

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**ECONOMIC AND SOCIAL OVERVIEW AND SCRUTINY COMMITTEE:**  
**TUESDAY 17 APRIL 2018**

**PROPOSED CHANGES TO THE NATIONAL PLANNING POLICY FRAMEWORK**  
**(NPPF) AND DEVELOPER CONTRIBUTIONS**

**REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING**

**(Contact: Giles Hughes, Tel: (01993) 861000)**

**1. PURPOSE**

To consider the Government's proposed changes to the National Planning Policy Framework (NPPF) and its approach to developer contributions for affordable housing and infrastructure, and make comments/recommendations to Cabinet as the Committee sees fit.

**2. RECOMMENDATION**

That the Committee makes comments/recommendations to Cabinet on the suggested consultation responses attached at Appendices 1 and 2 to this report.

**3. BACKGROUND**

- 3.1. In February 2017, the Government published its housing White Paper 'Fixing our broken housing market' which outlined a number of potential measures to increase the rate of house building and its affordability. These included a new standardised method for calculating housing need, ensuring all areas have an up to date Local Plan, encouraging higher density development in appropriate locations, opening up the housing market to smaller builders and the introduction of a new housing delivery test.
- 3.2. This was followed up in September 2017 with a further consultation 'Planning for the right homes in the right places' which outlined in more detail how some of these proposals might operate in practice. This included the new standard approach to calculating housing need, improved joint working between local authorities, increased emphasis on meeting the housing needs of different groups, greater certainty over housing need at the neighbourhood plan level and a simplified approach towards viability assessments in plan making and decision taking.
- 3.3. Building on these earlier consultations, the Government has now published for consultation proposed changes to the National Planning Policy Framework (NPPF) as well as proposed changes in respect of developer contributions including affordable housing.
- 3.4. In addition, updated practice guidance has been published in respect of viability, housing delivery, local housing needs assessment, Neighbourhood Plans, plan making and build to rent. This is not subject to consultation but does explain in more detail how the Government's proposals are intended to be applied.
- 3.5. The proposed changes are summarised below together with a brief commentary on the potential implications. Suggested detailed responses to the consultation proposals are attached at [Appendix 1](#) (beginning on page 16) and [Appendix 2](#) (beginning on page 27).

#### **4. PROPOSED CHANGES TO THE NPPF**

- 4.1. The NPPF sets out the Government's overarching planning policies for England and how these are expected to be applied. It is a material consideration in both plan making and decision-taking and has been an important influence since it was first introduced in 2012. It is underpinned by a presumption in favour of sustainable development i.e. development that is sustainable should go ahead, without delay.
- 4.2. The revised draft NPPF was published for consultation on 5 March 2018 with comments being sought up until 10 May 2018. The revised NPPF seeks to take account of the previous Government consultations last year but also introduces a number of additional measures focused on increasing housing supply.
- 4.3. The proposed changes also take account of relevant Ministerial Statements and case law since 2012 and are intended to reduce duplication and make the NPPF easier to read and interpret.
- 4.4. Attached as [Appendix I](#) (page 16) to this report is a suggested response to the standard consultation questions published by Government. Set out below is a summary overview of the main NPPF changes together with a brief commentary on their implications.

#### **Overall Changes**

- 4.5. The overall structure of the NPPF has been altered and is now clearer and easier to follow. The sections on plan making and decision-taking which were previously located at the back of the NPPF are now close to the beginning of the document and are followed by clear chapters set out in a logical manner dealing with housing, the economy, town centres, health, transport and so on.

#### **Officer Response:**

- 4.6. The overall length of the revised NPPF is similar to the current version but the restructuring of the document makes it much easier and clearer to follow and is therefore to be welcomed.

#### **Achieving Sustainable Development**

- 4.7. The presumption in favour of sustainable development that underpins the current NPPF is proposed to be carried forward and remains focused on economic, social and environmental objectives. The wording has however been amended to clarify the role of these three objectives for planning.
- 4.8. Changes are proposed to paragraph 14 of the NPPF (now paragraph 11) which is important because it is this paragraph that is engaged if a local authority has out of date local plan policies (e.g. by virtue of a lack of 5-year housing land supply). However, the changes are relatively minor and are intended to provide greater clarity.
- 4.9. The more restrictive approach that currently applies in protected areas such as Green Belt and AONB is retained and helpfully the wording of the paragraph together with the supporting explanatory footnote has been amended so that the circumstances in which development should be refused are much clearer.
- 4.10. Importantly, the 'tilted balance' of the current NPPF (whereby in the absence of relevant or up to date Local Plan policies planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits) is proposed to be retained.

- 4.11. The circumstances in which the 'tilted balance' is engaged have however been expanded to include not just housing supply but also housing delivery having regard to a new Housing Delivery Test (see further explanation and comments below).
- 4.12. Additional wording has been introduced to help protect Neighbourhood Plans that seek to help meet identified housing requirements (e.g. through allocations) where the local planning authority is unable to demonstrate a sufficient housing land supply/delivery.

**Officer Response:**

- 4.13. The proposed changes are relatively minor. The changes proposed to paragraph 14 (now paragraph 11) appear to improve its potential application for both plan-making and decision-making and are therefore supported in principle. However some concerns surround the use of the proposed Housing Delivery Test (HDT) as set out in more detail below. The additional protection offered to Neighbourhood Plans from speculative development is logical and supported in principle.

**Plan-Making**

- 4.14. This section has been moved to give it greater prominence and includes a number of important changes.
- 4.15. The overall commitment to a plan-led system is retained but there is an important new distinction between 'strategic' policies dealing with key issues such as the overall scale and pattern of growth and housing and job numbers which must set out in a 'strategic plan' (such as a joint or individual Local Plan or a Spatial Development Strategy) and more 'local' policies which are to be set out in a Local Plan or Neighbourhood Plan.
- 4.16. A 'strategic plan' is a requirement of all local authorities, whereas the more detailed local policies are essentially optional.
- 4.17. Strategic policies must look ahead over a minimum of 15 years from adoption and should be reviewed at least once every five years and updated as necessary (e.g. if housing needs change). Broad locations for development should be identified on a key diagram with any land-use designations and allocations on a policies map.
- 4.18. These strategic policies can be supported by more detailed local policies which can either come forward as part of a single Local Plan (provided a distinction is made between strategic and local policies) or as part of a subsequent Local Plan or Neighbourhood Plan.
- 4.19. A further change is the requirement for strategic plan making authorities to prepare and maintain one or more 'statements of common ground' which document any cross-boundary matters being addressed with neighbouring authorities and the progress in co-operating to address these. This is essentially to strengthen the application of the current 'duty to co-operate'.
- 4.20. Other changes include greater use of digital tools in consultation, minor amendments to the 'tests of soundness' that will be applied to development plans at examination, a requirement for policies to be reviewed at least once every 5 years and a recognition that the evidence to be prepared in support of plans should be proportionate. Local authorities should also identify within their plans what infrastructure contributions are expected from particular sites or types of development.

### **Officer Response:**

- 4.21. The proposed changes are generally supported in principle. The distinction between 'strategic' policies/plans and more local policies/plans including neighbourhood plans is sensible however the accompanying draft practice guidance provides little clarity about the likely scope and content of each. This is likely to lead to significant variation between local authorities and it would be beneficial if a clearer steer could be provided as to the likely scope/content of the two 'tiers' of plans.
- 4.22. A minor concern is that the proposed wording as currently drafted infers that strategic plans should include allocations as well as broad locations for development. This may not however be appropriate in all circumstances and this should be recognised.
- 4.23. The requirement to prepare statements of common ground is supported in principle and will help to provide more tangible evidence of the duty to co-operate having been discharged.
- 4.24. The other proposed changes are also supported including regular plan/policy reviews and the need for clarity regarding infrastructure requirements on allocated sites and types of development.
- 4.25. The resource implications for local authorities in commissioning additional viability evidence must however be recognised as must the need for a degree of flexibility where it is not possible to identify all of the necessary infrastructure requirements for a site or type of site. The recognition that supporting evidence for plan making must be proportionate is welcomed as the cost of preparing such information in support of a plan is often significant.
- 4.26. However, there is a potential conflict between the stated objective of making the evidence base requirements more proportionate and the additional emphasis that is being placed on plan making to establish development viability.
- 4.27. The revisions to the tests of soundness are supported, in particular the recognition that the plan should be based on 'an appropriate strategy' rather than the 'most appropriate strategy'.

### **Decision-making**

- 4.28. Relatively minor changes are proposed to this section. There is an increased emphasis on using various planning tools to promote development including brownfield registers and permission in principle. The revisions also emphasise that where development is in accordance with relevant plan policies, no further viability assessment should be required in support of the application.
- 4.29. The other changes are minor including additional clarity on the weight to be afforded to emerging plan policies (previously addressed in Annex I) and the issue of 'prematurity' in decision making (previously set out in practice guidance).

### **Officer Response:**

- 4.30. The proposed changes to this section are relatively minor and raise few concerns. A long-standing issue is the degree of weight that can be afforded to draft policies set out in emerging plans. The wording of the current NPPF is effectively proposed to be carried forward and suggests that where there are unresolved objections to relevant policies, limited weight can be given to them even if the plan has reached an advanced stage.

- 4.31. Officers do not consider this is appropriate and the degree of weight afforded to policies should be based more fully on the stage of examination reached. If the plan is close to adoption, draft policies should be given significant weight irrespective of the number of outstanding objections.

### **Delivering a sufficient supply of homes**

- 4.32. A number of significant changes are proposed to this section of the NPPF.
- 4.33. The first is the introduction of a new standard method for assessing housing need. This standard approach must be used unless there are exceptional circumstances that justify an alternative approach. The standard approach is based on demographic projections together with an adjustment to take account of market signals. The accompanying practice guidance explains that in some instances an 'uplift' may be required (e.g. where growth strategies are in place) and that robust justification will be needed to support any figure which is less than the standard methodology output.
- 4.34. Having established the overall number of homes needed, policies should then identify the size, type and tenure of homes required for different groups in the community.
- 4.35. The requirement to demonstrate a five-year housing land supply is retained although changes are proposed to the 'buffer' that should be applied with local authorities having the option to seek to 'fix' their housing land supply for a period of 12 months through a an annual position statement or recently adopted plan which would then trigger a 10% buffer. The previous 5% buffer for good performing authorities is retained and the 20% buffer will now apply where there has been significant under delivery of housing in the previous three years (previously this was based on 'persistent' under-delivery – often taken to mean a period of 10 years or more).
- 4.36. The five year housing land supply requirement is accompanied by a new Housing Delivery Test (HDT) which benchmarks local authorities having regard to the number of actual housing completions compared to their requirement.
- 4.37. Where a local authority is unable to demonstrate a five-year supply of deliverable land (using the appropriate 5%, 10% or 20% buffer) **or** where there is a substantial under-delivery of housing (assessed against the Housing Delivery Test) the presumption in favour of sustainable development applies and the 'tilted balance' of paragraph 14 (now paragraph 11) is engaged.
- 4.38. The proposed changes also place a new emphasis on the delivery of small sites with a requirement for at least 20% of allocated sites to be on sites of 0.5 ha (around 15 dwellings) or less. Small-scale windfall development within settlements is to be given particular support with local authorities expected to work with developers of large sites to determine any scope for sub-division to assist smaller builders.
- 4.39. The approach towards affordable housing is clarified in respect of large sites in line with the Government's previously published Written Ministerial Statement. There is also a new requirement for a least 10% of homes on major sites to be in the form of 'affordable home ownership'. This is as part of the overall affordable housing contribution from the site.
- 4.40. An important change is a new requirement for local authorities to prescribe a housing requirement figure for neighbourhood plan areas or, at the very least provide an indicative figure.

- 4.41. Furthermore, local planning authorities are required to support the development of 'entry level exception sites' – essentially sites that are suitable for first time buyers (or those looking to rent their own home) unless the need for such homes is already being met within the authority's area.
- 4.42. These sites should be outside existing settlements on land which is not already allocated for housing and should comprise a high proportion of entry level homes offered for discounted sale or affordable rent and be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of importance in the NPPF and comply with any local design policies or standards.

**Officer Response:**

- 4.43. The proposed changes to this section of the NPPF are significant and have a number of potential implications. The use of a standard method of assessing housing need is supported in principle as this issue is often a source of lengthy and costly debate at examination. The recognition that in growth areas, the level of need may be exceeded is supported.
- 4.44. This is particularly applicable in Oxfordshire where significant growth is already committed and planned through Local Plans and the Oxfordshire Housing and Growth Deal.
- 4.45. The requirement to demonstrate a five-year supply is supported including the potential to 'fix' this for a period of 12 months and the greater level of certainty that provides in dealing with speculative development proposals. However, concern is raised regarding the application of the Housing Delivery Test (HDT) alongside the five-year supply requirement.
- 4.46. Local authorities have little control over the delivery of new homes beyond granting planning permission and yet the Housing Delivery Test will penalise those authorities where the rate of housing completions fails to keep pace with the identified requirement. The result will be the engagement of the presumption in favour of sustainable development and the associated 'tilted balance', leading to increased pressure from speculative development.
- 4.47. On a related note, concerns are raised regarding the prospect of local authorities having to prepare an 'Action Plan' to remedy a shortfall in housing delivery given the resource implications and the lack of direct control that local authorities have in terms of influencing the actual rate of housing delivery which is inevitably subject to market fluctuations and other external influences.
- 4.48. The increased emphasis on small-scale sites is supported in principle as these can be quicker to bring forward than large, strategic sites. However it is not considered necessary or appropriate to specify a percentage requirement. Furthermore, there are clearly resource implications for local authorities in seeking to allocate a large number of smaller sites through Local Plans as each will require supporting evidence and time spent at examination.
- 4.49. Instead the NPPF should emphasise the importance of local authorities bringing forward a balanced portfolio of small, medium and large sites to enable maximum flexibility and consistent delivery over the whole plan period. The role of windfall development in providing small-scale sites must also be recognised.
- 4.50. There is a concern about the proposed introduction of 'entry level exception sites' which appear to be treated separately from affordable housing. These should be

addressed 'as one' to avoid confusion and to provide greater clarity. Furthermore, if this approach is taken forward, further guidance should be provided on what constitutes a 'high-proportion' of entry-level homes and presumably whether the remaining homes are open market.

- 4.51. The proposed changes in respect of affordable housing are generally supported in principle and are broadly consistent with emerging policy set out in the West Oxfordshire Local Plan 2031. However, some concern is raised regarding the ability to effectively 'offset' an affordable housing contribution where vacant buildings are being reused or redeveloped as this does not reflect the fact that in some instances such existing buildings may have very little existing use value (e.g. agricultural buildings). Concern is also expressed about the requirement to provide at least 10% of homes as 'affordable home ownership' as this is considered to be overly prescriptive and should be determined at the local level.
- 4.52. Some concern is also raised regarding the requirement to provide neighbourhood plan areas with a housing figure. Whilst the principle is sound, little guidance has been provided on how this should be done and this is likely to lead to significant variation between local authorities.
- 4.53. It is also notable that the previous reference to Garden City principles set out in the current NPPF has been deleted with no clear explanation as to why. It is considered that this reference could usefully be reinstated and indeed expanded upon by setting out what these key principles are. This is of particular relevance to West Oxfordshire and the proposed Oxfordshire Cotswolds Garden Village near Eynsham.

### **Building a Strong, Competitive Economy**

- 4.54. The proposed changes to this section are relatively minor. There is an increased emphasis on the importance of supporting business growth and productivity. The rural economy section of the current NPPF has been moved into this section with a new recognition that sites may be needed outside settlements and in locations that are not well served by public transport.
- 4.55. Notably the current text of the NPPF which refers to local authorities unnecessarily safeguarding allocated employment land which has little prospect of being used for employment, appears to have been removed but it is not clear why.

### **Officer Response:**

- 4.56. The proposed changes are relatively minor and raise no significant concerns although paragraph 85 as drafted does suggest that businesses and community facilities may be located in relatively isolated places outside of existing settlements that are not well served by public transport. This wording should be amended to ensure that such proposals are at least in close proximity to existing settlements so as to avoid very isolated proposals coming forward some of which could generate significant transport movements.

### **Ensuring the Vitality of Town Centres**

- 4.57. A number of relatively minor changes are proposed to this section.
- 4.58. The sequential test is retained (whereby priority is given to town centre locations, followed by edge of centre and then out of centre locations). Helpfully the revised NPPF text now refers to the consideration of sequentially preferable sites 'within a

reasonable period of time' thereby offering town centres an additional degree of protection.

- 4.59. The impact assessment that applies to 'town centre uses' is no longer proposed to apply to offices as the 'impact' of such proposals outside of town centres has proven difficult to measure in a meaningful manner.
- 4.60. Development plan allocations for town centre uses are required to look at least 10 years ahead and town centre boundaries are to be kept under regular review.

**Officer Response:**

- 4.61. The proposed changes are supported in principle and raise no significant concerns. The additional protection afforded to town centres is welcomed and the requirement to exempt offices from the 'impact' assessment is considered sensible. The requirement to review town centre boundaries is also supported.

**Promoting Healthy and Safe Communities**

- 4.62. Minor changes are proposed including an increased emphasis on the social and economic benefits of estate regeneration and the role of planning in promoting social interaction and healthy lifestyles.
- 4.63. New wording has been introduced in relation to the role of planning in dealing with malicious or natural threats, especially in crowded places.

**Officer Response:**

- 4.64. The proposed changes raise no significant concerns although it would be helpful if additional guidance could be provided on how planning policies can be used to meaningfully influence malicious or natural threats in crowded places.

**Promoting Sustainable Transport**

- 4.65. This section has been revised significantly in terms of structure. Local authorities are expected to identify additional development opportunities arising from strategic infrastructure investment. Maximum parking standards must only be used where there is clear and compelling justification and a new policy is in place recognising the importance of maintaining a national network of general aviation facilities.
- 4.66. Greater emphasis is also given to highway safety and the need to give priority to pedestrians and cyclists followed by access to public transport.
- 4.67. Maximum parking standards are only to be used where there is clear and compelling justification.

**Officer Response:**

- 4.68. The proposed changes are supported in principle and raise no significant concerns.

**Supporting High Quality Communications**

- 4.69. The proposed changes are very minor and seek to emphasise the importance of planning policies and decisions supporting the expansion of electronic communications networks.

**Officer Response:**

- 4.70. The proposed changes are supported in principle and raise no significant concerns.



## **Making Effective Use of Land**

- 4.71. This is a new section of the NPPF emphasising the importance of making the most effective use of land. Whilst the current NPPF includes some passing reference to this issue, the proposed changes are intended to ensure greater action is taken.
- 4.72. As a matter of principle, substantial weight is to be given to the value of using suitable brownfield land within settlements for housing and other identified needs. The focus of plans should be to accommodate as much objectively assessed need as possible on previously developed land.
- 4.73. Emphasis is placed on making more intensive use of land and buildings including under-utilised buildings, conversions and opportunities to use the 'airspace' above existing residential and commercial premises.
- 4.74. Local authorities are encouraged to take a more proactive role in bringing sites forward (e.g. those identified on a brownfield register) and to regularly review land allocations and availability. Where sites are not coming forward for their intended use, favourable consideration should be given to alternative uses.
- 4.75. Similarly, applications for alternative uses on sites that are not allocated but are in existing uses e.g. retail or employment sites should be supported with more effective use to be made of community services such as schools or hospitals.
- 4.76. Low density development should be avoided in areas of high housing demand and higher densities should be sought in accessible locations. Consideration should be given to the use of minimum density standards in city and town centres and other locations well-served by public transport.
- 4.77. Schemes which make inefficient use of land should be refused but local authorities will be required to take a flexible approach to policies/guidance on daylight/sunlight where they would inhibit making efficient use of a site.

### **Officer Response:**

- 4.78. The principle of making the most efficient use of land including previously developed (brownfield) land is supported. The revised text is strong on this issue and is to be welcomed. However, there are some concerns regarding the implication that the efficient use of a site might be a reason to effectively disregard or 'gloss over' important amenity issues such as daylight/sunlight. Making the most efficient use of a site should clearly not be at the expense of amenity and high quality design.
- 4.79. There is also a concern about the potential implications of 'building upwards' above existing properties and there needs to be greater recognition that this will not always be an appropriate approach.
- 4.80. Finally, there is a concern that the proposed wording perhaps provides too much flexibility in terms of the potential loss of existing uses such as shops and businesses to new housing. It is important to provide a balanced mix of land uses and there is a danger of too much non-residential land being brought forward for housing with negative effects for the economy and sustainable travel patterns.

## **Achieving well-designed places**

- 4.81. Minor changes only are proposed in relation to the design elements of the NPPF. Plans are now required to set out a clear design vision and expectations including the use of design codes and guides – the logic being that applicants will have a better understanding of what will and won't be considered acceptable. Additional emphasis is

also placed on the pre-application process to ensure good design is secured from an early stage.

### **Officer Response**

- 4.82. The proposed changes are generally supported although some concerns are raised in relation to paragraph 127 which states that ‘applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot’. Whilst the intention of this statement is understood, it infers that a potentially unacceptable scheme in all other respects should be considered favourably if it has been subject to extensive pre-application consultation.

### **Protecting Green Belt land**

- 4.83. The general approach towards the protection of the Green Belt is retained and strengthened. The text introduces a number of new requirements to be met before consideration is given as to whether ‘exceptional circumstances’ exist to justify changes to Green Belt boundaries. Where the release of green belt land is necessary, plans should give priority to brownfield land and land which is well served by public transport. Consideration must also be given to offsetting any loss of Green Belt land for example through compensatory improvements.
- 4.84. Notably, the text envisages that strategic plans will determine if any changes to the Green Belt are needed with the detailed changes to be made through local policies including Neighbourhood Plans.
- 4.85. The text also allows for the use of brownfield land in Green Belts for affordable housing and starter homes provided it would not have a greater impact on the openness of the Green Belt than the existing development.

### **Officer Response:**

- 4.86. The proposed changes are supported in principle insofar as they retain and to a large extent strengthen existing policy. The requirement to provide compensatory improvements to offset the loss of any Green Belt land is logical.
- 4.87. Concern is raised regarding the process by which amendments to Green Belt boundaries will be made. Deferring the detailed assessment to local policies including neighbourhood plans is likely to have significant resource implications e.g. for those preparing neighbourhood plans and may be better left to the strategic plan making level.

### **Meeting the challenge of climate change, flooding and coastal change**

- 4.88. The proposed changes are relatively minor and emphasise the importance of plans supporting measures to ensure the future resilience of communities and infrastructure to climate change. Additional clarification on wind energy is provided in accordance with a previous Written Ministerial Statement of 2015.
- 4.89. Plans are now required to have regard to the potential cumulative effect of flood risk, not just to or from individual sites and there is now a requirement for major development to incorporate sustainable drainage unless there is clear evidence it would be inappropriate.

### **Officer Response:**

- 4.90. The proposed changes are supported in principle and raise no significant concerns.

## **Conserving and enhancing the natural environment**

- 4.91. The proposed changes are relatively minor with increased emphasis on strengthening existing networks of habitats and taking air quality into account. Notably the wording now confirms that the scale and extent of development in protected areas such the Cotswolds AONB should be limited.
- 4.92. Protection for ancient woodland and other irreplaceable habitats is strengthened with any loss or deterioration to be wholly exceptional and supported by a suitable mitigation strategy.

### **Officer Response:**

- 4.93. The proposed changes are supported in principle and raise no significant concerns. The additional clarification regarding the scale and extent of development in protected areas such as the AONB is welcomed.
- 4.94. Some concern is raised that the NPPF continues to provide no definition of what constitutes a 'valued landscape' (which are to be protected and enhanced through planning policies and decisions). Thus debates on this issue are likely to continue to ensue through the planning appeal process.

## **Conserving and enhancing the historic environment**

- 4.95. Very minor changes are proposed. Clarification is provided that World Heritage Sites are recognised for their Outstanding Universal Value (OUV) and that this forms part of their significance and should be taken into account.
- 4.96. In addition the text is proposed to be amended to clarify that great weight must be given to the conservation of a designated heritage asset, irrespective of the degree of potential harm to its significance.

### **Officer Response:**

- 4.97. The proposed changes are supported in principle and raise no significant concerns.

## **Facilitating the Sustainable Use of Minerals**

- 4.98. Minor changes only including additional text regarding on-shore oil and gas development. Views are also sought on whether minerals should be dealt with separately from the NPPF.

### **Officer Response:**

- 4.99. The proposed changes are supported in principle and raise no significant concerns. It is agreed that mineral development could be dealt with separately from the NPPF as is currently the case with waste policy.

## **Annex I: Implementation**

- 4.100. Annex I explains that the policies in the new NPPF will be a material consideration which should be taken into account in dealing with planning applications from the day of its publication. It recognises that plans may need to be revised to reflect policy changes which the new NPPF has made. This 'should be progressed as quickly as possible' either through a partial revision or by preparing a new plan.
- 4.101. It explains that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to them according to their degree of consistency with the NPPF i.e.

the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

- 4.102. It explains that the housing delivery test will apply from November 2018 onwards and there is a recognition that the Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered.

### **Officer Response**

- 4.103. There is a concern that in the absence of appropriate transitional arrangements, the publication of the new NPPF could render an existing Local Plan instantly out-of-date where policies are not entirely consistent.
- 4.104. A simple example is the potential requirement set out in the new NPPF for Local Plans to include a specific proportion of smaller site allocations. If this is not the case in an adopted plan, it could mean that upon publication of the new NPPF, the whole housing strategy of the plan is construed as out of date and thus the 'tilted balance' set out in paragraph 14 (now paragraph 11) is engaged.
- 4.105. Clearly it would seem much more appropriate to specify a set period of time (say 2-3 years) within which existing adopted Local Plan policies are entirely protected from the provisions of the new NPPF, rather than having them instantly undermined when the plan is likely to have taken several years to adopt at a not insignificant cost.
- 4.106. The reference made at paragraph 213 to the potential provision of planning freedoms and flexibilities to support housing delivery is supported in principle. This is of particular relevance to the Oxfordshire Housing and Growth Deal announced in the November 2017 budget, which identifies a number of potential freedoms and flexibilities to help enable additional housing and growth and the agreement of a joint statutory spatial plan (JSSP).
- 4.107. Potential freedoms and flexibilities identified for Oxfordshire include for example consideration of options to help ensure that the existing housing land supply position is not undermined by applying a 3-year housing land supply requirement rather than the standard 5-year requirement.
- 4.108. It would be useful if paragraph 213 of the NPPF could therefore be amplified to include reference to the type of freedoms and flexibilities that could be explored in order to facilitate an increase in the amount of housing that can be delivered.

## **5. SUPPORTING HOUSING DELIVERY THROUGH DEVELOPER CONTRIBUTIONS**

- 5.1. Alongside the proposed changes to the NPPF the Government is consulting on a series of proposed reforms to the current system of developer contributions (i.e. Section 106 planning obligations and the Community Infrastructure Levy).
- 5.2. The overarching purpose of the reforms is to provide greater simplicity and certainty. The consultation paper makes it clear that the proposed reforms are a potential 'springboard' to further reforms that could be introduced in the future. One potential option mentioned is the possibility of contributions to affordable housing and infrastructure being set nationally and to be non-negotiable. Further consultation on such an approach would however be required as well as appropriate transitional arrangements.

- 5.3. Attached as [Appendix 2](#) (page 27) to this report is a suggested response to the standard questions that have been published by Government as part of the consultation. The main changes are briefly outlined below together with a summary of the proposed response.

### **Reducing Complexity**

- 5.4. A number of actions are proposed to reduce the complexity of the current system. The consultation requirements for setting and reviewing a CIL charging schedule are to be made more proportionate and the evidence required to support CIL more closely aligned with plan making to simplify the process.
- 5.5. Furthermore, it is proposed to remove the current 'pooling restriction' (whereby no more than five Section 106 planning obligations can be used to fund a single infrastructure project) in areas which have adopted CIL, areas which cannot feasibly charge CIL (as it is not viable to do so) or where development is planned on several strategic sites. In all other circumstances, the pooling restriction would remain in place.
- 5.6. A number of minor improvements are also proposed to the operation of CIL.

### **Officer Response**

- 5.7. The proposal to make CIL consultation arrangements more proportionate is supported in principle as is the proposal to remove the Section 106 pooling restrictions in the circumstances described. West Oxfordshire District Council intends to introduce CIL but in the interim would also potentially benefit from more flexibility in the use of Section 106 planning obligations, by virtue of the number of strategic sites allocated in the draft Local Plan.

### **Supporting Swifter Development**

- 5.8. To encourage greater speed in the system the Government is proposing through the new NPPF to improve viability assessment in plan making which will remove the need for separate viability assessments to be submitted as part of individual planning applications. It is also proposed that all viability assessments are conducted on an 'open-book' basis in order to improve transparency and accountability.

### **Officer Response**

- 5.9. As set out previously in relation to the NPPF consultation outlined above, the principle of using the plan making process to establish viability is supported as it should help to remove the need for countless individual assessments submitted as part of the planning application process. However, it is important to recognise the resource implications for local authorities in preparing or commissioning viability evidence and also the need for such evidence to be proportionate.
- 5.10. The concept of 'open book' viability assessments is supported in principle and is consistent with the approach taken by the Council in preparing the draft West Oxfordshire Local Plan supporting viability evidence.

### **Increasing Market Responsiveness**

- 5.11. The current CIL regulations allow for different rates to be set in different areas and on the basis of the type and scale of proposed development but they do not allow for rates to be set having regard to the existing use of the land.

- 5.12. This means that CIL rates do not necessarily reflect the increases in land value that can occur when planning permission is granted (e.g. a significant uplift from agricultural to residential compared to a less significant uplift from industrial to residential).
- 5.13. It is therefore proposed to allow CIL charging schedules to be set based on the existing use of land. Where large sites have multiple existing uses the use of a specific rate will be encouraged or charging on the basis of the majority use (where 80% of the site is in a single use). Other complex sites could be charged at a generic rate set without reference to the existing use of the land or have charges apportioned between the different existing uses.

#### **Officer Response**

- 5.14. The concept of better capturing the uplift in value of land when planning permission is secured (e.g. for residential use) through CIL is strongly supported in principle. Clearly there is a much more significant uplift when agricultural land achieves permission for housing compared to say industrial land which already has a high existing use value. It is entirely logical for this difference to be reflected in an appropriate CIL rate.
- 5.15. There is some concern about the operation of this approach for larger, more complex sites with multiple uses and the more simpler the approach that can be taken the better. This is likely to be through the use of a generic or specific rate for larger sites rather than apportioning different CIL charges to different parts of the site which is likely to cause confusion and unnecessary complication.

#### **Improving Transparency and Accountability**

- 5.16. The current regulations enable local authorities to publish a 'Regulation 123' list which sets out the infrastructure they intend to fund through CIL. Evidence suggests however considerable confusion and variation around the use of such lists and the Government is therefore proposing to remove the requirement to produce a 123 list and instead to amend the CIL regulations to require the publication of an 'Infrastructure Funding Statement' which explains how the spending of any forecasted income from both CIL and Section 106 planning obligations over the next five years will be prioritised and to monitor funds received and their use.

#### **Officer Response**

- 5.17. The proposed change is supported in principle. It is already well known that there is considerable variation between the CIL 123 lists produced by local authorities with some authorities choosing to identify specific infrastructure projects and others identifying broad 'categories' of infrastructure. There is also often confusion about what will be funded through Section 106 obligations in addition to CIL. The concept of combining the two into a single funding statement is therefore supported in principle however it should be made clear that this statement should be based on either specific projects or categories of infrastructure rather than both, so as to avoid ongoing variation between different local authorities.

#### **Strategic Infrastructure Tariff (SIT)**

- 5.18. Following the approach taken in London where the Mayor's CIL is collected towards strategic transport infrastructure – specifically Crossrail – the Government is proposing to allow combined authorities and joint committees where they have strategic planning powers, to introduce a Strategic Infrastructure Tariff (SIT). It is argued that this will increase the flexibility of the developer contribution system and encourage cross-boundary planning to support the delivery of strategic infrastructure.

- 5.19. To avoid further complexity (a criticism of the current system) the Government proposes that a SIT should only be charged where there is a specific piece of strategic infrastructure that requires funding or where the impacts of strategic infrastructure will need mitigating across local authority boundaries.

### **Officer Response**

- 5.20. As there is currently no combined authority or joint committee in Oxfordshire, this proposal is of less direct relevance at present however the concept is supported in principle subject to it not further complicating to an unreasonable degree the current system of CIL and Section 106 planning obligations.

## **6. NEXT STEPS**

The suggested consultation responses attached at Appendices [1](#) and [2](#) of this report will be submitted to Government before the deadline of 10 May 2018, amended if or as necessary following consideration by this Committee and by Cabinet.

## **7. FINANCIAL IMPLICATIONS**

There are no direct cost implications associated with this report.

## **8. RISKS**

There are no direct risks associated with this report.

## **9. REASONS**

The NPPF is an important material consideration in both plan making and decision-taking and it is important that the Council inputs into the preparation of any proposed update. Similarly the current system of developer contributions is vitally important to ensuring that future planned growth in West Oxfordshire and Oxfordshire more generally is supported by appropriate investment in infrastructure.

Giles Hughes

Head of Planning and Strategic Housing

(Author: Chris Hargraves, Tel: (01993) 861686; EMail: [chris.hargraves@westoxon.gov.uk](mailto:chris.hargraves@westoxon.gov.uk))

Date: 5 April 2018

Background Papers:

[NPPF \(2012\)](#)

[NPPF – Draft text for consultation \(March 2018\)](#)

[NPPF – Consultation proposals \(March 2018\)](#)

[Supporting Housing Delivery through Developer Contributions \(March 2018\)](#)

[Draft Planning Practice Guidance \(March 2018\)](#)

**West Oxfordshire District Council response to NPPF consultation (March 2018)****Chapter 1 – Introduction****Q1) Do you have any comments on the text of Chapter 1?**

Footnote 2 uses the phrase ‘brought into force’ in relation to local and neighbourhood plans. This provides a degree of ambiguity and should instead refer to local plans that have been ‘adopted’ and neighbourhood plans that have been ‘made’.

**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?**

Yes – the changes to the presumption in favour of sustainable development set out in paragraph 11 (previously 14) are supported in principle. Whilst relatively minor, the changes should assist in applying the presumption both in plan making and decision making.

The Council is however concerned about the ‘trigger’ by which paragraph 11d will be engaged, in particular the application of the proposed housing delivery test. These concerns are amplified in more detail under Question 12 below.

**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?**

No – the 12 core principles are usefully bulleted in the current NPPF and this should be retained. It would add little in terms of additional length and duplication but would greatly assist ease of reference.

**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?**

The reference to “neighbouring areas” in paragraph 11b should be more specific (e.g. neighbouring local planning authority areas), as neighbouring areas could mean any extent of land. This issue also occurs at paragraphs 36a, 61 and 110.

Footnote 5, which qualifies the term ‘strategic plans’ used in paragraph 11b, explains that these are ‘Local plans or spatial development strategies that contain policies to address the strategic priorities of an area (see chapter 3)’. However, this is inconsistent with the definition of strategic plans provided in the Glossary.

Some suggested amended text for 11b is provided below (~~strikethrough~~ symbolises a deletion and underline symbolises new text):

11b) Strategic Plans that set spatial development strategies containing policies to address the strategic priorities of an area should, as a minimum, provide for objectively assessed needs for housing and other development, as well as and any needs that cannot be met within neighbouring local authority areas unless...

Footnote 5 could then be deleted entirely. This would also make the NPPF more concise.

We have concerns about the clarity of paragraph 14. It is extremely difficult to follow and to apply. Neighbourhood planning groups often comprise non-planners and we think this paragraph will cause much confusion. For example, clause a states that “paragraph 75 of this Framework applies”, but when you go to paragraph 75, it states that “For applications which include housing, paragraph 11d of this Framework will apply”. This convoluted line of referencing is difficult to follow.



We also have concerns about the first part of paragraph 14, which does not make sense. The terms 'adverse impacts' and 'benefits' should be swapped around. Some suggested amendments to paragraph 14 are provided below:

Where a recently made neighbourhood plan ~~that has recently been brought into force~~ contains policies and allocations to meet its identified housing requirement, the benefits ~~adverse impact~~ of allowing development that conflicts with ~~#~~ the development plan ~~are~~ is likely to significantly and demonstrably outweigh the ~~adverse impacts~~ benefits where:

### **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?**

The proposed changes to the tests of soundness are supported in principle, in particular the amendment to the 'justified' test which now refers to 'an appropriate strategy' rather than 'the most appropriate strategy'. This should help to avoid unnecessarily lengthy debates at examination about a multitude of different strategy options and the relative merits of each.

The use of the phrase 'as much as possible' in relation to the 'positively prepared' test is rather vague and likely to be open to unhelpful and lengthy debate at examination. It is also inconsistent with paragraph 11b which refers to strategic plans, as a minimum, providing for their objectively assessed needs.

The text at paragraph 37 is also unclear in referring to the tests of soundness being applied in a 'proportionate way' to local policies. Whilst the sentiment is understood it would be helpful to provide additional explanation here so that the expectations of local policies set out in Local Plans are clear from the outset.

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

Whilst the concept of splitting out more strategic policies (e.g. housing need and spatial strategy) from more detailed, local policies is supported in principle, we have concerns that the current drafting of the NPPF text is unclear and could lead to confusion.

Paragraph 17 refers to local authorities needing to have in place a strategic plan which addresses the strategic priorities for the area. Such strategic plans can be in the form of a joint or individual Local Plan or a spatial development strategy. Where more detailed issues need addressing, local policies may be produced and these can be included in a Local Plan or a neighbourhood plan.

To an extent this gives the impression of three tiers of plan making. The text should therefore be revised to refer to a requirement for all local authorities to have in place a Local Plan (which must include strategic policies and may include more detailed local policies) or in the case of an elected Mayor or combined authority, a requirement to have in place a spatial development strategy. It should also make it clear that Neighbourhood Plans are not a statutory requirement and are optional if a local community wishes to introduce more detailed local policies.

Perhaps setting this out in diagrammatic form would aid understanding.

Furthermore, whilst the distinction between 'strategic' policies/plans and more local policies/plans including neighbourhood plans is sensible, the accompanying draft practice guidance provides little clarity about the likely scope and content of each. This is likely to lead to significant variation between local authorities and it would be beneficial if a clearer steer could be provided as to the likely scope/content of the two 'tiers' of plans.

Concern is raised in relation to paragraph 24 which, as currently drafted infers that strategic plans should include allocations as well as broad locations for development. The allocation of specific sites may not however be appropriate in all circumstances and this should be recognised. In Oxfordshire, there is a

commitment from the Councils to prepare a Joint Statutory Spatial Plan, but the emerging thinking on this is that it will identify broad locations of growth rather than make specific allocations, similar to the West of England model. Allocations would be delivered through individual Local Plans.

With regard to the evidence base required for plan making the need for this to be proportionate, relevant and tightly focused is supported. However, considerable emphasis is now being placed on supporting viability evidence in plan making which will also potentially be used as the basis for CIL examinations. The resource implications of such evidence need to be fully recognised with robust guidance to assist local authorities and avoid lengthy debates at Local Plan and CIL examinations on largely technical viability evidence.

The requirement to prepare statements of common ground is supported in principle and will help to provide more tangible evidence of the duty to co-operate having been discharged. The other proposed changes are also supported including regular plan/policy reviews and the need for clarity regarding infrastructure requirements on allocated sites and types of development. The latter requirement does however emphasise the importance of robust and consistent viability evidence to avoid lengthy debates at Local Plan examinations.

#### **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?**

The requirement for viability assessments to be made publicly available is supported in principle. The accompanying practice guidance recognises that there may be exceptional circumstances in which specific details may be redacted or withheld but that as information used in viability assessments is not usually specific to that developer they need not contain commercially sensitive data.

Wording to this effect should be incorporated into paragraph 58 i.e. ‘...should be made publicly available unless there are exceptional circumstances.’ (to then be explained in a footnote)

##### **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?**

Yes – the more information and guidance that can be supplied the better so as to avoid confusion and variation between local authorities. A standardised approach is needed to ensure local authorities produce robust and consistent evidence in support of Local Plans and to ensure that the circumstances in which viability assessments will be deferred to individual planning applications are clearly known and understood.

##### **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?**

Viability assessments, particularly on large, multi-phased developments, are time-consuming and expensive and can delay progress. The developer has more certainty of the contributions required if there is no review mechanism and may offer a higher level of contributions at the outset to secure that certainty. A review mechanism should therefore not be mandatory but down to local circumstances and individual negotiation.

The only obvious advantage of making such a review mechanism mandatory would be a consistency of approach between local authorities which in itself would represent a form of certainty for developers.

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

Concern is raised regarding paragraph 49 and the degree of weight to be afforded to emerging Local Plan policies. As per the current NPPF this is predicated not only on the stage reached in plan preparation but

also the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

The revised NPPF should instead take the opportunity to make it clear that where a Local Plan has reached an advanced stage (e.g. consultation on proposed main modifications) that the emerging policies carry significant weight irrespective of the number of objections to policies.

It is the case in West Oxfordshire that despite an initial letter from the Local Plan Inspector indicating that subject to main modifications he believes the plan is capable of being found sound and legally compliant, the amount of weight being given to the draft policies at appeal remains limited with some Inspectors giving them no weight at all.

This is clearly not appropriate and is simply increasing pressure from speculative development until such time that the new plan can be formally adopted.

Additionally a whole new area of law is emerging where verbal scales are evolving which are almost useless to decision makers. At various points local authorities are required to give great weight, almost full weight, substantial weight, significant weight, some weight, moderate weight, minor weight, less than full weight etc. but in reality the decision on an application is effectively a 'yes' or 'no' having weighed a variety of matters. The emerging process of applying subjective verbal terms in a scale of words over which there is no consistent understanding or guidance adds uncertainty rather than clarity. The new NPPF should aim to give clarity/certainty to aid decision making.

As regards footnote 20 it would be much more efficient to allow pre commencement conditions in the obvious situations where they will still be needed (archaeology/tree protection/levels/drainage/Listed building protection/working hours/site establishment etc.) and only require the written consent of the applicant for conditions beyond that scope - rather than instigate a whole new area of bureaucracy for developers and local authorities as the current proposals seem to require.

## **Chapter 5 – Delivering a sufficient supply of 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?**

The increased emphasis on small-scale sites is supported in principle as these can be quicker to bring forward than large, strategic sites. However it is not considered necessary or appropriate to specify a percentage requirement that local authorities must meet through plan making.

There are significant resource implications for local authorities in seeking to allocate a large number of smaller sites through Local Plans as each will require supporting evidence as well as time spent at examination.

Therefore before any stipulated percentage requirement is introduced, great consideration should be given to the practical consequences which could include unsustainable smaller sites being favoured over larger sites in more sustainable locations as well as the resource implications for local authorities in preparing necessary evidence and undertaking consultation on a multitude of small sites.

Instead the NPPF should emphasise the importance of local authorities bringing forward a balanced portfolio of small, medium and large sites to enable maximum flexibility and consistent delivery over the whole plan period. The role of windfall development in providing small-scale sites must also be recognised.

### **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?**

No – we have significant concerns about the use of the housing delivery test for a number of reasons. The current NPPF effectively engages the presumption in favour of sustainable development if a local authority

*is unable to demonstrate an adequate 5-year supply of deliverable housing sites. This is entirely reasonable and provides a strong incentive to local authorities to ensure they are allowing a sufficient number of permissions.*

*However, the revised NPPF maintains this approach and also couples it with consideration of housing delivery through the proposed Housing Delivery Test (HDT) with a lack of adequate delivery over a period of 3 years also engaging the presumption in favour of sustainable development (and potentially rendering even a recently adopted Local Plan out-of-date).*

*Whilst local authorities are able to directly influence the granting of planning permission they cannot control the delivery of new homes on those sites which is solely in the control of the development industry. Local authorities will therefore be penalised and Local Plans potentially bypassed by virtue of housing developers not bringing forward permitted sites quickly enough. This is grossly unfair and not consistent with a plan-led approach to development.*

*Furthermore, the consideration of housing delivery over a relatively short 3-year period is likely to provide a distorted picture during times of downturn in the housing market which is inevitably cyclical. The current NPPF refers to persistent under-delivery of housing which is often taken to mean a period of say 10 years or more to allow for market fluctuations. Such an approach seems much more reasonable than consideration of a relatively short 3-year window.*

*Concern is also raised in relation to paragraph 77 and the resource implications that would be placed on local authorities having to prepare an action plan to address the under-delivery of housing which as outlined above is an issue that is largely outside their control other than in relation to the granting of planning permission.*

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

*Whilst the concept of delivering new homes for first time buyers/renters is supported in principle we have concerns about the proposed approach as drafted for a number of reasons. Firstly it is not clear why such sites have to be outside existing settlements. It is not inconceivable that a suitable site could be identified (and not already allocated) within an existing settlement for the provision of entry-level homes. The text should therefore be revised accordingly.*

*Secondly we have concerns about the ambiguity introduced by the phrase ‘a high proportion of entry-level homes...’ As this is not specified it is unclear what a ‘high proportion’ is likely to entail and this could lead to situations with say 60% entry level homes and 40% standard open market housing. An exception site approach for entry level homes should thus adopt the same approach as traditional rural exception sites for affordable housing and not allow any full open market value properties, except in exceptional circumstances where required to make a scheme deliverable/ viable.*

*We also have concerns about the overlap with affordable housing and the apparent distinction made between entry level exception homes and other forms of affordable housing (the definition of which includes discounted market sales housing). For ease of reference they should all be treated ‘as one’ as they are essentially enabling access to housing for those who are unable to buy or rent at open market values.*

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

*As a general observation it is noted that the title of this section has been changed from ‘Delivering a wide choice of high quality homes’ to ‘Delivering a sufficient supply of homes’. This suggests that the number of new homes delivered is more important than their quality and providing a choice of different types and tenures to meet identified needs. The previous title should be reinstated.*

*The use of a standard method of assessing housing need is supported in principle as this issue is often a source of lengthy and costly debate at examination. The recognition that in growth areas, the level of need*

may be exceeded is supported. This is particularly applicable in Oxfordshire where significant growth is already committed and planned through Local Plans and the Oxfordshire Housing and Growth Deal.

The requirement to demonstrate a five-year supply is supported including the potential to 'fix' this for a period of 12 months and the greater level of certainty that provides in dealing with speculative development proposals. It is unclear however why this should trigger the application of a 10% buffer instead of 5% in areas where housing delivery is strong.

The proposed changes in respect of affordable housing are generally supported in principle and are broadly consistent with emerging policy set out in the West Oxfordshire Local Plan 2031. However, some concern is raised regarding the ability to effectively 'offset' an affordable housing contribution where vacant buildings are being reused or redeveloped as this does not reflect the fact that in some instances such existing buildings may have very little existing use value (e.g. agricultural buildings).

Concern is also expressed about the requirement to provide at least 10% of homes as 'affordable home ownership' as this is considered to be overly prescriptive and should be determined at the local level.

Some concern is also raised regarding the requirement to provide neighbourhood plan areas with a housing figure. Whilst the principle is sound, little guidance has been provided on how this should be done and this is likely to lead to significant variation between local authorities.

It is notable that the reference to Garden City principles set out in the current NPPF has been deleted with no clear explanation as to why. It is considered that this reference could usefully be reinstated and indeed expanded upon by setting out what these key principles are.

The inclusion of the previously separate policy on rural housing into the overall housing section of the NPPF is logical and welcomed. However, concern is raised in relation to paragraph 81 (c) which sets a very low hurdle to overcome in order to secure a barn conversion to residential use. Essentially it provides the ability for someone to make a site untidy and claim it will be enhanced by a conversion to a house.

The Council's policies have historically been very successful at promoting barn conversions to employment use which helps to retain a diverse and prosperous rural economy and which paragraph 84 (a) encourages, but unless 81 (c) is made more onerous, this part of the NPPF will never occur as the benefits of a residential rather than commercial conversion will always dictate a residential re-use.

## **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?**

Yes although some concern is raised regarding paragraph 85 which as drafted suggests that businesses and community facilities may be located in relatively isolated places outside of existing settlements that are not well served by public transport.

This wording should be amended to ensure that such proposals are at least in close proximity to existing settlements so as to avoid very isolated proposals coming forward some of which could generate significant transport movements.

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

It is noted that the current text of the NPPF which refers to local authorities unnecessarily safeguarding allocated employment land which has little prospect of being used for employment, appears to have been removed but it is not clear why. This is a point of clarification rather than concern.

## **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?**

*Yes. The proposed changes are supported in principle and raise no significant concerns. The additional protection afforded to town centres is welcomed in particular the requirement for any sequential test to take account of longer-term proposals that could potentially be undermined.*

*The requirement to exempt offices from the 'impact' assessment is considered sensible and the requirement to review town centre boundaries is also supported.*

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

*No comment.*

## **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?**

*The text introduced at paragraph 92 is supported in principle and helpfully clarifies some of the ways in which the planning system can contribute towards healthy and safe communities. Often however these matters are set aside by the Planning Inspectorate when there is no 5-year housing land supply and poor quality developments are approved which do not achieve the stated aims. It would help to strengthen the policy if paragraph 92 stated that 'Planning policies and decisions will ensure that...' rather than 'should aim to achieve...'*

*In respect of paragraph 96, whilst the intention of the wording is understood, it would be helpful if additional guidance could be provided on how planning policies can be used to meaningfully influence malicious or natural threats in crowded places. Some practical examples would be useful.*

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

*No comment.*

## **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?**

*The revision could perhaps place greater emphasis than it does (at para 105 b) - d) and 110 a) for example) on the importance of connections between places in terms of delivering modal shift. Whilst it is important to ensure that a development proposal makes good provision for walking and cycling, to be a realistic alternative to the car the connectivity of the site with the wider transport network in those particular respects is equally important. If excellent provision for cycling is included within a new housing estate but deteriorates when the cyclist accesses the transport network beyond it the value of the provision in genuinely encouraging modal shift (for say home to work journeys) will be undermined. Islands of excellent provision separated by virtual no-go areas are plainly undesirable.*

*The inclusion of public transport in encouraging modal shift is also important. But in certain areas of the country – particularly some rural areas with comparatively low population density and dispersed small settlements – this may be rather more in hope than expectation given the overriding need for predominantly private sector public transport providers to maintain an operating profit. The relatively high profile of public transport in the revised chapter may raise unrealistic levels of expectation in certain areas. Whilst this is hinted at in the text (110 a)), it could perhaps be more explicitly stated.*

The revised Chapter misses the opportunity to include waterways as an alternative and sustainable mode of freight, passenger and leisure transport where facilities exist or could be brought back into use. Restored canals are an obvious example, particularly within urban environments.

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

Yes - the proposed changes are supported in principle and raise no significant concerns.

However, aviation is recognised as a significant source of air pollution and this should not be overlooked, particularly given the emphasis in the NPPF on sustainable development.

The term 'general aviation facilities' is not defined in the glossary. Whilst an impression of what this entails can be obtained from the General Aviation Strategy it would be helpful if the glossary set out a definition in planning terms.

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

No comment.

**Chapter 10 - Supporting high quality communications**

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

The proposed changes are supported in principle and raise no significant concerns.

**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?**

The principle of making more effective use of under-utilised land is supported including the approach to making use of empty spaces above shops and building on or above service yards. We have some concerns about the re-allocation of land for housing, particularly the suggestion at paragraph 120 (b) that until they can review their Local Plan, a local authority should essentially disregard for example an employment allocation in favour of alternative uses such as housing.

This approach provides too much flexibility in terms of the potential loss of existing uses such as shops and businesses to new housing. It is important to provide a balanced mix of land uses and there is a danger of too much non-residential land being brought forward for housing with negative effects for the economy and sustainable travel patterns.

**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?**

The use of minimum density standards is supported in principle although their application should be at the discretion of the local authority.

At present the wording of paragraph 123 (a) is unclear in stating that plans should contain policies to optimise land use and should include the use of minimum density standards. If this is a policy requirement, the wording should be strengthened to state that 'plans must contain...' and 'must include the use of minimum density standards...'

Concerns are raised in respect of the proposed wording of paragraph 123 (c) which infers that the efficient use of a site might be a reason to effectively disregard or 'gloss over' important amenity issues such as daylight/sunlight. Making the most efficient use of a site should clearly not be at the expense of amenity and high quality design. The planning system plays an important role in balancing developers' interests in maximising development on sites with those of neighbours, who have a reasonable expectation that the planning system will provide some protection for their amenity.

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

*There is a concern about the potential implications of 'building upwards' above existing properties and there needs to be greater recognition that this will not always be an appropriate approach.*

**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?**

*The proposed changes are generally supported although some concerns are raised in relation to paragraph 127 which states that 'applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot'.*

*Whilst the intention of this statement is understood, it infers that a potentially unacceptable scheme in all other respects should be considered favourably if it has been subject to extensive pre-application consultation.*

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

*No comment.*

**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?**

*No comment.*

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

*The proposed changes are supported in principle insofar as they retain and to a large extent strengthen existing policy. The requirement to provide compensatory improvements to offset the loss of any Green Belt land is logical.*

*Concern is raised regarding the process by which amendments to Green Belt boundaries will be made. Deferring the detailed assessment to local policies including neighbourhood plans is likely to have significant resource implications e.g. for those preparing neighbourhood plans and may be better left to the strategic plan making level.*

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

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

*No comment.*

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

*No comment.*

**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?**

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



*The proposed changes are supported in principle and raise no significant concerns. The additional clarification regarding the scale and extent of development in protected areas such as the AONB is welcomed.*

*Some concern is raised that the NPPF continues to provide no definition of what constitutes a 'valued landscape' (which are to be protected and enhanced through planning policies and decisions). Thus debates on this issue are likely to continue to reign through the planning appeal process.*

*Paragraph 179 refers to new development 'in' Air Quality Management Areas and Clean Air Zones. However, to reflect the fact that development may be beyond these areas but still have an effect (e.g. by virtue of through traffic) this should refer to development 'affecting' an AQMA rather than development 'in' an AQMA.*

## **Chapter 16 - Conserving and enhancing the historic environment**

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

*The proposed changes are supported in principle and raise no significant concerns. It would be helpful to provide a definition of 'substantial' in paragraphs 190/191.*

## **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?**

*No comment.*

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

*Yes. Mineral development could usefully be dealt with separately from the NPPF as is currently the case with waste policy. This would help make the document more concise.*

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

*No comment.*

## **Transitional arrangements and consequential changes**

### **Q40) Do you agree with the proposed transitional arrangements?**

*There is a concern that in the absence of appropriate transitional arrangements, the publication of the new NPPF could render an existing Local Plan instantly out-of-date where policies are not entirely consistent.*

*A simple example is the potential requirement set out in the new NPPF for Local Plans to include a specific proportion of smaller site allocations. If this is not the case in an adopted plan, it could mean that upon publication of the new NPPF, the whole housing strategy of the plan is construed as out of date and thus the 'tilted balance' set out in paragraph 14 (now paragraph 11) is engaged.*

*Clearly it would seem much more appropriate to specify a set period of time (say 2-3 years) within which existing adopted Local Plan policies are entirely protected from the provisions of the new NPPF, rather than having them instantly undermined when the plan is likely to have taken several years to adopt at a not insignificant cost.*

*The reference made at paragraph 213 to the potential provision of planning freedoms and flexibilities to support housing delivery is supported in principle. This is of particular relevance to the Oxfordshire Housing and Growth Deal announced in the November 2017 budget, which identifies a number of potential*

*freedoms and flexibilities to help enable additional housing and growth and the agreement of a joint statutory spatial plan (JSSP).*

*Potential freedoms and flexibilities identified for Oxfordshire include for example consideration of options to help ensure that the existing housing land supply position is not undermined by applying a 3-year housing land supply requirement rather than the standard 5-year requirement.*

*It would be useful if paragraph 213 of the NPPF could therefore be amplified to include reference to the type of freedoms and flexibilities that could be explored in order to facilitate an increase in the amount of housing that can be delivered.*

**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?**

*No comment.*

**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?**

*No comment.*

### **Glossary**

**Q43) Do you have any comments on the glossary?**

*No comment.*

**West Oxfordshire District Council Response to Government Consultation  
'Supporting Housing Delivery through Developer Contributions' (March 2018)**

**Question 1**

**Do you agree with the Government's proposals to set out that:**

**i. Evidence of local infrastructure need for CIL-setting purposes can be the same infrastructure planning and viability evidence produced for plan making? Yes/No**

*Yes – it is sensible to integrate the two processes to avoid unnecessary cost, duplication and confusion. However the draft practice guidance refers to separate CIL guidance on viability and charge setting and it would seem appropriate to combine the two for ease of reference and in keeping with the overall intention to integrate the evidence base.*

**ii. Evidence of a funding gap significantly greater than anticipated CIL income is likely to be sufficient as evidence of infrastructure need? Yes/No**

*Yes – this approach is sensible and will help to avoid unnecessarily lengthy debates on further evidence of an infrastructure funding need. In the vast majority of cases the cost of infrastructure required to support planned growth will significantly outweigh anticipated funding from CIL and Section 106 planning obligations and thus there should be no need for forensic analysis.*

**iii. Where charging authorities consider there may have been significant changes in market conditions since evidence was produced, it may be appropriate for charging authorities to take a pragmatic approach to supplementing this information as part of setting CIL – for instance, assessing recent economic and development trends and working with developers (e.g. through local development forums), rather than procuring new and costly evidence? Yes/No**

*Yes – this should be a decision for the local authority to determine. Significant changes in market conditions may well warrant the production of new evidence to support the setting of a CIL charge and it should be for the local authority to decide if it wishes to commission this. Informal engagement with developers and assessment of recent economic and development trends is more likely to be appropriate where there have been relatively minor changes in market conditions.*

**Question 2**

**Are there any factors that the Government should take into account when implementing proposals to align the evidence for CIL charging schedules and plan making?**

*The Government should take account of and acknowledge the resource implications for local authorities in commissioning viability evidence – particularly given the increased focus to be placed on it in terms of CIL and plan making.*

*As set out above, it would be sensible to combine guidance on viability for CIL and plan making rather than continue with any separate guidance on CIL which appears to be suggested in the draft Practice Guidance on viability that has been published alongside the consultation.*

**Question 3**

**Do you agree with the Government's proposal to replace the current statutory consultation requirements with a requirement on the charging authority to publish a statement on how it has sought an appropriate level of engagement? Yes/No**

Yes – a more informal and pragmatic approach to consultation on CIL charging schedules is considered to be sensible and would allow local authorities to decide on the most appropriate approach in their area. The most important issue is to ensure appropriate engagement has been carried out with views properly taken into account. This can be achieved and clearly explained through the publication of a separate ‘Statement of Engagement’.

#### **Question 4**

**Do you have views on how guidance can ensure that consultation is proportionate to the scale of any charge being introduced or amended?**

Guidance should suggest a range of potential options such as targeted consultation with specific stakeholders using a number of illustrated examples. The extent of any consultation undertaken by the local authority would then be at their discretion allowing for a local judgement on the most appropriate approach.

#### **Question 5**

**Do you agree with the Government’s proposal to allow local authorities to pool section 106 planning obligations:**

**i. Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106? Yes/No**

Yes – the current pooling restriction is limiting the ability of local authorities to reasonably seek contributions towards new development through planning obligations. In West Oxfordshire as we have not yet introduced CIL we are regularly told in consultation responses from Oxfordshire County Council that they would be looking to impose a planning obligation (e.g. towards education and library provision) but cannot due to the pooling restriction. Lifting the restriction in areas that are unable to adopt CIL is a logical approach.

**ii. Where significant development is planned on several large strategic sites? Yes/No**

Yes – this is particularly applicable in West Oxfordshire which has not yet introduced CIL but has a large number of strategic sites coming forward through the emerging draft Local Plan some of which are in separate ownerships and likely to come forward under separate planning applications. The lifting of the pooling restriction would provide additional flexibility and ensure that all parties contribute appropriately towards necessary infrastructure.

#### **Question 6**

**i. Do you agree that, if the pooling restriction is to be lifted where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106, this should be measures based on the tenth percentile of average new build house prices? Yes/No**

Yes – a nationally set threshold would provide the necessary certainty for such an approach and avoid local debate about whether the pooling restriction should be lifted or not.

**ii. What comments, if any, do you have on how the restriction is lifted in areas where CIL is not feasible, or in national parks?**

Whilst the amount of development taking place in protected areas such as National Parks is likely to be relatively limited, any development that does take place is likely to have a ‘premium’ sales value.

CIL viability is based on a number of factors including land values, construction costs, sales values, profit, fees etc. but these are not dictated by the amount of development taking place and as such it is not clear why the pooling restriction should necessarily be lifted in national parks. It also begs the question as to why

*a similar approach should not be taken in other protected areas such as Areas of Outstanding Natural Beauty (AONBs) where the revised NPPF text emphasises that the scale of development should be limited.*

### **Question 7**

**Do you believe that, if lifting the pooling restriction where significant development is planned on several large strategic sites, this should be based on either:**

- i. a set percentage of homes, set out in a plan, are being delivered through a limited number of strategic sites; or**
- ii. all planning obligations from a strategic site count as one planning obligation?**

*The most likely difficulty faced by local authorities will be multiple land ownerships on one large strategic site with each landowner wanting to bring forward their site individually through separate planning obligations. The current pooling restriction therefore creates a difficulty in seeking obligations towards for example necessary strategic infrastructure such as a new relief road. The second option whereby all planning obligations from a strategic site count as one would therefore seem the most sensible option.*

*Under the first option it may be that a local plan identifies 20 sites in total and only 2 are large strategic sites. However, unless the pooling restriction is lifted those 2 strategic sites (which are likely to be crucial to the overall plan strategy) may be unable to deliver the necessary infrastructure. A percentage approach as suggested in Option 1 above therefore would not be appropriate.*

### **Question 8**

**What factors should the Government take into account when defining ‘strategic sites’ for the purposes of lifting the pooling restriction?**

*Factors to consider are likely to include the size of the site, the number of new homes/jobs provided and the number of separate land ownerships involved.*

### **Question 9**

**What further comments, if any, do you have on how pooling restrictions should be lifted?**

*No comment.*

### **Question 10**

**Do you agree with the Government’s proposal to introduce a 2 month grace period for developers to submit a Commencement Notice in relation to exempted development? Yes/No**

*Yes – the introduction of some additional flexibility appears appropriate in light of the cited experience of smaller developers and self-builders who have been penalised under the current approach.*

### **Question 11**

**If introducing a grace period, what other factors, such as a small penalty for submitting a Commencement Notice during the grace period, should the Government take into account?**

*The introduction of a penalty charge even if relatively modest would not seem to be necessary or appropriate. The 2 month grace period is intended to provide additional flexibility and if it is being offered to developers it is not clear why they should then have a penalty of any size imposed upon them.*

### **Question 12**

**How else can the Government seek to take a more proportionate approach to administering exemptions?**

*No comment.*

### **Question 13**

**Do you agree that Government should amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development? Yes/No**

Yes

### **Question 14**

**Are there any particular factors the Government should take into account in allowing abatement for phased planning permissions secured before introduction of CIL?**

*No comment*

### **Question 15**

**Do you agree that Government should amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force to align with the approach taken in the recently amended CIL regulations?**

Yes

### **Question 16**

**Do you agree with the Government's proposal to allow local authorities to set differential CIL rates based on the existing use of land? Yes/No**

*Yes – strongly agree with this approach as it would allow local authorities to better capture the uplift in land values that occur when planning permission is granted. Whilst the need to avoid complexity in charging schedules is fully acknowledged it is unclear why the consultation paper suggests this approach should only be taken forward where there is a strong case for doing so. Presumably in all areas agricultural land values will be significantly lower than say office or industrial land values and thus a differential approach based on existing land values should be universal.*

### **Question 17**

**If implementing this proposal do you agree that the Government should:**

**i. encourage authorities to set a single CIL rate for strategic sites? Yes/No**

*Yes – as this approach would provide the simplest approach for large complex sites with multiple uses. As is proposed for smaller sites it would seem sensible to base the charge on the majority use (where there is one).*

**ii. for sites with multiple existing uses, set out that CIL liabilities should be calculated on the basis of the majority existing use for small sites? Yes/No**

*Yes – this approach would appear to provide a simple calculation which would be easy to administer. Problems may arise where there is no single majority use although this is unlikely to be common on smaller sites.*

**iii. set out that, for other sites, CIL liabilities should be calculated on the basis of the majority existing use where 80% or more of the site is in a single existing use? Yes/No**

*Yes - this approach would appear to provide a simple calculation which would be easy to administer.*

**iv. What comments, if any, do you have on using a threshold of 80% or more of a site being in a single existing use, to determine where CIL liabilities should be calculated on the basis of the majority existing use?**

*No comment other than it would be useful to clarify how the 80% would be calculated i.e. gross/net areas, including/excluding car parking etc.*

### **Question 18**

**What further comments, if any, do you have on how CIL should operate on sites with multiple existing uses, including the avoidance of gaming?**

*No comment*

### **Question 19**

**Do you have a preference between CIL rates for residential development being indexed to either:**

**a) The change in seasonally adjusted regional house price indexation on a monthly or quarterly basis; or**

**b) The change in local authority-level house price indexation on an annual basis**

*No comment*

### **Question 20**

**Do you agree with the Government's proposal to index CIL to a different metric for non-residential development? Yes/No**

*Yes as there is no clear link between the value of non-residential development and house price inflation.*

### **Question 21**

**If yes, do you believe that indexation for non-residential development should be based on:**

**i. the Consumer Prices Index? Yes/No**

**ii. a combined proportion of the House Price Index and Consumer Prices Index? Yes/No**

*No comment*

### **Question 22**

**What alternative regularly updated, robust, nationally applied and publicly available data could be used to index CIL for non-residential development?**

*No comment*

### **Question 23**

**Do you have any further comments on how the way in which CIL is indexed can be made more market responsive?**

*No comment*

## **Question 24**

**Do you agree with the Government's proposal to:**

**i. remove the restrictions in regulation 123, and regulation 123 lists? Yes/No**

*Yes – the current system of Regulation 123 lists is not working well and there is considerable variation between the approaches taken by different local authorities with some authorities identifying specific projects for CIL funding and others identifying broad categories of infrastructure. Some lists are purposefully short to take account of the inter-relationship with Section 106 planning obligations whilst others are much longer. There is too much variation and confusion and a change is required.*

**ii. introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement? Yes/No**

*Yes – a simpler statement of spending priorities for both CIL and planning obligations would provide greater certainty and transparency and avoid too much variation between local authorities.*

## **Question 25**

**What details should the Government require or encourage Infrastructure Funding Statements to include?**

*Details should include the name of the infrastructure project to be funded, estimated cost, any existing funding held, the funding 'gap' anticipated funding mechanism (i.e. CIL or S106) anticipated timescales for delivery and possibly detail of the development/s which the proposed infrastructure project will help to support.*

*Government should make it clear that funding statements should focus on specific infrastructure projects as the use of broad 'categories' of infrastructure creates confusion.*

## **Question 26**

**What views do you have on whether local planning authorities may need to seek a sum as part of section 106 planning obligations for monitoring planning obligations? Any views on potential impacts would also be welcomed.**

*This is already a common approach within local authorities.*

## **Question 27**

**Do you agree that combined authorities and joint committees with strategic planning powers should be given the ability to charge a SIT? Yes/No**

*Yes – in theory SIT is a sound concept provided it does not create confusion with other CIL payments and Section 106 planning obligations. It must be very clear that SIT will be spent on defined strategic infrastructure projects for which there is a demonstrable infrastructure funding gap that cannot be met by any other means.*

## **Question 28**

**Do you agree with the proposed definition of strategic infrastructure? Yes/No**

*Yes – this should include projects that have multiple benefits across administrative boundaries. The use of a cost or size threshold may be appropriate but could be difficult to define and in theory could mean some infrastructure that falls below the threshold but still has an important cross-boundary role, is unable to benefit from SIT funding.*



### **Question 29**

**Do you have any further comments on the definition of strategic infrastructure?**

*No comment*

### **Question 30**

**Do you agree that a proportion of funding raised through SIT could be used to fund local infrastructure priorities that mitigate the impacts of strategic infrastructure? Yes/No**

*Yes in theory, although this may create complexity and too much overlap with the use of CIL funds and planning obligations in the local area where these are intended to be used for related local infrastructure projects. It may be better to leave the SIT in its entirety to fund strategic infrastructure (given the large cost involved) and CIL/planning obligations to pick up the supporting local infrastructure priorities. This could be clearly set out in the Infrastructure Funding Statement which would need to also include SIT where it is in place.*

### **Question 31**

**If so, what proportion of the funding raised through SIT do you think should be spent on local infrastructure priorities?**

*Given the cost of strategic infrastructure projects to be funded through SIT and likely funding generated by development, if a proportion of the funds is to be spent on local priorities it should be a small proportion e.g. no more than 5%.*

### **Question 32**

**Do you agree that the SIT should be collected by local authorities on behalf of the SIT charging authority? Yes/No**

*Yes - subject to appropriate funding being made available for the associated administrative costs.*

### **Question 33**

**Do you agree that the local authority should be able to keep up to 4% of the SIT receipts to cover the administrative costs of collecting the SIT? Yes/No**

*Yes – provided this provides an appropriate degree of funding. The consultation paper refers to the SIT being set at a low level and 4% of any receipts may therefore be a relatively small amount that does not reflect the additional administrative burden placed on the local authorities.*

### **Question 34**

**Do you have any comments on the other technical clarifications to CIL?**

*No comment.*