

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

Yes - this would incentivise and strengthen plan-making and reduce the amount of time and resources spent debating the issue unnecessarily at appeal. In West Oxfordshire, we have a relatively recent Local Plan having been adopted in September 2018, however because of unforeseen delays with a number of key sites, the Council is currently not able to demonstrate a 5-year supply thus rendering key policies out of date and engaging the tilted balance of the NPPF.

This is further exacerbated by the fact that the Council was only able to have its plan found sound in the first instance by accepting a level of housing provision well in excess of West Oxfordshire's standard method housing figure and which is now proving extremely challenging to deliver.

This has led to significant increased pressure from speculative development and resources having necessarily been diverted to dealing with such proposals and spending time pushing developers to release any stalled sites, when Officers could more usefully be dealing with other matters including bringing forward a new local plan.

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

Yes, the inclusion of any such buffer introduces an unnecessary layer of complexity and an additional point for debate when 5-year housing land supply is under consideration.

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

Yes - the housing market is by its very nature cyclical with periods of strong delivery often followed by a slow-down. As such if delivery has previously been strong, any future provision should take account of this. It is more important to ensure that identified housing needs are met in full over the whole period of a local plan. Currently too much emphasis is placed on the amount of housing to be provided in a 5-year period. This is particularly unreasonable given that any such delivery is largely outside the control of the local authority. A greater degree of emphasis should be placed on local authorities granting sufficient permissions with the duty to deliver resting firmly with developers.

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

The Council has no specific wording suggestions but would simply observe that any such guidance should be clear, consistent and unequivocal.

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

We agree with the proposed changes which will offer additional protection to areas with neighbourhood plans in place and potentially incentivise the production of such plans which play an important role in a plan-led system.

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

Yes – the proposed changes are supported in particular the increased emphasis given to the provision of supporting infrastructure within revised paragraph 7.

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

The Council supports the retention of the standard method for assessing local housing need and welcomes the commitment made to reviewing the implications on the standard method of new household projections data based on the 2021 Census.

The Council supports the principle of a more proportionate approach to local plan examinations, increased clarity on how constraints may be taken into account in determining a housing requirement and the proposed changes to the housing delivery test.

These measures are all likely to incentivise plan-making and ensure that plans are able to be prepared and adopted more quickly.

As well as providing additional clarity on how constraints may be taken into account, national policy should make it clear that increased consideration of such matters will be given as part of any local plan examinations where the LPA is affected by significant areas of AONB, Green Belt etc.

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

The Council supports the intention to make it clearer that the standard method is an advisory starting point only given the inevitable limitations that such a national-level approach to assessing housing need has.

We also support the intention to provide increased clarity guidance on the exceptional circumstances that may exist to justify an alternative approach. Without such clear guidance there is a risk of inconsistency in plan-making which will lead to unnecessary delay and poor outcomes.

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

Yes. As stated in response to Question 3, the housing market is cyclical and if performance has been strong in the past this should be taken into account in identifying and future provision. In relation to the Green Belt, the Council supports the intended change which will provide increased protection whilst still enabling development to come forward if exceptional circumstances exist. The intention to take into account density in determining whether housing need can be met in full is also supported.

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

Any such evidence would presumably need to include any local design code/guide where this provides advice on appropriate densities by location and/or typology. Any housing land availability assessment work would also need to be taken into account as this would provide evidence on the extent to which any identified housing needs can be met by location.

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

Whilst the Council supports the principle of taking a more proportionate approach to local plan examinations (including the amount of supporting evidence needed) it is not clear at this stage whether removing the requirement for plans to be justified would achieve this.

The majority of early local plan preparation revolves around seeking views on different options and alternatives such as different levels of housing growth or spatial patterns of development. Testing such options through the preparation of the plan and supporting evidence (including Sustainability Appraisal) is intended to lead to the most appropriate and sustainable outcome.

If the requirement to consider those alternative approaches is removed, there is a risk it may ultimately lead to poorer outcomes.

It may be more appropriate to retain the justified test but to limit in some way the number of reasonable alternatives that the local authority has to consider and to also clarify what is meant by a reasonable alternative. This would help the examination process as developers would have less scope to argue that the Council has not considered all reasonable options and alternatives.

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

Yes.

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

The Council supports the additional clarity which this change would provide along with the increased emphasis on major urban areas meeting their own needs as fully as possible.

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

Further guidance to support the general provisions of the NPPF regarding the use of airspace above existing residential and commercial properties would be helpful - to include examples of best practice.

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

It is essential that large urban areas do everything they can to accommodate their own housing needs through a creative approach to land uses, density and height of development and other appropriate measures. There should not be an automatic assumption that if an adjoining area falls within the same housing market area or functional economic area, that they will accommodate housing need that cannot be met within the urban area itself.

In short, the urban uplift should only apply to the main urban area itself and not transfer to adjoining areas. Any such provision for unmet housing need must be carefully considered as part of the duty to cooperate and in due course, the proposed alignment policy. There should not be an assumption that it can be met in full.

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

Yes – the Council is supportive of any measures that would reduce the pressure faced by local authorities in terms of having to demonstrate a 5-year HLS. This will also help with and incentivise plan preparation.

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

The Council is supportive of the proposed transitional arrangements.

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

Yes – it is important that local authorities are judged by the actions within their control - including the granting of planning permission – rather than being penalised for matters of housing delivery that are largely outside of their control.

We note however that a local authority would still need to prepare an action plan to consider the causes of under-delivery. If this requirement is retained, it would seem appropriate to require a ‘lighter touch’ action plan than would be required in the absence of both sufficient completions and permissions.

Any requirement for developers to report on expected build-out rates is supported in principle as this will provide valuable information to LPAs in terms of anticipated housing trajectories and housing monitoring more generally.

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

Yes.

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

All local planning authorities record any residential permissions granted on an annual basis as part of their monitoring reports or 5-year HLS position statements. Presumably such permissions could easily be entered into some form of centralised data return. The application of a financial penalty such as Council Tax applying to permitted and deliverable homes that are failing to come forward for no good reason would not only provide an incentive but an additional way of counting deliverable homes.

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

Given the proposed changes to the housing delivery test it would seem appropriate to suspend or freeze any consequences arising from the publication of the 2022 test and to instead defer to the 2021 test. Local authorities could then be given the opportunity to identify any specific local circumstances as to why the 2021 test may not be appropriate.

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

Yes, social rented housing is the most affordable form of affordable housing and should be strongly supported in national planning policy.

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

Yes, given the ageing population, this issue is likely to become increasingly important and as such it is entirely appropriate for national policy to be strengthened. Arguably the revisions could go further and require local authorities to allocate sites specifically for older persons accommodation as the developers of such schemes often struggle to compete with mainstream developers and therefore find speculative sites difficult to come by.

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

The Council is supportive of the principle of encouraging the delivery of smaller housing sites particularly on previously developed sites in urban areas. Because the Council's adopted local plan was prepared under the 2012 NPPF, the Council is not familiar with, and has no specific views on, the current national policy approach of requiring at least 10% of the identified housing requirement to be accommodated on small sites of one hectare or less.

We would however observe that determining the most appropriate proportion of smaller housing sites should instead be a matter for each local authority to determine in light of the agreed spatial strategy, the availability of sites and other supporting evidence. The 10% requirement does seem rather arbitrary.

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

One option would be to apply the presumption in favour of development (i.e. the tilted balance) specifically to smaller housing sites (e.g. less than 10 units) provided that the proportion of affordable homes provided achieves a certain minimum percentage (e.g. at least 75%).

If such an approach were to be introduced, it would be important to build in appropriate safeguards to prevent developers from 'salami slicing' larger sites into smaller parcels simply to benefit from any such arrangement.

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

Yes – the definition should not hinder any particular organisation from bringing forward new affordable homes. A further point relates to the overall term affordable housing. Given that such accommodation is often still well beyond the reach of many households e.g. affordable rent in a high value area such as Oxfordshire, perhaps a more appropriate term would be subsidised housing.

**27. Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?**

At present, paragraph 72 of the NPPF states that 'Local planning authorities should support the development of entry-level exception sites.....' This is not particularly clear or strong and could be re-phrased as a specific requirement which would be more in line with the approach towards self and custom-build provision.

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

As per the response to question 27, this could be made into a more specific policy requirement i.e. a 'must do' rather than a 'nice to do'.

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

Ensure that such developments are subject to some form of incentive such as a reduced planning fee/commitment to a streamlined planning process.

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

No – this is a subjective matter and not relevant to the planning merits of any particular proposal which is what any good decision must be made on. Furthermore, it would be simple for an applicant to circumvent e.g. by applying in a partners name or holding company or similar.

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

The Council does not agree with either of these options.

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

The Council is supportive of measures to incentivise more rapid build out of development sites. We do however have concerns about the effectiveness of the three measures proposed. We note the intention to further consult on potential financial penalties and welcome this as such measures are much more likely to make a difference. An example of this might include a requirement to pay Council Tax on unbuilt yet deliverable units.

Further consideration should also be given to the potential for planning permission to essentially be rescinded should there be unreasonable delay on the part of the developer. As part of planning permission being granted an agreed timetable could for example be agreed (similar to a planning performance agreement but focused on delivery) with any significant deviation/delay – unless agreed with the LPA – resulting in the permission being rescinded. If any such measures were to be taken forward, this would need to be on the basis of the LPA not being penalised in terms of housing land supply requirements.

The same principle should apply to the de-allocation of housing sites from local plans where little meaningful progress is made within a reasonable period of time post-adoption of the plan.

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

Whilst the Council is supportive of the need for high quality design and place making, the term 'beauty' is too vague and open to subjective interpretation. Furthermore, it might reasonably be argued that addressing climate change and the ecological emergencies (e.g. through net zero builds) are more important design considerations than aesthetics.

We note and support the proposals set out in the Levelling up and Regeneration Bill to mandate local design codes which will help to provide certainty and clarity over design expectations and standards.

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

See response to Question 33.

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

No – this should form part of the local design code which would be specific in appropriate materials for the area.

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

No – it seems odd to reference one particular roof type which will often not be appropriate in terms of local vernacular (as is the case in West Oxfordshire). The most appropriate way of maximising the use of airspace above existing residential and commercial premises should be a matter for local judgement to be articulated through the local plan and/or local design code.

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

National policy must require new development to be designed to maximise nature recovery and enhancement, and minimise GHG emissions. National guidance could identify sustainable materials which fulfil these requirements, as could local design codes.

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

National policy must aim to minimise GHG emissions from local food production and the supply chain, and maximise carbon sequestration and nature recovery. Land use planning is required to identify the optimal use of land for local food production and to address climate change and nature recovery.

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

Whole Life Carbon (WLC) analysis is the only approach that allows the emissions of a project to be considered holistically over its lifespan. WLC emissions are the sum total of all asset related GHG emissions and removals, both operational and embodied over the life cycle of an asset including its disposal. Overall Whole Life Carbon asset performance includes separately reporting the potential benefit from future energy recovery, reuse, and recycling.



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

Climate change adaptation policy must address flood risk and other climate impacts. National policy must make sustainable drainage systems mandatory on all new developments to manage surface water and sewage pollution. These systems mimic natural drainage processes to reduce the effect on the quality and quantity of runoff from developments and provide amenity and biodiversity benefits.

A whole river catchment approach to flood prevention should be promoted in national policy alongside more stringent policy requirements relating to waste water management/capacity and water quality.

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

Yes and alongside this, Local Area Energy Plans (LAEPs) should consider the potential for repowering renewable and low carbon energy and its maintenance so as to maximise energy from these sources.

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

Yes – the renewal of existing renewable energy sites should be promoted in national policy, alongside the approval of new sites. The benefits of renewable energy must be given significant weight in decision-making.

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

No tracked changes have been made to footnote 54 and so no comment is possible.

The Council agrees however that the use of a local development order as referenced in footnote 62 is likely to help accelerate the delivery of wind energy development in the right places, and under community control. The footnote should however be worded more positively to maximise community benefits from wind energy development, including the achievement of net zero targets. National guidance could also be prepared to guide LPAs and local communities in setting the planning framework for an area to bring forward wind energy development.

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

Yes and no - national policy must support the retrofitting of existing buildings to achieve net zero carbon, reduce fuel bills and improve health and wellbeing. This includes all building types, including domestic stock which is responsible for the majority of carbon emissions. LETI's blueprint for retrofitting the UK's homes recommends energy performance targets and a whole house retrofit plan. Best practice retrofit is fabric first, improving fabric energy efficiency before introducing low carbon technologies and renewable energies. Buildings in conservation areas and listed buildings

must also be retrofitted and national guidance could showcase the most innovative methods. It is essential that national policy requires new buildings to be fossil fuel free and net zero, i.e. designed to have a net zero-operational carbon balance and deliver 100% of energy consumption using renewables, to avoid the need to retrofit.

We do however have concerns that the proposed wording for paragraph 161 in requiring proposals to 'take into account' the policies set out in chapter 16 of the framework is not strong enough and implies that Section 16 is more of an afterthought. Given the statutory duty to preserve the character of listed buildings (in particular) and the fact that any works likely to affect its character as a building of special architectural or historical interest requires listed building consent, more appropriate and robust wording should be applied to this paragraph especially to listed buildings, along the lines of *'It is important to note that the policies set out in chapter 16 of this Framework must be fulfilled when determining proposals for energy efficiency measures (works) likely to affect the character of a listed building'*.

Through the proposed changes to national policy, the Government should also look to provide additional clarification regarding the inter-relationship between legislation relating to Areas of Outstanding Natural Beauty and Listed Buildings versus climate change for example.

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

Yes – the proposed deadline of June 2025 should provide LPAs with sufficient time to submit their currently emerging local plans. It is however difficult to see how it can be guaranteed that all examinations will have been concluded and plans adopted by December 2026. Some allowance should be made for extenuating circumstances which may lead to a delay beyond this.

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

Yes the five-year rule seems pragmatic and appropriate.

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

Yes – although we note that unlike the proposals for local plans, there is no requirement for any such plans to have been examined and adopted (made) by a specified date. We would suggest that this is the case for local plans too for the reasons set out in our response to question 45.

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

The District Council has in principle reservations regarding the removal of supplementary planning documents which are considered to serve a useful purpose in the planning system. Notwithstanding this if they are to be removed, the proposed transitional arrangements (i.e. linking it to the requirement for a new style local plan) appear appropriate.

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

The Council supports the principle of established new national development management policies which will provide a greater degree of consistency and help to ensure that local plans focus on issues of most importance locally.

The proposed scope for any such policies, building in the first instance on the current NPPF and then effectively plugging any gaps is sensible and the general principles intended to guide such policies are supported.

It will be important however to ensure that any such national policies are not able to be changed at short notice and with insufficient consultation with LPAs and consideration of the consequences. Otherwise there is a risk of frequent changes causing too much uncertainty for developers, LPAs and local communities.

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

The policies must be enforceable when used as the basis for conditional planning permission. Therefore they must be precise and unambiguous.

We support the commitment made to ensuring that such policies are drafted in a clear, concise and consistent manner, and avoid ambiguities, so that they are easy to understand and apply. This will be essential if they are to succeed and we look forward to further consultation in due course.

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

Yes and the indicative examples provided are supported. It will be important through further consultation to identify any other topics that would lend themselves to a national policy.

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

Net Zero targets including renewable energy provision; decarbonisation targets; managing flood risk; water management infrastructure; telecommunications infrastructure; pollution and contaminated land; nationally designated heritage assets; internationally and nationally designated biodiversity and geodiversity sites; nationally designated landscape areas; Green Belts; addressing the impact of Class E - C3 PD rights on town centres and business centres; out-of-town-centre impact assessments; town centre diversity; highway safety; any overarching protective policy that is generic and not locally specific e.g. landscape, biodiversity. Health and Wellbeing, including HIAs e.g. on major development.

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

- Policies that seek to address the lack of public transport provision and connections in rural areas
- Strengthen policy relating the provision of education and skills (e.g. use of community employment or skills plans which have been struck out of some local plans by Inspectors)
- More fully embedding the concept of healthy place shaping in national policy including requirements for health impact assessments
- Clarity on right to buy policies (now and in the future) would help council decision making
- Clear national policy on the provision of First Homes to support the previous ministerial statement

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

By including a requirement for stronger linkages between local plans and local investment plans/industrial strategies. Potentially to include a requirement for LPAs to work more closely with LEPs when preparing their local plans and supporting evidence base documents.

Most local plans tend to focus on the quantum of employment space provided – national policy should more fully emphasise the importance of productivity.

Furthermore, there is scope for strengthening regional planning including for example through the use of regional planning / spatial frameworks.

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

Yes – particular incentives could be provided to developers of previously developed sites such as reduced planning obligations or a fast-tracked planning service commitment.

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

Addressing crime and the fear of crime is a well-established principle in planning and a core aspect of promoting health and well-being. It also links directly to the other proposals to increase densities of development in urban areas. Increased emphasis should be placed on this as soon as possible potentially through some minor short terms changes to the NPPF pending the wider proposed review later this year.

We would however suggest the focus should be on making sure that all groups of society feel safe and not just those groups listed.

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

Under the Government's proptech fund, a number of local authorities have progressed excellent examples of accessible and interactive online planning material. It would seem appropriate for any future improvements to the way national policy is presented and accessed to learn from these various projects.

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

We have no specific comments to make in relation to the public sector equality duty other than to re-draw attention to our response to Question 56 and respectfully suggest that measures to increase the safety of people in public spaces are not just confined to those groups listed in the consultation paper.