

Enclosure 1: Recommended representation

Q1. Do you agree that local planning authorities should not have to continually demonstrate a deliverable five- year housing land supply (5YHLS) for as long as the housing requirement set out in its strategic policies is less than 5 years old?

No.

Whilst Wokingham Borough Council supports moves to reduce the unnecessary burden and speculation caused by the five year housing land supply test, and in that regard support the proposal to remove the need to demonstrate a deliverable five year supply where the housing requirement is less than five years old, our strong view is that the test is unnecessary in principle for all local authorities and should be deleted from national planning policy.

The introduction of the five year housing land supply test has not worked to resolve focused delivery issues in a few local authorities, but have instead spawned an industry of speculation, with some elements of the development industry going to great lengths to suggest uncertainty of supply in the hope of benefitting from the 'tilted balance,' often as part of speculative, major residential schemes. What allows this speculation is the focus on whether a site is 'deliverable' as defined by the NPPF. This unfairly places the outcome on the willingness, not the capability of developers who can choose when and how quickly to build out a scheme. The use of the term invites a move from objectivity to speculation.

Too many Inspectors are rejecting projected delivery based on conjecture and with no specific evidence. The evidential position they take is beyond what is reasonable, seeking a degree of certainty which is not proportional or in our opinion required by national planning policy. If land supply drops short, little consideration appears to be given to the extent of the shortfall, or indeed whether the issue which caused this technical shortfall will correct itself without the need to grant planning permission for speculative developments. This cannot be allowed to continue.

The impact of the five year housing land supply test and how it currently operates cannot be overstated. It results in the considerable draw of resources away from delivery into defending decisions. Our experience is that more time is spent in planning appeals discussing the five year housing land supply position than any other matter, including the impacts and merits of the scheme itself. It undermines public confidence in the planning system and democratically elected councillors and Members of Parliament.

Notwithstanding the above, if the government are minded to press ahead with the proposal to remove the need to demonstrate a deliverable five year housing land supply where strategic policies are less than five years old, it is essential that the development industry are not able to argue that policies are out-of-date simply because the housing need has changed or the short term delivery is not as expected. A local authority should be provided with the opportunity to address such matters when strategic policies are reviewed, with the plan-led system not undermined in the interim period.

Q2. 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)?

Yes.

Wokingham Borough strongly supports the deletion of the buffers from the five year housing land supply calculation. The application of buffers is simply unnecessary. The reality is that planning permission will exist in every local authority that are deemed developable, but not deliverable, at the point of assessment so providing flexibility. What is deemed developable and deliverable is strongly influenced by the development industry, so providing a contingency and ensuring flexibility and competition in the market.

The government is correct in that the application of the current buffers act to increase complexity, do not bring supply rewards, and provide a route for unplanned development. As referred to in our answer to Q1, the five year housing land supply test is a considerable drawn on resources.

Q3. Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on, or is there an alternative approach that is preferable?

Yes.

Wokingham Borough strongly supports the principle of accounting for past over supply of housing when calculating the deliverable five year housing land supply. The government has correctly identified that current guidance on the five year housing land supply acts to penalise local authorities that have over delivered against their housing requirement and/or housing need, requiring them to deliver even more and unacceptably opening the possibility for unplanned and speculative applications.

It is only right that communities that have accepted development should have this recognised. It is a simple fact that the calculation of housing need through the standard method is not sufficiently responsive to over and under supply situations. A simple formulaic approach cannot ever respond to what is a set of complex matters which influence the housing market, often in ways that are locally specific but also the national economic position.

Since 2006/7, Wokingham Borough has over delivered 1,727 dwellings against the housing requirement set out in the adopted Core Strategy local plan (2006/7 to 2021/22) and has significantly exceeded the housing need calculated by the standard method since its introduction in 2018, by over 2,000 dwellings. Our over delivery has not acted to reinforce the plan-led system but has increased speculative, unplanned development given that over supply diminishes the bank of planning permissions from which the deliverable land supply position is calculated as a result.

It is essential that the planning guidance referenced in the proposed amendments to the NPPF outlines is amended immediately, so that past over supply can be taken into account when calculating the five year housing land supply position regardless of when a local plan was adopted, e.g. adopted more than five years ago.

Q4. What should any planning guidance dealing with oversupply and undersupply say?

Planning guidance must confirm the following:

- That over supply can be taken into account when calculating the five year housing land supply position, and that this applies where plans are both up-to-date and more than five years old.
- That over supply is the difference between the number of completions and the housing requirement set out in the local plan from the base date to the current time.
- That over supply is deducted from the housing need over the following five year period.

A worked-up suggestion is provided below

“Q. How can the past over-supply of housing completions against planned requirements be addressed.

“Where monitoring shows that more housing completions have occurred than required by the adopted housing requirement set out in strategic policies, the additional completions can be deducted from the minimum number of houses required over the coming five year period.

“Where the housing requirement set out in strategic policies is less than five years old, the deduction should be against the minimum number of homes required by adopted strategic policies over the coming five years.

“Where the housing requirement set out in strategic policies is more than five years old, the deduction should be against the minimum number of homes required over the coming five years as informed by the calculation of local housing need.

“The level of over supply to be deducted should be calculated from the base date of the housing requirement set out in adopted strategic policies to the current monitoring year.”

Q5. Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

Wokingham Borough Council supports the proposed changes to paragraph 14 which remove the requirements relating to deliverable housing land supply and the housing delivery test.

Q6. 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?

Yes.

Wokingham Borough Council supports amending the NPPF to be clearer on the importance of planning for homes and jobs communities need, however this must always be placed within the

context of sustainable development. Meeting social and economic needs locally should not act to outweigh environmental objectives.

Turning to the indicated changes, we support the proposed amendment to paragraphs 1 and 7, which refers to sufficient housing and sustainability. We note however that the term 'sufficient' is only used on paragraph 1 and suggest this might also be relevant to paragraph 7.

Q7. What are your views on the implications these changes may have on plan-making and housing supply?

Wokingham Borough Council strongly supports the plan-led system of planning and welcomes changes that put the emphasis back on this.

The Five Year Housing Land Supply Test has particularly undermined the plan-led principle with decision making losing the big picture of housing delivery and instead relying on a simple mathematical position without reference to wider issues.

It is only right that communities that have accepted development should have this recognised in national planning policy and guidance. Respecting the 'contract' drawn up with communities through a respected plan-led approach will enable open and trusted engagement with communities, assisting plan-making and the sustainable delivery of homes and jobs.

Notwithstanding the above, we strongly object to the proposals on housing need retained and presented, as they will place unacceptable pressure on local authorities adjoining the Green Belt being asked to meet unmet need and accommodate unreasonable levels of housing development.

The scale of development pressure has been, and continues to be enormous in London and South East England. The pressure has reshaped communities and adversely impacts on the quality of life some communities experience through the disproportionate levels.

The approach to housing in the current NPPF and PPG is based solely on subnational household projections, adjusted for affordability based on a ratio of house prices to earnings. The outcome is an approach which simply 'bakes in' existing patterns of development and affordability issues, requiring more and more in London and South East England.

To successfully achieve the government's objective of levelling up, new arrangements must be put in place to set and then deliver a strong spatial vision that benefits the country as a whole. This means aligning economic, housing and investment strategies, created by asking the positive question of "where should development be directed?"

The NPPF should be amended to support the establishment of a long term spatial plan that will guide development and set spatial priorities based on true levelling up. We note here that the National Planning Framework for Scotland includes a national distribution of housing.

Q8. 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?

Yes.

Wokingham Borough Council would welcome clearer guidance as to what may constitute exceptional circumstances. Currently the Planning Practice Guide refers to 'exceptional local circumstances' which provide a very narrow opportunity.

Case law may be summarised as requiring exceptional circumstances to be unique or uncommon in their nature or the scale of impact. We would encourage guidance to recognise that exceptional circumstances may simply reflect relevant matters to considering housing need.

Demographic factors may include:

- i. The robustness of the principal sub-national population projection;
- ii. The influence of exceptional housing completions and commercial development on the migration component of the sub-national population projections (higher housing completions would act to inflate migration rates);
- iii. The influence of student populations on the sub-national population projections.

Geographical factors may include:

- i. Floodplain.
- ii. Green Belt.
- iii. Zone where emergency planners advise against development.

Q9. 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?

No.

Whilst Wokingham Borough Council supports the protection of the Green Belt, and strongly supports past over supply being taken into account, the proposals as set out fail to provide a framework for their successful implementation and may cause unacceptable impacts.

Over supply

Wokingham Borough Council strongly supports past over supply being considered when establishing the future housing need. It is only right that communities that have accepted development should have this recognised. It is a simple fact that the calculation of housing need through the standard method is not sufficiently responsive to over and under supply situations. A simple formulaic approach cannot ever respond to what is a set of complex matters which influence the housing market.

We strongly object to the proposals as presented in paragraph 11b)(iii) in the proposed amended NPPF, however, as they will not achieve the government's stated intentions and in fact completely

fail to take into account past over supply. This is caused by the proposed changes referencing 'permissions' and not 'completions'.

Local authorities have always taken permissions into account when devising their local plan. In essence permissions count towards the future supply, reducing the amount of new land required to meet the future housing need. Subtracting permissions from the housing need, results in the same outcome, so failing to recognise over supply. The proposals simply move where account is taken of existing factors from one side of an equation to the other, as illustrated below.

- Meeting housing need = planning permissions + required allocations
- Meeting housing need – planning permissions = required allocations

The government must reference 'completions' within paragraph 11b)(iii) of the proposed amended NPPF as set out below:

*iii) there is clear evidence of past over-delivery, in terms of the number of homes **permitted completed** compared to the housing requirement in the existing plan; in which case this over-delivery may be deducted from the provision required in the new plan.*

To illustrate the importance of referring to completions, in the period 2006/7 to 2021/22, 1,727 dwellings have been completed above that required by the adopted Core Strategy local plan. Without recognising completions and allowing them to be deducted from the future housing need, this delivery will not be accounted for.

Whilst completions might be interpreted to be included within permissions, not expressly referencing completions introduces an area which is open to question. Recognising the role of completions will result in a clearer and more efficient process to account for past over delivery than permissions.

Green Belt

Wokingham Borough Council strongly supports the protection of the Green Belt.

We strongly object to the proposals as presented, however, as they will place unacceptable pressure on local authorities adjoining the Green Belt being asked to meet unmet need and accommodate unreasonable levels of housing development.

The scale of development pressure has been, and continues to be enormous in London and South East England. The pressure has reshaped communities and adversely impacts on the quality of life some communities experience through the disproportionate levels.

The approach to housing in the current NPPF and PPG is based solely on subnational household projections, adjusted for affordability based on a ratio of house prices to earnings. The outcome is an approach which simply 'bakes in' existing patterns of development and affordability issues, requiring more and more in London and South East England.

To successfully achieve levelling up, new arrangements must be put in place to deliver strong spatial direction that benefits the country as a whole. This means aligning economic, housing and investment strategies, created by asking the positive question of "where should development be directed?"

The NPPF should be amended to support the establishment of a long term spatial plan that will guide development and set spatial priorities based on true levelling up. We note here that the National Planning Framework for Scotland includes a national distribution of housing.

Q10. 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?

Wokingham Borough Council would urge the government not to over complicate evidence requirements.

Local authorities are already required to prepare Housing and Economic Land Availability Assessment which assess sites for their suitability, availability and achievability for development. This process includes consideration of site capacity and a review loop if sufficient developable supply is not identified.

The HELAA process would clearly need to articulate why higher densities would not be suitable, drawing on appropriate technical evidence and options as necessary.

Q11. Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?

Yes.

Wokingham Borough Council supports the deletion of the requirement for plans to be 'justified' under the tests of soundness.

Currently, the costs of preparing a local plan are significantly inflated by the need to analyse a range of alternatives in reasonable detail. Creating such an evidence base is not only costly but time consuming, adding significantly to the programme for plan-making.

Plan-making will need to be supported by appropriate evidence, however by removing the need for local authorities to justify their plans by considering alternatives, the plan making process will be much more focused on a local authority setting out how it proposes to meet its development needs.

Whilst we would expect responses from the development industry to object to this proposal, any suggestion that plans will not be prepared appropriately, with sufficient engagement, transparency and explanation is unfounded.

Q12. 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?

No.

Wokingham Borough Council believes the revised tests of soundness should be applied from the adoption of the amended NPPF, with no period of delay. The issue of significant cost and extended plan-making programmes is being experienced now. The proposed revisions are not of a nature which would undermine current plan-making or require further work to be undertaken.

Q13. Do you agree that we should make a change to the Framework on the application of the urban uplift?

Yes.

Wokingham Borough Council supports the clarification that the urban uplift should be met by the towns and cities concerned as far as possible, and not exported to surrounding local authorities or beyond the principal local authority to other parts of the defined urban area. As we have raised in other representations and letters to government, whilst we acknowledge and support the aim of utilising brownfield land for development, the existing approach of applying an urban uplift is not grounded in reality, with no consideration given as to whether opportunities exist within the principal local authority of the wider defined areas to increase housing supply. In many cases, the outer parts of the defined urban areas will be unsuitable for higher density development, comprising suburban and potentially village style housing and not being characteristic of town centres of major urban areas.

The lack of grounding the urban uplift in reality is clearly illustrated by our neighbouring local authority Reading Borough Council which already has a shortfall in land for housing against their recently adopted Local Plan. Asking them to accommodate more housing, as is the outcome of the urban uplift in the standard method, doesn't change the parameters in which they work.

The lack of suitability of the defined urban area to accommodate increased development is also clearly illustrated by the Reading urban area which extends to include Sonning. Sonning is a historic village, lacking all characteristics of major urban areas.

Q14. 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?

Wokingham Borough Council would encourage the government to look at funding support. Densification of urban areas will require substantial infrastructure improvements and environmental mitigations, e.g., transport, air quality, schools, green infrastructure. Support could also be provided to establish design codes for town centres and other areas where density could be suitable.

Q15. 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?

Wokingham Borough Council rejects the notion the urban uplift should be considered by neighbouring local authorities, even if part of a wider housing market area.

The urban uplift has no relevance to local housing need, reflecting a policy ambition to achieve brownfield development. Further, the urban uplift is not grounded in reality. Whilst the intention to increase brownfield development is laudable, the urban uplift fails to consider whether opportunity exists. Requiring neighbouring local authorities to consider the uplift effectively exports the housing to surrounding areas contrary to the government's stated intention through this consultation. It would also put pressure on surrounding local authorities to release greenfield land for development, contrary to the underlying rationale of supporting brownfield development.

Q16. Do you agree with the proposed four-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?

No.

Whilst Wokingham Borough Council supports the principle of the proposed transitional arrangements, we would suggest that plans that have reached Reg18 stage should be required to maintain a four year land supply, the requirement for those plans that have reached Reg19 stage should be 3 years. This reflects the more advanced position of being at Reg19 or examination.

Q17. 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?

Yes.

Wokingham Borough Council supports amended advice on constraints being applied to plans being examined under the transitional arrangements.

Q18. 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?

Yes.

Wokingham Borough Council supports the proposed introduction of a permissions based 'switch off' of the Housing Delivery Test. This is proportionate given that the timing of delivery of houses lies with the developer and not the local planning authority. Where opportunity clearly exists to meet housing need, the plan-led system should be upheld and not undermined.

Q19. 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?

No.

Wokingham Borough does not support the 115% threshold for 'switching off' the Housing Delivery Test.

Whilst the consultation document refers to analysis showing that 15% of applications or permissions are not progressed or are revised, there is no data to support this statement. The lapse rate or non-implementation rate of housing developments within Wokingham Borough is very small at less than 1%.

The introduction of a buffer also runs contrary to the government's proposal regarding the five year housing land supply test. The application of a buffer in the Housing Delivery Test is unnecessary and introduced unnecessary complexity.

Looking more widely at the Housing Delivery Test, we are concerned that the test remains solely focused on the three year period without any recognition of the wider picture of housing supply over the plan period. As with the Five Year Housing Land Supply Test, a local authority may have delivered housing completions earlier than projected in the local plan (over delivered). This early delivery may result in a subsequent period of lower housing completions. Without regard to this full picture, a local authority which has over delivered may fail the Housing Delivery Test. Whilst the government has now recognised the issue of over delivery in the forward looking Five Year Housing Land Supply Test, it has failed to do the same with the Housing Delivery Test which must be corrected.

Q20. Do you have views on a robust method for counting deliverable homes permitted for these purposes?

Wokingham Borough is concerned by the inconsistency between the phrasing of this question and the proposed amendments to the NPPF. In summary, the question refers to 'deliverable' where as the indicative NPPF amendments which simply refers to permission.

We strongly object to any link between the Housing Delivery Test and 'deliverability'. The test must simply relate to all permissions. To constrain permissions to those which are deemed 'deliverable' goes against the reasoning set out in the consultation document.

The only robust method is simply calculating the number of dwellings capable of being delivered on sites with planning permission. Local authorities already have access to this information from monitoring work, thereby not increasing any burden.

It is essential that all sites capable of providing housing are included in the calculation, that is full, outline, and prior approval permissions/approvals. Outline applications should not be excluded, with the grant of outline permission establishing the principle of housing development from which a developer is capable of progressing reserved matters.

Q21. What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

Wokingham Borough Council has no specific comments on how the Housing Delivery Test should be applied pending the 2022 results.

Q22. Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions?

Yes.

Wokingham Borough Council supports revising the NPPF to attach more weight to social rented forms of affordable housing. This is the most affordable tenure of affordable housing and directly helps those households with fewest housing options.

Q23. Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

Yes.

Wokingham Borough Council supports the additional reference to retirement housing, housing with care and care homes.

It is important that the guidance within the Planning Practice guide is updated to ensure that need is assessed appropriately and to recognise that national models, which do not account for local characteristics such as the relative health and wealth of the population, can result in unrealistic outcomes. Guidance should reference that assessments should be tested and agreed with the local authority adult services team, who are best placed to take account of local health care policy and local characteristics.

In addition to the specific examples given, we would recommend the government consider adding reference to accessible and adaptable dwellings. Such dwellings would contribute to meeting the needs of older people plus other groups who have mobility issues.

Q24. 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)?

Paragraph 69 of the existing NPPF requires local authorities to identify 10% of their housing requirement through the identification of small sites, defined as sites less than 1ha in size.

Whilst agreeing with the role small sites can play in meeting housing need, Wokingham Borough Council's judgement is that the 10% requirement is a false construct and adds unnecessary complexity to the evidence base required to support a local plan process. It also adds to evidential

requirements to support a plan, something the government have been seeking to reduce through these and other changes to the planning system.

Small sites suitable for development are largely located within existing built up areas (e.g. towns and larger villages), where development plan policy supports development in principle, subject to site and scheme specific impacts.

As a result, there is no requirement or incentive for landowners and development to promote small sites through a 'call for sites' exercise. Evidence of where land might be available and developable to support a local plan process is limited. Identifying a greater supply of smaller sites therefore requires the local authority to undertake repeated 'call for sites' or undertake detailed urban capacity assessments and approach landowners directly. The former provides no guarantee of success. The latter is extremely resource intensive and similarly provides no guarantee of success.

To illustrate the above, Wokingham Borough has a strong record of development from small sites. Only a handful of small sites have been promoted as part of our Local Plan Update process.

We have also experienced developers 'gaming' the 10% requirement, the argument advanced at appeals being that whilst the council has a sufficient deliverable housing land supply, the supply did not include a sufficient number of small sites. This includes promoting applications for development proposals which are out of character with the local area and result in unacceptable adverse impacts.

We recommend the government delete the 10% requirement from paragraph 69. The target is unnecessary and an area of 'gaming' from developers.

Q25. 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?

Wokingham Borough Council would recommend that criterion d) under paragraph 69 of the existing NPPF is amended to require the developers of larger sites to sub-divide them into small parcels for sale to other developers, including SMEs. What is meant by larger sites and sub-division would require definition or guidance.

Q26. 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?

Yes.

Wokingham Borough Council supports the change in definition of affordable housing to allow community organisations to develop new affordable housing. Care would however need to be taken to ensure that community organisations were regulated in an appropriate manner to ensure security of tenure in perpetuity and to ensure security of occupation for residents.

Q27. 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?

Wokingham Borough Council have no specific comments in response to this question.

Q28. Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

Wokingham Borough Council have no specific comments in response to this question.

Q29. Is there anything else national planning policy could do to support community-led developments?

Wokingham Borough Council is not aware of any major barriers for community groups in making use of the existing rural exception sites policy.

Q30. Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?

Yes.

Wokingham Borough Council supports the principle that an applicant's past behaviour should be taken into account in decision making. This is particularly the case where enforcement action has been upheld on appeal and in the courts.

There are acknowledge difficulties regarding how past behaviour could be applied, for example is the behaviour of a developer on a different site or in a different local authority relevant? Over what timeframe is behaviour assessed?

For information, the Central and East Berkshire Joint Minerals and Waste Plan adopted January 2023, includes a policy which relates to site history. Policy DM15 states "Where issues have been raised about the environmental or amenity impacts of a site, particularly where there is evidence of any adverse environmental or amenity impacts, these issues will be taken into consideration in decision making on minerals or waste applications submitted on that site."

The rationale is that it is important that the operator of a site listens to the concerns of the monitoring officers or the community and takes active steps to rectify issues, especially substantiated complaints and breaches, quickly, effectively and proportionately.

Q31. Of the two options above, what would be the most effective mechanism?

Option 1 effectively makes past behaviour a material consideration. Option 2 allows a local authority to decline to determine an application based in past behaviour.

Whilst strongly supporting the aim to drive up standards and 'calling out' poor behaviour, Wokingham Borough Council questions whether either option can be implemented successfully as presented.

Both options refer to the behaviour of the applicant. There is no reference to whether this consideration relates to a specific site, the local area or nationally. There is also no reference to whether this consideration is linked to the registered company or key people within that company.

In addition to the above, we would strongly urge the government to carefully consider other interventions such as requiring specific behaviours or restricting access to flexibilities. By way of illustration, if an applicant has in the past failed to deliver key infrastructure or pay CIL, that applicant might reasonably be required to provide funding to the local authority before commencement to ensure funds are accessible for delivery and be restricted from any phased payment regime.

Q32. Do you agree that the three 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?

No

The three measures referenced in the consultation document are:

1. Publishing data on developers of larger sites who fail to build out against their projection.
2. Requiring developers to explain how they will increase diversity of housing.
3. Make delivery a material consideration in the determination of planning applications.

Wokingham Borough Council fails to see how these measures act to incentivise the build out of developments. In particular, we are concerned that requiring developers to set out a delivery trajectory to which penalties may apply will simply lead to cautious projections, underrepresenting what is realistically achievable. This could then have implications when preparing a five year housing land supply statement and local plans. In terms of local plans, the outcome would be needing to allocate additional land to address the projected lower delivery rates.

Notwithstanding, we do support making delivery a material consideration both in planning applications and plan-making.

In the context of the five year housing land supply test, speculative developments are often submitted as outline applications. The applicant's argument largely relies on the argument that the development is needed to support the five year deliverable housing land supply. However, as an outline application, the proposal would not be deemed deliverable without clear evidence that housing completions will begin on site. It will not therefore act to boost the short term deliverable housing land supply. In our experience, Inspectors fail to appreciate this within their decision making.

In the context of plan-making, we have received land promotions where the controlling developer has indicated they will be the sole provider of housing. This significantly slows housing completions, which are largely linked to the number of developers (sales outlets) and housing products.

Q33. 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?

Yes.

Wokingham Borough Council supports the emphasis on the role of beauty and placemaking.

Notwithstanding, the proposed change to paragraph 92 of the existing NPPF which inserts reference to “beautiful buildings” fails to recognise that beauty is equally relevant to the spaces between buildings. The text should be amended to refer to ‘beautiful buildings and spaces’.

Q34. 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?

Yes.

Wokingham Borough supports the insertion of ‘beauty’ within the title of Chapter 12 and paragraph 124e (not 124c as presented in the question).

We suggest that paragraph 84a of the existing NPPF is amended to refer to beautiful new buildings and spaces.

Q35. Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

Yes.

Wokingham Borough Council support visual clarity on design. It is unclear, however, from the consultation document what is being proposed. The vast majority of planning applications already submit plans including details of materials. Few applications are submitted with such details to be approved later.

Q36. 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?

No.

Wokingham Borough Council sees no benefit to reference to mansard roofs within the NPPF. There is little evidence that local authorities are resisting the suitable upward extensions to buildings. Where refused, this will be based on the judgement of the local planning authority and in the context of the specific location and application of relevant policies. Where applications are refused, there is the right of appeal which provides a natural avenue to ensure judgements by local planning authorities are sound.

Q37. 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?

Policy needs to be written so that small scale nature interventions such as bat and bird boxes are the default for each and every new dwelling and commercial building, rather than a nicety scattered sparingly across a large development. A scoring system for totalling the number of small scale interventions, to complement and submit alongside the Biodiversity Net Gain metric would be beneficial for aiding assessment and allow for minimum standard setting. Such a system would need to ensure interventions were appropriate and were a benefit to nature. The existing Building for Nature standard certification could be used to inform national policy.

National policy needs to set a higher standard for urban tree planting which covers the establishment phase of at least 5 years from planting and reduces the failure rate.

Design codes for green space need to factor in space for composting arisings locally; minimising the need for pesticide use; preventing entrapment of wildlife (e.g. in gulley pots); retaining water flow at surface rather than in a piped solution; setting expectations for where biodiverse (green/brown) roofs and walls should be the default design.

With regards to artificial grass, it is Wokingham Borough Council's experience that this is not installed by the developer but is installed at a later date by the subsequent buyer/occupier. The only realistic way to prevent it would be through a restrictive obligation or covenant but that would require the resource to enforce. We recommend against the use of planning conditions.

Q38. 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?

No.

Whilst Wokingham Borough Council fully acknowledged the importance of land for food production of itself and in the planning process, we are concerned that the proposed amendment fails to provide adequate direction and may encourage landowners to take land out of active food production before submitting a planning application. High quality land does not decrease in value if it is set aside.

Q39. 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?

Whilst the government is proposing updating part L of the Building Regulations to achieve more energy efficient homes (the Future Homes Standard), the exact method of how to calculate carbon reduction is yet to be published for consultation. As an interim measure from June 2022, a 31% CO2 reduction above Part L 2013 must be achieved to comply with Building Regulations requirements.

In the government's response to the Future Homes Standard, it was confirmed that local authorities will be able to set their own standards. Whilst this is welcomed in the absence of ambitious national standards, we would strongly encourage the government to introduce ambitious building regulations to achieve zero carbon development. This can be achieved more quickly than new local planning policies and will provide consistent rules across the country simultaneously.

We note that whilst the government focus is on carbon, Bath and North East Somerset Council have recently adopted planning policy which changes the metric from carbon reduction to energy use. Their reasoning is presented as:

- Remove reliance on Part L as a baseline, so not having to be updated each time Part L changes.
- Energy metrics being considered more technically robust.
- Designed to lead to better building outcomes – improved focus on fabric and ability to monitor performance.

In addition, we note that the approach of Bath and North East Somerset would also allow planning policy to refer to and be guided by the energy hierarchy.

In addition to operational impacts, the government must adopt national policy regulating both the embodied carbon and waste arising from the construction industry if it is going to meet its statutory obligations with regard to the UK Carbon Budget as set out in the Climate Change Act 2008. Wokingham Borough Council considers that the London Plan 2021 measures regarding construction waste and embodied emissions are an appropriate model, with policies restricting the amount of waste sent to landfill, and requiring carbon accounting for referable schemes. We recognise the need to support sustainable procurement and domestic supply chains in the construction industry and strongly recommend that national policy incentivises this.

Q40. 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?

Wokingham Borough Council request that the government amend the Planning Practice Guide to allow local authorities to exceed the optional standards for water efficiency. Amendments may also usefully draw on the new National Green Infrastructure Framework, e.g. greening and tree canopy cover standards.

Q41. Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

Yes.

Wokingham Borough Council supports the proposed changes to paragraph 155, relating to the use and supply of renewable and low carbon energy and heat.

Q42. Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

Yes.

Wokingham Borough Council supports the proposed changes to paragraph 158, relating to renewable and low carbon development.

Q43. 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?

No.

Wokingham Borough Council questions how the proposed insertion of "...proposals has community support" can be implemented. It is highly likely that wind power will have both supporters and objectors.

Q44. 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?

No

Wokingham Borough Council supports the emphasis on improving the energy performance of existing buildings and has proposed such a policy framework within our emerging local plan.

Notwithstanding, the proposed change to paragraph 161 is flawed by failing to acknowledge the fabric first approach to energy efficiency, with reference only made to installation of heat pumps and solar panels. Whilst referenced in an illustrative way, and so it does not restrict improvements to the fabric of a building, the paragraph should be rephrased to reflect the energy hierarchy.

Q45. 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?

Wokingham Borough Council has no specific comments on the timetable except to say that it is contingent on the progression of the Levelling Up and Regeneration Bill. Delays or changes to the Bill would require the outlined timetable to be reconsidered.

Q46. Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

Wokingham Borough Council has no specific comments on the transitional arrangements except to say that it is contingent on the progression of the Levelling Up and Regeneration Bill. Delays or changes to the Bill would require the outlined timetable to be reconsidered.

Q47. Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

Wokingham Borough Council has no specific comments on the timetable for preparing neighbourhood development plans except to say that it is contingent on the progression of the Levelling Up and Regeneration Bill. Delays or changes to the Bill would require the outlined timetable to be reconsidered.

Q48. Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

No.

Wokingham Borough objects to the proposed transitional arrangements for supplementary planning documents (SPD).

Fundamentally we believe that SPDs play a valuable role within the planning system and that retaining SPDs would provide local authorities with a useful mechanism to ensure the delivery of high quality places. This does not mean that we object to the introduction of supplementary plans, just that these should be introduced as an additional mechanism and not as a replacement for the current SPDs. Supplementary Plans will be more resource intensive than SPDs, so may not be an efficient policy tool in all situations.

Regarding the transitional arrangements themselves, we object to SPDs being considered out of date at the point a new local plan is required. This requires local authorities to not only prepare a new local plan but also supplementary plans in parallel. This will have considerable resource implications for local authority planning services, placing considerable strain on maintaining services or the cost to the taxpayer. It also fails to recognise that issues covered in SPDs, and in supplementary plans are likely to follow on from strategic decisions made in a local plan.

We would promote SPDs being retained for a period of 18 to 24 months following the adoption of a new local plan. Deleting SPDs without adequate opportunity for their replacement will simply lead to a 'guidance vacuum', reducing the ability to deliver high quality places.

Q49. Do you agree with the suggested scope and principles for guiding National Development Management Policies?

Wokingham Borough Council cautiously supports the scope and principles for guiding National Development Policies, recognising that a number of policy areas are common between local authorities.

It is essential that the detail of National Development Management Policies are subject to challenge through consultation as proposed in the initial set up, but also for all subsequent amendments. The creation of National Development Management Policies is a centralisation of planning policy, which could result in poor application at the local level without appropriate transparency, checks and balances.

It is also essential that local authorities retain the ability to justify a departure from national planning policy as is the case now. This should be expressly recognised.

Wokingham Borough Council's adopted Core Strategy local plan requires developments of 5 or more dwellings to contribute towards the provision of affordable housing. This reflects the high housing need and lower housing affordability. Evidence was provided to support the policy, including evidence relating to the viability of development. This was challenged and found to be justified and sound by the Inspector examining the local plan. Since the NPPF amendments, we have been unable to secure contributions towards affordable housing from smaller developments, with Inspectors at

appeal simply stating our policy was not up-to-date with the NPPF amendments. Inspectors failed to place weight on the evidence accepted by their colleague when examining the plan which demonstrated the necessity for this policy approach. As a result, a fewer affordable homes have been secured, directly impacting residents being able to access suitable housing.

Q50. What other principles, if any, do you believe should inform the scope of National Development Management Policies?

As referenced in response to Q49, Wokingham Borough Council believes it essential that local authorities retain the ability to justify a departure from national planning policy as is the case now. This should be expressly recognised.

An example where the introduction of national planning policy has caused harm to issues of real concern is the approach to affordable housing. When the NPPF was amended to advise that contributions towards affordable housing not be requested from developments of under 10 dwellings, this immediately impacted local authorities which had responded to significant housing need issues by adopting planning policies requiring smaller developments to make a proportional contribution.

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Q51. Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

Yes.

Wokingham Borough supports the consideration of additional policy areas to complement existing policy.

With regards to the example areas referenced in the consultation documents:

- We would highlight with regard to housing in town centres that such locations are also suitable for a range of other activities including commercial and community uses. A local authority should retain the ability to influence and guide the approach to such competing uses as appropriate to the local context.
- We would strongly support an operational carbon reduction policy provided this baseline is beyond building regulations and strives for zero carbon. It should not simply reflect building regulations but seek significant improvement. We consider the achievement of the fabric

efficiency standards set out by LETI in the 2021 Climate Emergency Design Guide to be appropriate targets.

With regards to climate change, we would wish to highlight the differing experience of local authorities at examination. In January 2023, Inspectors examining the Bracknell Forest Local Plan recommended watering down energy performance targets from requirements to encouragement. In contrast, the Bath and North East Somerset Local Plan has recently been adopted which incorporates ambitious carbon polices that seek zero carbon from regulatory sources and significant improvements for embodied carbon. Such inconsistency is unacceptable and national planning policy should set the standard, and support the highest policy response to address climate change.

Q52. 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?

The protection of community facilities and pollution might be usefully considered.

Q53. What, if any, planning policies do you think could be included in a new framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?

Missions 1 and 2 of the Levelling Up White Paper seek to improve economic opportunities, investment and performance in every part of the UK. A particular focus of these and other missions is to close the gap between top performing and lower performing areas.

Wokingham Borough Council supports the government's levelling up missions, however it is surprising that national planning policy does little to positively contribute towards their achievement.

To successfully achieve levelling up, new arrangements must be put in place to deliver strong spatial direction that benefits the country as a whole. This means aligning economic, housing and investment strategies, created by asking the positive question of "where should development be directed?"

Wokingham Borough Council strongly objects to the proposals to retain how housing need is calculated and in effect distributed. The approach to housing in the current NPPF and PPG is based solely on subnational household projections, adjusted for affordability based on a ratio of house prices to earnings. The outcome is an approach which simply 'bakes in' existing patterns of development and affordability issues, requiring more and more in London and South East England.

The scale of development pressure has been, and continues to be enormous in London and South East England. The pressure has reshaped communities and adversely impacts on the quality of life some communities experience through the disproportionate levels.

The NPPF should be amended to support the establishment of a long term spatial plan that will guide development and set spatial priorities based on true levelling up. We note here that the National Planning Framework for Scotland includes a national distribution of housing.

Q54. 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?

Wokingham Borough Council supports the government's ambitions to 'level up' economies and disparities across the country through the redistribution of wealth and opportunity. If done properly, levelling up can align many priorities around economic growth, tackling climate change, protecting the environment and improving the overall health and wellbeing of communities. Levelling up can only be successfully achieved if the whole country functions effectively and efficiently and removes over reliance on London and South East England

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Q55. 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?

Yes.

Wokingham Borough Council believe national policies on the economy, housing and investment should be aligned. Please see our response to Q54 for a full explanation. Infrastructure investment should be a key part in renewing city and town centres.

We would encourage the government to look at funding support with the densification of urban areas requiring substantial infrastructure improvements and environmental mitigations to succeed, e.g., transport, air quality, schools, green infrastructure.

Q56. 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?

Wokingham Borough Council fully supports ensuring that all people feel safe at all times. We would wish to highlight that this goes to the core of quality placemaking including but not limited to the mix of uses, street patterns and design, building orientation and natural surveillance, hard and soft landscaping. It is far more than a policy on street lighting.

Q57. 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?

Wokingham Borough Council have no specific comments in response to this question.

Q58. 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.

Wokingham Borough Council have no comments relating to impacts under the Public Sector Equality Duty.