed selective additions to better reflect the realities of achieving net zero, economic growth along with environmental protection.

Again, in relation to the selective additions identified so far, the Council is of the view that even though the policy issues highlighted are relevant across many local planning authorities, they should not be limited to individual NDMPs. This is because the current approach is likely to result in policy overlaps especially where the government requires local planning authorities to set out further measures locally on the basis of the parameters set in national policies to ensure consistency and sound decision making. Another connected concern that the Council has is that this approach could potentially lead to the production of further guidance or technical standards that would have cost and resource implications for many local planning authorities. To ensure transformational change across the planning system in England, the Council encourages the government to provide greater clarity and more guidance on how 'new additions' are intended to guide the use and development of land. Lastly, the Council would welcome more information on the rationale for selecting those 'new additions' chosen.

Question 52: Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

In addition to the options the government is considering for the NDMPs, the Council is particularly supportive of the concept of 20-minute neighbourhoods in delivering accessible places which have real benefits for health, the environment and local economy. It is felt that the introduction of NDMPs would offer an excellent opportunity to facilitate the principle of 20-minute neighbourhoods in both urban and rural areas. The Council considers that NDMPs could be used to highlight the importance of applying the 20-minute neighbourhood approach meaningfully to primarily rural areas where significant infrastructure investment is often overlooked.

Another issue for NDMPs to consider is health and wellbeing. The Council considers that there is insufficient emphasis on health and wellbeing in national planning policy and is keen for NDMPs to promote healthier places and tackle health inequalities. It is acknowledged that planning has a role in designing places and tackling health inequalities and we would support NDMPs that provide a stronger focus on reducing the impact of a poor physical and natural environment on health and wellbeing. Most importantly, it is considered that NDMPs should give significant weight to the promotion of healthier places and tackling health inequalities when considering development proposals.

Chapter 11 – Enabling Levelling Up

Question 53: What, if any, planning policies do you think could be included in a new Framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

The 12 levelling up missions in the Levelling Up White Paper include the following missions:

Focus Area	**Mission**
Living Standards	By 2030, pay, employment and productivity will have risen in every area of the UK, with each containing a globally competitive city, and the gap between the top performing and other areas closing.
Research and Development	By 2030, domestic public investment in R&D outside the Greater South East will increase by at least 40%, and over the Spending Review period by at least one third. This additional government funding will seek to leverage at least twice as much private sector investment over the long term to stimulate innovation and productivity growth.

Focus Area	Mission
Transport Infrastructure	By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing.
Digital Connectivity	By 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.
Education	By 2030, the number of primary school children achieving the expected standard in reading, writing and maths will have significantly increased. In England, this will mean 90% of children will achieve the expected standard, and the percentage of children meeting the expected standard in the worst performing areas will have increased by over a third.
Skills	By 2030, the number of people successfully completing high-quality skills training will have significantly increased in every area of the UK. In England, this will lead to 200,000 more people successfully completing high-quality skills training annually, driven by 80,000 more people completing courses in the lowest skilled areas.
Health	By 2030, the gap in Healthy Life Expectancy (HLE) between local areas where it is highest and lowest will have narrowed, and by 2035 HLE will rise by five years.
Well-being	By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.
Pride in Place	By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between top performing and other areas closing.
Housing	By 2030, renters will have a secure path to ownership with the number of first-time buyers increasing in all areas; and the government's ambition is for the number of non-decent rented homes to have fallen by 50%, with the biggest improvements in the lowest performing areas.

Focus Area	Mission
Crime	By 2030, homicide, serious violence and neighbourhood crime will have fallen, focused on the worst affected areas.
Local Leadership	By 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution and a simplified, long-term funding settlement.

It is clear that a number of the levelling up missions do not necessarily revolve around planning specifically (i.e. local leadership or education standards), although many topic areas are impacted by planning decisions at both the plan-making and decision making stages. As discussed in response to question 52, it is clear that either the NPPF or NDMPs could be used to tackle health and well-being issues specifically (i.e. to introduce requirements for developers to undertake Health Impact Assessments (HIAs) for certain types of schemes) or for delivering new broadband infrastructure in rural areas, for example.

In terms of regional issues, it is recognised in terms of the 'research and development' levelling up mission, by 2030, the government expects domestic public investment in R&D outside of the Greater South East will increase by at least 40%, and over the Spending Review period by at least one third. The aim of course is to generate jobs and employment in locations outside of the Greater South East. Conversely, the 'standard method' for local housing needs, due to a consideration of 'affordability' specifically, seeks to distribute new homes predominantly in the South East (where affordability is at its worst) and therefore does not support wider strategic goals, such as investment in the North of England as set out in the Levelling up Agenda.

In addition, it should be noted that not all areas of the Greater South East are equal and indeed, some parts of Sussex are not well connected to London through public transport and the job opportunities that it brings. For example, the largest town in Wealden (Hailsham at over 23,000 residents) does not have any direct links to London or a rail station (the nearest being in Polegate over 3.5 miles away). In addition, as it stands, there are no rail connections between south and north of Wealden District and public transport is relatively limited in terms of mass transit also, particularly outside of the main towns and villages. This has been highlighted within the Transport for the South East Strategic Investment Plan[7] that highlighted significant transport issues between London and the Sussex Coast. It is unlikely that many of these strategic issues can be dealt with locally through the planning system and many of the schemes to improve the existing situation in terms of transport connectivity (such as reinstatement of the Lewes to Uckfield) require strategic investment by government, rather than changes to the planning system.

[7] Transport for the South East – A Strategic Investment Plan for the South East, June 2022

Question 54: How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

The Council supports the governments emphasis on supporting a prosperous rural economy as set out in paragraphs 86 and 87 of the revised NPPF (December, 2022). Specifically, the Council supports the diversification of agricultural and other land-based rural businesses. The latest Employment and Economic Study for Wealden and Eastbourne (April, 2022) provides information as to where employment is situated within the district and concludes that it's a relatively even split between rural and urban employment. Levels of sole proprietorship are also relatively high in Wealden at 18.6% of enterprises compared to 13.5% across the southeast region and 14.5% across England.

As it stands, national planning policy does not specify exactly where employment development should go, with the exception of 'offices' that are considered 'main town centre uses' in the Glossary to the NPPF and are therefore directed towards town centres first. However, it notes that planning policies should recognise and address the specific locational requirements of different sectors, such as storage and distribution uses (Use Class B8) being located in suitably accessible locations (i.e. on trunk roads) at paragraph 85 of the revised NPPF (December 2022). National planning policy also supports a prosperous rural economy, including rural diversification and the expansion of existing rural businesses, subject to constraints.

Given the above, it is considered that for a relatively rural local authority, such as Wealden, that chapter 6 (Building a strong, competitive economy) of the NPPF is currently sufficient to drive economic growth in the district and allows for some degree of autonomy to deliver new economic growth in the areas that best suits the local area. It also allows for the expansion of existing rural businesses, which makes up a significant proportion of Wealden's economy.

Question 55: Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

The proposed amendments to paragraph 62 of the revised NPPF (December, 2022) incorporates an uplift to the 'standard method' calculation for local housing needs for those urban local authorities in the top 20 most populated cities and urban centres. It notes that this uplift should be accommodated within those cities and urban centres themselves unless it would conflict with the policies in the NPPF and legal obligations. In effect, this means that such housing need should not be exported to neighbouring local planning authorities and WDC has outlined under question 15 the potential impacts if neighbouring local planning authorities were expected to the meet unmet housing need generated by those cities and urban centres.

The emphasis on the top 20 most populated cities and urban centres to prioritise brownfield and other-underutilised urban brownfield sites is supported. However, as discussed elsewhere within our response, this also needs to be applied to other urban towns and cities that are not listed in the top 20 most populated areas, particularly where their administrative boundaries are tightly drawn. Guidance should be provided within national planning policy as to what is required to be evidenced as part of these

Local Plans (i.e. density study, urban capacity study, tall buildings survey) to ensure that every step has been taken to deliver new homes within urban area or city, that are most sustainable locations to deliver new homes.

As discussed previously, the exportation of housing need to neighbouring rural authorities would likely deliver worse outcomes, as it would result in the loss of greenfield land and deliver new homes in rural or semi-rural locations that do not benefit from the existing services, jobs and infrastructure that existing urban areas do.

Question 56: Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?

The Council strongly agrees that the government should bring forward proposals to update the framework, to make sure that women and other vulnerable groups feel safe in our public spaces. Only paragraphs 92, 97 and 132 of the existing NPPF (July, 2021) refer to safety in the public realm and only in a generic sense. The trend of male violence against women is a recurring trend, and the built environment has not been designed to account for it in the past and is rarely designed to account for it now. Whilst safety is a right for both men and women, fear of crime exacerbated by poorly designed public spaces, disproportionately affects women in their day to day lives, whether it is having to take a longer route home to avoid certain areas, avoiding using a remote bus stop, or avoiding using certain spaces after dark.

Simple changes to urban design can offer an increased sense of safety. This includes, but should not be limited to, improvements to lighting. Other design considerations include the provision of clear sightlines, the use of natural surveillance, the installation/ maintenance of emergency phone boxes, the removal of dense vegetation, maintenance and upkeep of public areas and the design of public transport stops.

Public spaces need to be designed with women and other vulnerable groups in mind from the outset, not as an afterthought. If the means to tackle safety in public spaces are not incorporated into Local Plans and embedded in national policy, then the decision-makers on development schemes are often powerless to request measures within their decisions. It is far easier to persuade a developer to design a space that considers the safety of women if there is a strongly worded policy in place requiring it. Therefore, any update to the NPPF needs to consider doing more to enable and encourage local authorities to consider the safety of women and girls at both the policy setting stage and when making decisions. Whilst the legislation is already in place to combat gender inequality in the built environment with the Equality Act 2010 and the public sector equality duty, a clear lead needs to be taken within the NPPF as to the importance of safety for women, girls and other vulnerable groups, which will provide a greater ability and willingness for local authorities to embed it in policy in their Local Plans and insist upon it.

The lack of prominence given to the safety of women, girls, and other vulnerable groups within the NPPF should also be considered in the review. Far more space seems to have been given to achieving 'beautiful' spaces and buildings in the existing version of the NPPF, with safety often appearing to be an afterthought.

Men and women experience the built environment in different ways and understanding how men and women use public space differently is crucial to designing out fear but also reducing gender inequality more generally. More research is required on this subject. Whilst it may be considered a start in addressing safety, there is much more that could be considered than simply increased lighting.

Safety in public spaces is only one element of gender inequality in the built environment. Women are at a disadvantage in the built environment because of their gender in a number of key areas, these include safety, but also housing, transportation, employment, public space and recreation. Reviewing the framework to address safety is important but should only be seen as part of the solution.

Chapter 13 – Practical Changes and Next Steps

Question 57: Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

In terms of the way that national planning policy is presented and accessed, the Council has no specific comments to make.

Question 58: We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

Whilst the legislation is already in place to combat gender inequality in the built environment with the Equality Act 2010 and the public sector equality duty, a clear lead in the NPPF as to the importance of safety for women, girls and other vulnerable groups will provide a greater ability and willingness for local authorities to embed it in policy in their Local Plans and insist upon it. Currently only paragraphs 92, 97 and 132 of the existing NPPF refer to safety in the public realm and only in a generic sense.

The consultation is proposing to amend paragraph 62 of the NPPF (July, 2021) in relation to older people. Paragraph 63 of the revised NPPF (December, 2022) continues to set out that older people are one of the specific groups whose specific housing needs should be assessed and reflected in planning policies. The amended paragraph inserts additional wording to state that local authorities should place particular regard to retirement housing, housing-with-care and care homes when establishing the housing needs of older people. It is noted that other forms of older persons specialist housing such as age-restricted general market housing, sheltered housing, extra care housing or nursing homes are not mentioned within the proposed changes.

The Council is supportive of the government's commitment to boosting the supply of specialist older person's accommodation and to diversify the specialist housing options available. The Council recognises that current guidance within Paragraph 10 of the PPG (housing for older and disables people) sets out additional types of specialist older person's housing that are not specifically mentioned within the revised NPPF (December, 2022), such as age-restricted general market housing, sheltered housing, extra care housing or nursing homes.

In light of the above, WDC agree that a review is needed as a result of the proposed national planning policy changes to ensure that any potential impacts that might arise under the Public Sector Equality Duty are dealt with. However, WDC agrees that the government must provide a clear lead in the NPPF as to the importance of safety for women, girls and other vulnerable groups to combat gender inequality in the built environment. Additionally, there is a need for clarification as to why the proposed changes to paragraph 63 of the revised NPPF (December, 2022) only specifically mention retirement housing, housing-with-care and care homes.