

Appendix B

Recommended WBC response to draft NPPF March 2018

Chapter 1 Introduction

Q1 Do you have any comments on the text of Chapter 1?

Material consideration

Wokingham Borough Council (WBC) welcome the clarification in Paragraph 2 that the NPPF must be taken into account when preparing development plans and is a material consideration in planning decisions, however, it would be helpful if the paragraph provided express clarification that plans and decisions may depart from NPPF policy where adopted policy and evidence provide sufficient justification.

WBC consider this principle particularly important in the area of affordable housing. WBC recognise the cost of housing is becoming unaffordable to large numbers of people, particularly young individuals and families. Our adopted planning policies require the provision of affordable housing from proposed developments below the government's policy threshold. This has enabled significant provision without effecting the viability of development or impacting overall delivery of new homes.

Functional geography

WBC are surprised to see the draft revised NPPF contain no reference to functional geography such as housing market area and functional economic areas. Instead reference is simply made to neighbouring areas. WBC considers this a retrograde step and requests that government reinstate functional geography as a central plank of government policy. In WBC's opinion it is essential that strategic planning take into account the interactions between places, rather than simply proximity of boundaries.

Chapter 2 Achieving sustainable development

Q2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

Wokingham Borough Council (WBC) is concerned that the proposed changes to the presumption in favour of sustainable development at Paragraph 11(b) and footnote 6 will have negative and unintended consequences.

WBC understands and supports the need for unmet need from other areas to be considered in plan making, and for the matter to be addressed between local planning authorities within statements of common ground. WBC is concerned, however, that there is no recognition that a statement of common ground may not contain agreement as to the acceptability of unmet need or state specifically where unmet needs are most sustainably addressed. This could act to delay plan making, and therein housing delivery, and may result in protracted examinations.

WBC requests that Paragraph 11b is rephrased to state:

“Strategic plans should, as a minimum, provide or objectively assessed needs for housing and other development, as well as any needs that cannot be met within neighbouring areas where this has been agreed between the local authorities and can reasonably be met within that Local Plan area, unless...”

Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

Wokingham Borough Council (WBC) objects to be loss of the core principles section. It is WBC’s opinion that this section provided an accessible and inspirational overview of the planning system.

Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

Wokingham Borough Council (WBC) requests that Paragraph 8(c) is amended to refer to landscapes, as below:

“8 c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, protect and restore landscape, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.”

Chapter 3 Plan-making

Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

Justified test of soundness

Wokingham Borough Council (WBC) supports the proposed change to the ‘justified’ test of soundness so that it refers to “an appropriate strategy.”

Effective test of soundness

WBC objects to the proposed change to the ‘effective’ test of soundness. Whilst understanding and agreeing with the government’s wish for strategic matters to be dealt with and not deferred, there will no doubt be circumstances where issues are complex and require dialogue over a sustained period. Providing statements of common ground acknowledge the issue and provide a route forward, the progression of local plans should not be hindered.

Positive prepared test of soundness

WBC supports the proposed text. WBC notes that the proposed text here acknowledges the need for agreement between local authorities, unlike the text under the presumption in favour of sustainable development at Paragraph 11(b) and footnote 6. WBC objects to the latter.

Reviewing plans every 5 years

WBC notes and supports the forthcoming regulatory requirement to review plans every 5 years and keep them up-to-date. WBC wishes to emphasise to the government that where a plan has been

reviewed, and no update is required, that the plan should be given full weight in decisions, notwithstanding it being over 5 years old.

WBC notes that the guidance relating to the housing delivery test refers to the age of the plan, e.g. see Housing Delivery Test Draft Measurement Rule Book, Paragraph 3. The relevance of the plan must be from the point of adoption or subsequent review. WBC objects to the current text because, as written, a plan which has been reviewed and found robust, would not be recognised as up-to-date when considering the housing delivery test.

Q6 Do you have any other comments on the text of Chapter 3?

Wokingham Borough Council (WBC) requests that Paragraph 27 specifically refers to 'National Parks Authorities' and 'AONB Boards' in the list of collaborative partners.

WBC further requests that Paragraph 34 and/or 35 are amended to include recognition that development contributions should include provision for the conservation and enhancement of on- and or off-site landscape, biodiversity and heritage assets, particularly where this is required to mitigate the impacts of the development on those assets. This links in well with the sustainability analysis in paragraph 35. For example Paragraph 35 might be amended to "compensatory measures and/or contributions should be pursued."

Chapter 4 Decision-making

Q7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

Wokingham Borough Council (WBC) supports viability assessments being made publically available. Such actions will make planning decisions more transparent.

Q8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

Wokingham Borough Council (WBC) believes that it would be helpful for national planning practice guidance to set out the circumstances in which viability assessment to accompany viability assessments would be acceptable. Paragraph 34 suggests that Local Plans should set out these circumstances but this will lead to divergent approaches across the country which goes against the principle of standardisation of viability appraisals.

Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

Wokingham Borough Council (WBC) would support mandating review mechanisms to capture increases in the value of a scheme. This would help to provide more certainty around the provision of infrastructure. The circumstances in which this could be mandated should be set out in national planning practice guidance.

Q10 Do you have any comments on the text of Chapter 4?

Wokingham Borough Council (WBC) requests that Paragraph 39 is amended to refer to local planning authorities, landowners and developers. All parties within the development process should

strive to approach decisions in a positive and creative way, which works to improve the economic, social and environmental conditions of an area.

WBC further requests that Paragraph 54 is amended to refer to 'landscape, heritage or wildlife assets' after 'where this is necessary to protect...'

Chapter 5 Delivering a wide choice of high quality homes

Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Wokingham Borough Council (WBC) disagrees with the proposal that the councils be required to allocate a certain percentage of sites below a certain size. Whilst understanding the government's intention to open up the housing market to small and medium builders, this is more complex than simply allocating small sites. To achieve this, larger structural changes are needed to finance and labour markets to encourage the sector. The government should also be aware that smaller sites do not deliver necessary infrastructure, in the same way that can be achieved on larger sites.

Recent evolution in the housing markets has seen volume builders entering the market for smaller sites. This is particularly the case where strategic sites are not available. Simply requiring the allocation of small sites will not achieve the government's objective with volume builders still being able to utilise economies of scale.

Whilst WBC supports a balanced portfolio of sites, infrastructure planning is complicated where additional homes are spread out over a wide area. This leads to no natural centre, and means that impacts cannot be efficiently mitigated. WBC adopted planning strategy provides the majority of housing in four strategic development locations. Our approach has enabled the delivery of sustainable, infrastructure rich communities including £400m investments in 7 new primary and 1 new secondary schools; 7 new strategic roads, 6 new neighbourhood centres and 1 new district centre, 3 new sports hubs and one enhanced sports hub, parkland and improvements to public transport, as well as over 30% affordable housing. Our surveys show that there is a high and increasing level of satisfaction from new homeowners.

WBC would promote the solution where government policy allows local planning authorities to insist that a proportion of large allocations are released to small and medium builders. This would increase the number of sales outlets, improving supply and could be transparently monitored and enforced.

WBC also promotes the need for government to introduce an effective set of incentives (both positive and negative) to encourage developers to deliver and accelerate completions. Such incentives could include requiring developers to sign up to a delivery profile, fiscal incentives, forward funding of infrastructure, and streamlined compulsory purchase of stalled sites. WBC was invited by Rt Hon Sajid Javid MP, at the time Secretary of State for Housing, Communities and Local Government to provide a pilot proposal on these areas and has done so.

WBC would advocate that each local planning authority is best placed to prepare a suitable development strategy, taking into account local factors which inform sustainability. Any arbitrary figure within the NPPF will act to undermine local choice.

Q12 Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

Wokingham Borough Council (WBC) strongly supports the introduction of a threshold for applying the presumption in favour of sustainable development as a positive step to achieve consistency. WBC has experienced planning agents arguing that the presumption should be applied when the shortfall is marginally short of the five year supply. WBC also welcomes the application of the 20% buffer based on recent delivery rather than subjective past performance. The resulting appeal process has wasted both tax payers' money and deflected resources from what should be the real focus of updating policies and housing delivery.

Notwithstanding the above, WBC believes the five year housing and supply and the housing delivery test should focus on the grant of planning permissions and not actual or projected completions. Local authorities grant planning permission. They do not build houses in the same way that a true developer does.

The rate of building is not therefore in the gift of the local authority, but controlled by the development industry. The reviewing being led by Sir Oliver Letwin confirms this position in their initial letter to the Secretary of State. Whether a local authority can demonstrate completions or future supply of land for housing is an inappropriate test of a local authority in principle.

WBC's experience of the current processes around the five year supply deflects significant officer time away from the local plan and from development management. Similar issues are widely experienced by local authorities are no doubt mirrored in the Planning Inspectorate.

Uncertainty in a local authority's' ability to manage development effectively undermines the trust of residents and their trust in their political representatives. This can negatively affect the future acceptance of development, slowing delivery. The influence of this point cannot be underestimated. We are working with local communities to ensure that the best approach is taken to accommodate the significant amount of development that is needed. Whilst our communities generally do understand why more high quality homes are needed, they feel very disheartened that the planning appeal system is currently letting them down and not delivering on its core principle of empowering local communities to shape their area.

Q13 Do you agree with the new policy on exception sites for entry-level homes?

Whilst Wokingham Borough Council (WBC) recognises the need to deliver entry-level homes for first-time buyers, exception sites should be a last resort. Provision should be made through the plan making process to secure the right homes in the right locations to meet this need whether it be through designated sites, housing mix policies or other mechanisms. WBC is concerned that an exception policy for entry-level homes will result in sites being submitted for planning approval in inappropriate locations. It will also drive up the price of land outside of settlement boundaries making it even more difficult to deliver genuinely affordable rural exception sites.

Q14 Do you have any other comments on the text of Chapter 5?

Affordable housing thresholds

Wokingham Borough Council (WBC) objects to Paragraph 64 which states that affordable housing should not be sought from proposals that are not major (10 dwellings or more). Local planning authorities should be afforded the flexibility to set their own thresholds for seeking affordable

housing based on evidence of need and robust viability testing during plan preparation. WBC's adopted planning policy seeks affordable housing from scheme involving the construction of 5 or more dwellings. This policy has successfully delivered 817 affordable homes since 2015. Local evidence shows that delivery has not been unacceptably impacted. WBC requests, as a minimum, that Paragraph 64 is amended to make explicit reference to local planning authorities being able to set their own thresholds. The government's proposal for viability to increasingly be undertaken in plan preparation, supports the logical position that local planning authorities are in the best place to determine what is an appropriate and viable thresholds for affordable housing.

The government should be aware that inappropriately set policy thresholds can unduly restrict the delivery of affordable housing. By way of illustration, previous government circulars advising of a threshold of 15 dwellings for affordable housing lead to many developments being proposed 14 dwellings, so avoiding any contribution to affordable housing. This effect was not solely experienced in Wokingham Borough but by many local authorities.

WBC are concerned whether the impacts of requiring allocations of smaller sites and the affordable housing thresholds have been assessed. There is a clear possibility that encouraging delivery from smaller sites will reduce overall delivery of affordable housing in the absence of flexibility on thresholds based on local evidence of need and viability.

WBC welcomes the additional flexibility offered in Paragraph 64 regarding the delivery of affordable housing on sites in designated rural areas. These sites are by their nature usually smaller in scale and therefore, the current threshold of 10 contained in the current PPG will have negatively impacted the delivery of affordable housing in rural communities.

WBC welcomes the additional flexibility within Paragraph 65 on the types of products that can be used to meet affordable housing need (compared to the previous proposal for Starter Homes). The exceptions are considered reasonable.

Rural exceptions

WBC are concerned that Paragraph 72 inappropriately waters down the current rural exceptions policies which required a proven need and homes to stay in affordable ownership in perpetuity. Without such safeguards, this paragraph may encourage unplanned and unsustainable applications and appeals.

Neighbourhood plan requirements and the five year housing land supply

WBC requests that the PPG is amended to make it clear that setting housing requirements for designated neighbourhood area does not introduce a requirement to maintain a five year housing land supply at sub-local authority levels. WBC are aware that this argument has been put forward by appellants as a reason to support unplanned development. Requiring sub-area assessments is clearly disproportionate.

Five year housing land supply and annual position statement

Paragraph 74 provides an opportunity for a local planning authority to demonstrate a five year housing land supply through an annual position statement. This is further expanded upon on the draft PPG. The arrangements allows local planning authorities to only confirm the deliverable land supply annually, following the adoption of a new plan.

WBC supports the principle of an annual five year land supply assessment. At 30 November, WBC had granted capacity for nearly 11,000 additional houses against an annual need of between 800-900 homes per year. This equates to a potential land supply of around 12 years.

Notwithstanding the clear evidence of sustained granting of planning permissions that are capable of meeting future housing needs, we have experienced increasing number of speculative applications and successful appeals against refusal of schemes by the council. Developers are using the existing five year housing land supply rules to circumvent the plan-led approach; favouring ad-hoc sites largely on greenfield sites, without planned infrastructure delivery. This is clearly undermining the delivery of our large sites which have been planned with public and developer co-operation.

Notwithstanding supporting the principle, WBC strongly objects to the ability of take up this opportunity only following the adoption of a new plan. This carries no logic and fails to protect local planning authorities that are delivering housing requirements now. WBC can provide evidence of housing need and deliverable housing land supply. Both are capable of being independently tested and confirmed. WBC requests that the NPPF and PPG are amended to allow all local planning authorities to demonstrate deliverable land supply through an annual position statement. This will support local authorities which are delivering, allowing them to focus resources on moving forward.

Bank of planning permissions

The current NPPF approach is focused on delivery – whether there is a realistic prospect that housing will be delivered on sites within five years. This is retained by in the revised NPPF.

The commercial decisions of developers do not always align with the government’s objective of maximising housing delivery. WBC have experience of developers controlling supply in their commercial interest through actions such as not selling land to competitors, slowing the delivery of key infrastructure which inhibits competitors, slowing delivery due to a lack of sales (while not lowering price to stimulate interest), and leasing buildings for alternative uses which prevents development. I have attached a summary to this letter.

It is unacceptable for the plan-led system to be undermined by factors which are not in the control of the council, particularly where there is clear evidence that delivery is not being restricted by our inaction. This evidence is being provided to Inspectors in appeals, however, decisions have placed significant weight on whether permissions are to be delivered by developers. Many decisions are based on ‘expert’ judgement rather than clear evidence. WBC and our residents are increasingly concerned about whether there is local ability to manage development, and the cost to the public purse of defending against speculative schemes is significant and increasing. Local opposition is becoming more vocal to development as the lack of control leads to uncertainty.

WBC request government amendment of the NPPF so that the five year housing land supply is simply assessed against the approval of planning permissions, which reflect the true assessment of a local planning authority’s performance and dis-incentivise land banking either through not starting construction or by going slow.

Notwithstanding WBC’s objection to the use of deliverability, should the approach be retained WBC call on the government to clearly state in the Planning Practice Guidance (PPG) that the number of permissions granted is a significant material consideration when weighing up any potential shortfall. This simple change will help guard against manipulation of the system, allowing Inspectors to take into account where blockages in delivery are occurring.

Five year housing land supply and the plan review process

WBC objects to Paragraph 74 as currently drafted as it is inconsistent and incompatible with the approach of review and update advocated by Paragraph 23. Paragraph 23 requires that plans are reviewed every 5 years, and updated as necessary. WBC understands that the government has carefully taken this approach to guard against unnecessary and costly updating of local plans. Paragraph 74 states that the housing land supply should be assessed against local housing need where the strategic plan is more than five years old. To be compatible, Paragraph 74 must recognise that a plan is up-to-date where it has been reviewed and no update is deemed necessary. Being up-to-date is not a simple mathematical position.

WBC requested that Paragraph 74 is amended to “...or against their local housing need where the strategic plan is more than 5 years old and the review showed the plan to require updating with regard to future housing delivery.”

Action Plan

WBC requests that Paragraph 77 acknowledges that the reasons for under delivery may be outside the control and influence of the local planning authority, and that the proposed action plan may be unable to identify actions to resolve issues within current planning rules.

WBC request government amendment of the NPPF so that the five year housing land supply is simply assessed against the approval of planning permissions, which reflect the true assessment of a local planning authority’s performance and dis-incentivise land banking either through not starting construction or by going slow. It is unacceptable for the plan-led system to be undermined by factors which are not in the control of the council, particularly where there is clear evidence that delivery is not being restricted by our inaction.

Garden Cities Principles

WBC objects to the omission of Garden City principles from Paragraph 73. WBC is a signatory to the Town and Country Planning Associations representation. WBC strongly believe that meeting the nation’s housing needs involves more than just building houses – it s about creating well designed places which offer a wide range of employment opportunities and genuinely affordable homes, whilst enabling more sustainable lifestyles. WBC request that government reinstate the principles, which are included within the current NPPF.

Chapter 6 Building a strong, competitive economy

Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

Wokingham Borough Council (WBC) supports much of Chapter 6 but requests minor amendments to address issues of practicality and impact.

Paragraph 83(b) states that “planning policies should set out criteria, or identify strategic sites” for investment. WBC requests the paragraph is amended to refer to and/or identify strategic sites. Further, Paragraph 83(b) refers to planning policies meeting “anticipated needs over the plan period”. Like retail, the business sector is fast moving and highly influenced by advances in technology and social and economic trends. Looking back 15 years, who would have predicted the advancements made in telecommunications and automation. It is widely acknowledged that

economic change makes longer-term forecasts highly volatile and speculative. It is not appropriate for local planning to be subject to such variation. WBC strongly recommends that Paragraph 83(b) is amended to require planning policies to meet needs over a 10 year horizon, as is proposed for the retail sector in Paragraph 86(d).

Paragraph 83(b) would thereby read “(b) set criteria, and/or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs ~~over the plan period~~ looking at least 10 years ahead (including making provision for clusters or networks of knowledge driven, creative or high technology industries);

Q16 Do you have any other comments on the text of chapter 6?

Wokingham Borough Council (WBC) requests that Paragraph 83 includes an additional bullet point stating: planning policies should “recognise the nation’s landscape, wildlife and heritage capital for the positive influence it plays in encouraging and enhancing economic development and help ensure this capital is not squandered”. Surveys of employers in the Thames Valley has shown that environmental quality is a key determinate in locating and investment decisions.

Chapter 7 Ensuring the vitality of town centres

Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Wokingham Borough Council (WBC) generally supports the section.

Whilst supporting recognition in Paragraph 86(d) that planning for long term retail needs is complex and therefore the requirement for allocations is reduced from the plan period to a 10 year period, WBC question why the approach should not be consistent with that for housing. That is identifying specific sites (allocations) to meet 5 years, and identifying broad areas to meet needs in years 6 onwards. Assessing needs for retail and planning for that need is more complex due to the level of subjective judgement than assessing the needs of housing, which is more robustly based on cohort survival. The approach to retail planning should be less, not more onerous.

Q18 Do you have any other comments on the text of Chapter 7?

Wokingham Borough Council (WBC) recommends that Paragraph 86 is amended to make cross reference to the meaning of town centres in the Glossary. Whilst clear from the glossary that town centres means a wide range of centres, this nuance is not highlighted to the reader.

Chapter 8 Promoting healthy and safe communities

Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

Wokingham Borough Council (WBC) has no comments on this question.

Q20 Do you have any other comments the text of Chapter 8?

Wokingham Borough Council (WBC) has no comments on this question.

Chapter 9 Promoting sustainable transport

Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Wokingham Borough Council (WBC) agrees with the new introduction which provides a useful context for plan-making and development proposals. WBC also supports the clear setting out of what applications for development should achieve in Paragraph 110.

Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?

Wokingham Borough Council (WBC) recognises the importance of aviation facilities to the economic wellbeing of the Thames Valley in general and Wokingham Borough in particular. We have given conditional support to the Draft Airports National Policy Statement as the proximity and success of Heathrow is seen as essential for both business and leisure travel. WBC supports enhanced surface access links to both Heathrow (with Western Rail Link to Heathrow) and to Gatwick (such as GWR's plans for a second train to Gatwick each hour on the North Downs Line.) We also recognise the need to provide facilities for executive travel such as those at Farnborough and indeed various leisure aviation facilities from airfields such as White Waltham and Blackbushe.

Q23 Do you have any other comments on the text of Chapter 9?

Wokingham Borough Council (WBC) is supportive of advice issued by the CIHT "Buses in Urban Developments". In particular the advice that "New developments and regeneration schemes should be located where they can be served by extensions to existing bus services or where new services can provide direct and fast routes to the town centre and other major destinations." WBC is therefore supportive of this advice being applied to both significant development (para. 104.) and those of a smaller nature wherever possible.

WBC strongly objects to Paragraph 109 which retains the existing text from the current NPPF that "developments should only be prevented or refused on highway grounds if the residual cumulative impacts on the road network or road safety would be severe." By limiting refusal to the single criterion of severe impact, the government are asking local authorities to deliver quality development with sustainable transport opportunities with their hands tied behind their back. If a developer fails to take reasonable opportunities to incorporate sustainable transport such as through an integrated layout, or the site is located away from such opportunities, the NPPF must support refusal on the basis of poor planning. As a minimum, the word 'only' must be deleted from Paragraph 109, however a more meaningful change would be to expressly state that "development that fails to incorporate reasonable opportunities for sustainable transport, or would individually or cumulatively with other potential developments severely impact on the road network or road safety, should be refused."

WBC requests that what is meant by "severe" is defined in the NPPF or Planning Practice Guidance (PPG).

WBC requests that this section include an explicit reference to locating development where one trip can serve several purposes, and where it is accessible by a choice of means of transport other than the private car.

Chapter 10 Supporting high quality communications

Q24 Do you have any comments on the text of Chapter 10?

Wokingham Borough Council (WBC) generally agrees with the text of Chapter 10. Notwithstanding, it would improve clarity of the text made it expressly clear that evidence must be provided to the local planning authority by the telecommunications operator. That is, there is no expectation that the evidence should be generated and maintained by the local planning authority itself.

WBC welcomes the requirement in Paragraph 113 covering radio and telecoms masts, stating they should be kept to a minimum, encouraging reuse of existing masts/buildings and other structures etc. WBC notes however, in relation to fibre to the home, there is no similar provision in terms of duplication of cabinets, duplication of ducting in the road etc. This is likely to become more of an issue within historic centres/conservation areas, particularly as it appears the government's aim is to introduce competition between companies, each providing their own fibre connections.

Chapter 11 Making effective use of land

Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Wokingham Borough Council (WBC) agrees with the proposed changes, if consideration of future need is realistic and longer than short term.

Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Wokingham Borough Council (WBC) supports the use of minimum densities that take into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed places. WBC believes it is important that local distinctiveness and differing roles of places continue to be recognised in all planning decisions. Higher densities should be encouraged where there is genuine accessibility to services and facilities, such as transport hubs with frequent services. Government policy and decisions should recognise that simply benefiting from a bus service is not in itself sufficient, the service must provide a good alternative both in terms of frequency and duration.

Q27 Do you have any other comments on the text of Chapter 11?

Wokingham Borough Council (WBC) requests that Paragraph 123 makes reference back to Paragraph 122(d) and (e), e.g. "...potential of each site consistent with Paragraph 122 criterion d and e."

Chapter 12 Achieving well-designed places

Q28 Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

Wokingham Borough Council (WBC) has no comments on this question.

Q29 Do you have any other comments on the text of Chapter 12?

Wokingham Borough Council (WBC) requests that Paragraph 126(c) is amended to be positively written with regards to innovation to that below:

“(c) respond to local character and history, including the surrounding built environment and landscape setting, while ~~not preventing or discouraging appropriate innovation or change~~ having regard to appropriate innovation or change (such as increased densities).”

Chapter 13 Protecting the Green Belt

Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are ‘not inappropriate’ in the Green Belt?

Wokingham Borough Council (WBC) agrees with changes to enable greater use of brownfield land in the Green Belt.

Q31 Do you have any other comments on the text of Chapter 13?

Wokingham Borough Council (WBC) supports maintaining the strong protection of the Green Belt and the formalising of the current legal framework into the NPPF itself, e.g. looking at alternative options before considering whether exceptional circumstances exist. WBC also welcomes the recognition, that should Green Belt boundaries be amended to release land for development, that compensatory improvements should be sought to the environmental quality and accessibility of the remaining Green Belt. WBC would however wish to see this extended to expressly state that new areas of Green Belt might also be designated as part of this scenario.

Notwithstanding our general agreement with regard to this chapter, WBC believes the five year housing and supply and the housing delivery test rules may result in speculative applications being granted. Elsewhere in our response, WBC have indicated that the focus in this area should be on the grant of planning permissions and not actual or projected completions. Local authorities grant planning permission. They do not build houses in the same way that a true developer does.

The rate of building is not therefore in the gift of the local authority, but controlled by the development industry. Whether a local authority can demonstrate completions or future supply of land for housing is an inappropriate test of a local authority in principle.

Uncertainty in a local authority’s’ ability to manage development effectively undermines the trust of residents and their trust in their political representatives. This can negatively affect the future acceptance of development, slowing delivery. The influence of this point cannot be underestimated. We are working with local communities to ensure that the best approach is taken to accommodate the significant amount of development that is needed. Whilst our communities do understand why more high quality homes are needed, they feel very disheartened that the planning appeal system is currently letting them down and not delivering on its core principle of empowering local communities to shape their area.

WBC requests that Paragraph 140 is amended to extend possible enhancements to heritage assets, e.g. “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity

and biodiversity; to enhance the accessibility interpretation and settings of non-designated and designated heritage assets; or to improve damaged and derelict land."

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

Q32 Do you have any comments on the text of Chapter 14?

Wokingham Borough Council (WBC) has no comments on this question.

Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

Wokingham Borough Council (WBC) has no comments on this question.

Chapter 15 Conserving and enhancing the natural environment

Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Wokingham Borough Council (WBC) supports the strengthening of protection for ancient woodlands and aged and veteran trees.

Q35 Do you have any other comments on the text of Chapter 15?

Wokingham Borough Council (WBC) requests the following changes to Chapter 15.

Paragraph 168 should include as the first numbered point: "contribute to protecting, restoring and enhancing National Parks, The Broads and Areas of Outstanding Natural Beauty and their settings." This is different to and complementary to paragraph 170 (see comment below).

Paragraph 168(a) should be amended to refer to restoration, so that it reads "a) protecting, restoring, and enhancing valued landscapes, sites of geological value and soils (in a manner commensurate with their statutory status or identified quality). Additionally as 'valued landscapes' don't have a 'statutory status'. Does this paragraph mean that they are not to be 'protected, restored and enhanced?"

Paragraph 168 (c) should be amended to refer to quality, so that it reads "maintaining the character and quality of the undeveloped coast, while improving public access to it."

Paragraph 168(d) should be amended to replace the term establishing with restoring. Using the word 'restoration' gives weight to the work required to prevent yet further declines in habitats and species. 'Establishing' implies that these networks weren't here in the first place. They clearly were.

Paragraph 168(e) refers to unacceptable levels of pollution, but provides no reference to what this might mean. It would be helpful if clear guidance as to what this means by reference to other studies or to suitable advice within the PPG.

Paragraph 169 should be amended to refer to potential, so that it reads “plans should allocate land with the least environmental or amenity value or potential, where consistent...” This will guard against land being deliberately degraded and held in hope value of permission for alternative uses. It will further incentivise allocations to occur where greatest benefit can be achieved.

Paragraph 170 should be amended to give great weight to wildlife and cultural heritage, in addition to landscape and scenic beauty. The Landscape Institutes Guidelines for Landscape Visual Impact Assessment (third edition) gives a brief list of features and factors at Box 5.1 (see below).

Box 5.1

Range of factors that can help in the identification of valued landscapes

- **Landscape quality (condition):** A measure of the physical state of the landscape. It may include the extent to which typical character is represented in individual areas, the intactness of the landscape and the condition of individual elements.
- **Scenic quality:** The term used to describe landscapes that appeal primarily to the senses (primarily but not wholly the visual senses).
- **Rarity:** The presence of rare elements or features in the landscape or the presence of a rare Landscape Character Type.
- **Representativeness:** Whether the landscape contains a particular character and/or features or elements which are considered particularly important examples.
- **Conservation interests:** The presence of features of wildlife, earth science or archaeological or historical and cultural interest can add to the value of the landscape as well as having value in their own right.
- **Recreation value:** Evidence that the landscape is valued for recreational activity where experience of the landscape is important.
- **Perceptual aspects:** A landscape may be valued for its perceptual qualities, notably wildness and/or tranquillity.
- **Associations:** Some landscapes are associated with particular people, such as artists or writers, or events in history that contribute to perceptions of the natural beauty of the area.

Based on Swanwick and Land Use Consultants (2002)

It is important to note that cultural heritage (including the history of an area and its associations with people and events in local and national history) is an important part of the make up of landscape and ‘natural beauty’.

Paragraph 171. Should be amended to refer to quality, so that it reads “planning policies and decisions should be consistent with the special character and quality of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character and quality.”

Paragraph 173(d) should be amended to provide balance with other objectives to read, “development whose primary objective is to conserve or enhance biodiversity should be supported except where this conflicts with other landscape, or cultural heritage protection or enhancement measures.”

Paragraph 178 should be amended to refer to the impacts of cumulative development, to read “... as well as the potential sensitivity of the site or the wider area to impacts, including cumulative impacts that could arise from the development.”

WBC strongly supports the term “*measureable* net gains” in Paragraph 172(b). This would support the biodiversity accounting process being applied to planning applications.

Chapter 16 Conserving and enhancing the historic environment

Q36 Do you have any comments on the text of Chapter 16?

Wokingham Borough Council (WBC) has no comments on this question.

Chapter 17 Facilitating the sustainable use of minerals

Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?

Wokingham Borough Council (WBC) requests that the setting of heritage assets is referenced in Paragraph 201(a) to guard against unacceptable adverse impacts. WBC also requests that public access be referenced in criterion (e). This is particularly key in areas, such as the South-East, where populations have risen sharply and more space for the quiet enjoyment of the countryside is required. The requested amendments are set out below.

“a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, scheduled monuments and conservation areas and their settings.”

“e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, and wherever possible include enhanced public access.”

Q38 Do you think that planning policy on minerals would be better contained in a separate document?

The existing NPPF and proposed revision draft both include sections entitled ‘Facilitating the sustainable use of minerals’ which sets out the strategic direction for minerals planning. It is helpful if this approach continues, in order to ensure consistency, and for the NPPF to remain the primary policy document at a national level for minerals planning, preventing the need for additional policy documents relating to specific plan making activity.

Q39 Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

National guidelines can be incorporated into the online Planning Practice Guidance where appropriate. Sub-national guidance is more difficult due to the cross boundary nature of minerals extraction and transportation across larger geographic and administrative areas. Aggregate Working Parties could assist in the preparation of sub-national guidelines, but given the strategic links between authorities in the South East, and further afield, it is likely to be a significant challenge to prepare sub-national guidelines that are effective and evidence based, and can be drawn up and agreed in a reasonable timescale.

Transitional arrangements and consequential changes

Q40 Do you agree with the proposed transitional arrangements?

Wokingham Borough Council (WBC) agrees with the transitional arrangements.

Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

It is clear from Paragraphs 61 and 62 that ‘travellers’ who don’t meet the definition contained in the PPTS should have their accommodation needs addressed under the provisions of the National Planning Policy Framework. However, it is not at all clear how the specific needs for these non-PPTS ‘travellers’ is to be identified from wider standardised Local Housing Need. Greater clarity is needed as to how the need figure for non PPTS travellers should be quantified from the LHN.

Additionally, WBC has faced unnecessary arguments at planning appeals from agents trying to undermine the need assessment by claiming that the Annex 1 definition phrasing of ‘whatever their race or origin’ can be read to include anyone who travels for work such as a consultant who works all over the country and therefore spends time travelling away from their settled home. This is clearly not what the PPTS is intended for and this could be made clearer in the document and/or the definition to emphasise the point that the nomadism referred to is a specific cultural way of life and not applicable to non-ethnic Gypsy and Travellers.

Greater guidance should be given in the PPTS or in updated PPG, for how local planning authorities can appropriately plan for sites for Gypsies and Travellers who do not meet the PPTS Annex 1 definition but wish for site-based accommodation. Should LPAs have policies allocating proportions of the same caravan site for PPTS and non-PPTS Travellers? How will this be monitored and enforced?

Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

It is unclear how far the National Planning Policy for Waste (NPPfW) has been taken into account in the revised NPPF. Other than some anecdotal references to waste management, the revised NPPF makes very limited reference to planning for waste and the NPPfW. The NPPF should at a minimum incorporate paragraph 2 (bullet 3), from the NPPfW in recognition of the need to consider waste management facilities alongside other spatial planning concerns. This is particularly important in relation to larger scale development discussed in paragraph 73 of the NPPF.

Glossary

Q43 Do you have any comments on the glossary?

Wokingham Borough Council requests the following amendments to the Glossary

Affordable housing

WBC request that Affordable housing for rent criterion (a) is amended to additionally refer to local plan policies, e.g. "...following conditions: (a) the rent is set in accordance with the Government's rent policy and local plan policies..."

WBC request that Affordable housing for rent criterion (b) is deleted. Restricting providers to just registered providers excludes council housing companies from delivering home at affordable rent level.

Deliverable

WBC objects to the emphasis in the definition with regards to sites with outline planning permission. The current NPPF and PPG make it clear that sites with planning permission should be considered deliverable unless there is clear evidence to the contrary. WBC object to the reversal in emphasis.

For the avoidance of doubt, WBC accept that an assessment of large permissions is required to determine the proportion of the capacity that is deliverable. It is that proportion that should be presumed deliverable.

Edge of centre

WBC requests that the definition of edge of centre is amended to clarify that the 300m distance walk.

Essential local workers

WBC request this definition is made explicitly illustrative. Local authorities should have discretion to add to this list taking into account local evidence of needs for certain essential workers to support the local economy.

Irreplaceable habitats

WBC notes that the definition within the Glossary lists a number of habitats that are not listed in Section 15 (e.g. reedbed and heathland). It may be more efficient for DEFRA or the JNCC to maintain a clear list, rather than give rise to ad hoc arguments at appeal

WBC requests this definition is amended with regards to ancient trees to read "... outside ancient woodland except where these occur in groups that are exceptionally large or valuable historically, culturally for wildlife or in the landscape..."

Previously developed land

WBC notes that opportunities have been taken throughout the revisions to address a number of legal interpretation issues that have raised since 2012.

One area not addressed, however, is the definition of previously developed land. Here a legal judgement found that private residential gardens in built up area were greenfield, whereas private residential gardens outside of built up area were previously developed. WBC's opinion is that private residential gardens should be defined the same, regardless of context, and would encourage this to be clarified by deleting the words "land in built up areas" from the definition.

Special Area or Conservation

WBC requests that the regulatory reference is updated to The Conservation of Habitats and Species Regulations (2017) – see: <http://www.legislation.gov.uk/uksi/2017/1012/introduction/made>.