

Report to	Planning Committee
Date	9 February 2023
By	Director of Planning
Title of Report	Response to the Government’s Levelling-up and Regeneration Bill: reforms to national planning policy consultation on a revised NPPF and prospectus of proposed national planning policy reforms
Purpose of Report	To brief Members on the above consultation and for Members to provide comments to inform the SDNPA’s response which will be approved and submitted by the Chief Executive

Note

Recommendation: The Committee is recommended to:

- 1. Note the Government consultation on the revised NPPF AND prospectus of proposed national planning policy reforms; and**
 - 2. Consider and provide comments on the contents of the draft response, set out at Appendix I, to be approved and submitted by the Chief Executive of the Authority as part of the Government’s Consultation on changes to national planning policy.**
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Executive Summary

- The Government has launched the Levelling-up and Regeneration Bill: reforms to national planning policy consultation on proposed changes to national planning policy. The consultation closes on 02 March 2023. It consists of a consultation prospectus and a track changed version of the NPPF. There are 58 questions asked, some relating to proposed changes in the NPPF and others relating more to the ideas put forward in the prospectus. Officers have reviewed the consultation materials and drafted proposed responses to the questions. These are set out in **Appendix I** of this report for Members review and comment. As the consultation period ends before the next meeting of the National Park Authority, Member’s comments are sought to inform the consultation response which will be approved and submitted by the Chief Executive of the Authority.
- The proposed changes to the NPPF are intended to be published in Spring 2023. There will be further consultation on other aspects of policy reform later this year. The new planning system is proposed to go live in November 2024. With further consultations before then.
- There are lots of proposed changes covering housing numbers, plan-making, beauty, increasing build out and climate change among others.
- Headline key matters to highlight include:

- There is a marked shift in position to housing numbers being a starting point and a guide that is not mandatory where exceptional circumstances can be demonstrated. National Parks were noted as one of these in Mr Gove’s statement on the consultation, but specific reference to National Parks in this regard do not appear in the consultation materials. The draft response to the question 8 says that there should be explicit recognition of National Parks in this regard.
- From November 2024, the new planning system will require mandatory timetable for plan-making of 30 months once the five year date is reached. Plans that are submitted by 30 June 2025 will be examined under the current broad planning system (i.e. as it is prior to November 2024). Plans submitted after that date will be prepared and examined under the new plan-making system that is intended to go live in 2024. A transition arrangement proposed to extend the time in which plans can be considered ‘in date’ begins from November 2024, just shy of the South Downs Local Plan five-year in July 2024. For the South Downs Local Plan, this means that it will be out of date and not protected, however as previously advised the risk of planning by appeal is limited, and this is even more the case with the changes to the NPPF which make clear housing numbers are to be a starting point.
- Supplementary Planning Documents (SPDs) are proposed to be abolished, and will be phased out with SPDs no longer having status at the point LPAs each require their new Plan to be in place as per the new timetable for plan-making. However, there is real value in having a quick response planning tool such as SPDs which can facilitate the goals of increased build out and beauty such as Village Design Statements and Planning Briefs.
- High level principles and broad scope for the suite of National Development Management Policies (NDMP) is provided. Consultation on draft policies will follow. It is indicated that there will be scope for some locally specific policies.
- Proposed changes to support more on-shore wind energy generation.

I. About the consultation

- I.1 On 22 December 2022 the Government launched a consultation on proposed changes and reform to national planning policy. The consultation closes on 02 March 2023.
- I.2 The consultation materials consist of two parts:
- A prospectus of proposed national planning policy reforms with 58 questions; and
 - A track-changed version of the National Planning Policy Framework (NPPF)
- I.3 The consultation is being undertaken alongside the completion of the Levelling Up and Regeneration Bill (LURB) through the House of Commons. The consultation covers amendments to the NPPF and seeks views on various aspects of the LURB.
- I.4 The key dates moving toward implementation of the proposed planning reforms are:
- Spring 2023 – when it is intended that the proposed changes to the NPPF are to be implemented.
 - Later in 2023 – The consultation also suggests a more comprehensive review of the NPPF in due course, consultation on the suite of National Development Management Policies, and a new Infrastructure Levy that will occur later this year.
 - November 2024 – When it is intended for the new planning system will go live.
- I.5 Officers have reviewed the consultation materials. Officer drafted responses to the 58 questions, are set out in **Appendix I** of this report for Member review and comment. A summary of the key proposals are also included in **Appendix 2**.

2. Key matters

- 2.1 There are several proposals in the consultation that are particularly relevant to the South Downs National Park Authority and are the focus of more substantive comments in the draft response to the consultation.

Assessing local housing need

- 2.2 The consultation document demonstrates a marked shift in position to housing numbers being a starting point and a guide that is not mandatory. The draft text for consultation on the NPPF includes amendments to paragraph 35 stating plans are to be found sound where they seek to meet the area's objectively assessed need (OAN) so far as possible, taking into account the policies in the Framework. Amendments to paragraph 61 allow for an alternative approach to assessing housing need where there are exceptional circumstances relating to particular demographic or geographic characteristics.
- 2.3 The statement from Michael Gove (Secretary of State for Levelling Up, Housing & Communities) on the planning system in the House of Commons on 06 December 2022 referred to it being for Local Authorities – by working with their communities – to determine how many homes can actually be built and that this will need to take into account what should be protected; i.e., Green Belt, National Parks (emphasis added), the character of the area, or heritage assets etc. The specific reference to National Parks is not made in the consultation materials. The draft response to question 8 of the consultation says that policy and guidance should be explicit in recognising National Parks as a geographic factor to demonstrate exceptional circumstances.
- 2.4 Amendments to the presumption in favour of sustainable development paragraph 11 of the NPPF proposes to include exceptions for meeting Objectively Assessed Housing Need (OAN) where meeting need would result in building densities out of character with the existing area and where there is clear evidence of past over delivery. Taking into account character is considered a positive in relation to housing 'targets' and a useful change, particularly in regards the setting of the National Park. Evidence of past delivery is also positive, so LPAs are not penalised where there has been greater delivery. These points are made in the draft response to question 9.
- 2.5 The 35% urban uplift is proposed to be retained and incorporated into the NPPF. This is particularly relevant for our neighbours and near-neighbours Brighton, Portsmouth and Southampton. The consultation says this uplift should not be exported to other authorities. There is a clear role for neighbouring authorities such as SDNPA to work with the urban uplift authorities on green infrastructure and biodiversity links and providing offsetting for those developments. This point is made in the draft response to question 15.

Five Year Supply and Delivery Test Calculations

- 2.6 The consultation proposes that once strategic policies are more than 5 years old, LPAs should report on a Five Year Housing Land Supply (5YHLS) position. For the SDNPA, this means we will only need to report on housing trajectory from July 2024 onwards. The consultation proposes removal of the buffer for calculating 5YHLS and will make demonstrating 5YHLS marginally easier. There is also a proposal to allow LPAs to take into account oversupply of housing delivery. This is a good thing as it is the only thing the LPA's have much control over.
- 2.7 Changes are proposed to the Housing Delivery Test. This test does not apply to protected areas as we are not subject to this test, but may impact our neighbours. The changes to the test will make conserving the setting, and any pressure on SDNPA to sometimes take more housing than there is landscape capacity, easier and more proportionate.

Plan Making

- 2.8 The consultation sets out proposals for a mandatory timetable for the production of a local plan; at the time a plan is 5 years old, LPAs will be required to begin work on a new plan by this date and within 30 months a new adopted plan must be in a place.

2.9 Some transition arrangements are proposed for plans depending on their stage of progress. Plans that are submitted by 30 June 2025 will be examined under the current broad planning system (i.e. as it is prior to November 2024). Plans submitted after that date will be prepared and examined under the new plan-making system that is intended to go live in 2024. The timetable for the Local Plan Review recently approved by members at the full National Park Authority meeting on 14 December 2022 is broadly aligned with the proposed requirement for plans that are out of date in November 2024 to have a new plan in place 30 months later. Any potential adjustments that may be needed to the LPR timetable, or for other plans such as minerals and waste plans, to reflect the new system will be considered in detail in due course.

2.10 Paragraph 10 of Chapter 9 in the prospectus proposes that '*plans that will become more than five years old during the first 30 months of the new system (i.e. while the local planning authority is preparing its new plan), will continue to be considered 'up-to-date' for decision-making purposes for 30 months after the new system starts*'. The principle of additional time 'in-date' while preparing a new plan is positive. However, the South Downs Local Plan reaches its five year date in July 2024, less than four months shy of this transition period. This excludes LPAs such as ourselves from the practical benefits of the transition period. The draft response to question 46 says that we strongly advise that this transition arrangement should be extended to cover affected plans in the lead up to the November 2024 go-live date. We are not alone in suggesting this.

Tests of Soundness

2.11 Plans are examined to assess whether they are 'sound', following four 'tests' set out in paragraph 35 of the current NPPF. The consultation proposes two key changes to these. Firstly, the test for plans to be 'positively' prepared' is proposed to be amended to be less stringent on meeting OAN. Secondly, the test for plans to be 'justified' is proposed to be deleted. The removal of the 'justified' test is a big change. A significant part of the test is for plans to demonstrate 'reasonable alternatives' as part of evidence gathering and reporting. However, the loss of the test will speed up plan-making and key aspects of the power of this test which are relevant to the SDNPA considerations, such as ensuring strategies of plans do not harm of the setting of the National Park, are already covered in principle by the other tests of soundness. In the example above for instance by being consistent with national policy. Overall and given the primary objective of giving greater control to local plan making bodies and communities, and stepping up the process, the loss of the 'justified' element to the tests of soundness is considered appropriate. In any case most LPA's will be justifying their choices and plans and allocations as they go, diminishing the need for any assessment by an Inspector.

Supplementary Planning Documents

2.12 Planning reform intends for Supplementary Planning Documents (SPDs) to be abolished and the consultation sets out how they will be phased out. Existing SPDs will expire 30 months after LPAs are required to begin producing a new Local Plan, for SDNPA this means 30 months after November 2024. New 'Supplementary Plans' will come into force. These will have the same weight as Local Plans, but these will be more limited in scope and will require an examination process.

2.13 In the draft response or question 48, concern is raised about the loss of SPDs. SPDs are a really important planning tool providing guidance on local character via village design statements, and adding other local detail to our broader policies such as for matters to address Habitats Regulations / other biodiversity issues which can occur. LPAs need the ability to create relatively quick planning documents like SPDs and Planning Briefs, to respond to changing circumstances and provide local detail in order to add value and facilitate development. It is proposed that we strongly recommend that SPDs remain.

National Development Management Policies (NDMP)

2.14 The proposals involve a new suite of national development management policies. These will set out policies for determining planning applications and will have equal weight to the Local

Plan. Local Plans will not generally be allowed to cover NDMP policies, although there does appear to be some allowance for locally specific policies.

2.15 The NDMP will be the subject of a further public consultation. At this stage, this consultation gives an indication of the key principles and broad scope of the NDMP. The consultation advises that these will cover generic issues of national importance. Policies will fall in three broad categories:

- Existing DM policies already set out in the NPPF (or other policy statements e.g. PPS for Travellers) which will be pulled out into the NDMP,
- Selective new additions to reflect new national priorities, for example net zero policies, which are nationally important; and
- Selective new additions to close 'gaps'. Gaps identified are carbon reduction in new developments, allotments, housing in town centres & built up areas.

2.16 There is merit in certain matters being addressed by national policies as this is more efficient than each LPA devising their own policy for nationally shared issues. That being said, there is real value in being able to retain some local policy making to address locally specific issues and priorities. This will ultimately support the principles of this consultation which are seeking to achieve good outcomes and ensure a connection between the plan system and locality. In the draft response to question 52 it is offered that we can assist and would like to in regards any national policies for designated landscapes.

Beauty, communities & improving build out

2.17 The addition of 'beauty' and 'beautiful' design or places is made several times throughout the NPPF and is the focus of chapter 6 of the prospectus. Design codes, either integrated into Local Plans or adopted as Supplementary Plans, are the primary tool. The SDNPA has an adopted comprehensive Design Guide SPD which was prepared in the context of the National Design Guide and acts in many ways as a design code. However, due to the large area of the National Park and its diverse landscape and character, the Design Guide is high level and supports applicants in their own work on the landscape-led design. Village Design Statements prepared by communities in the National Park are a useful tool to provide local context and guidance to support beauty and positive contribution to character. Concern about the loss of SPDs and the role they have for Village Design Statements, which have a worthwhile and valued role, is raised in the draft response to question 33, and as referenced above, question 48.

2.18 The consultation also proposes to amend the NPPF to require greater visual clarity on design requirements set out in planning conditions to support effective enforcement action. This is a positive addition albeit there may be some practical considerations in defining suitable visual clarity. This is reflected in the draft response to question 35.

2.19 There are proposals for changes in policy to boost supply of affordable housing including greater weight for social rent in particular, specific mention of provision for older peoples housing in the NPPF, and seeking views on increasing delivery on small sites and community-led developments. Each of these are of particular interest and relevant for the SDNPA. The draft responses to questions 22-29 support these changes and seek further expansion, clarification or adjustment based on experience in the National Park.

2.20 The consultation says that the government is clear that development should be built out as soon as possible once planning permission is granted. The consultation proposes a variety of measures to improve build out including:

- Government published data on developers who fail to build out according to commitments
- Delivery to be a material consideration in planning applications, with applicants providing a trajectory showing delivery rate
- Allowing past irresponsible behaviours of applicants to be a consideration in the determination of planning applications.

2.21 This represents a very new school of thought where the previous behaviour of an applicant can be taken into account. Not considered entirely inappropriate to be effective, fair and practical this should be tightly and clearly defined in scope. The draft response to question 30 makes this point and elaborates further. All this of course is a significant change away from the long standing position of taking the proposals on the merits of the development and not the applicant.

Environment and Energy

2.22 Many of the matters raised in the consultation materials relating to biodiversity are to be addressed in future amendments to policy including:

- Removing loopholes with calculation of Biodiversity Net Gain, particularly in regard to clearing sites before planning applications
- Review of ancient woodland to give greater protection
- Reflecting LNRS in guidance

2.23 There are specific questions seeking views on how policy can support biodiversity improvements at smaller scales of development and on the protection of agricultural land. These principles are generally supported and raise some additional key matters to consider in the proposed draft responses to questions 37 and 38 respectively.

2.24 There are consultation questions seeking views on carbon impact assessments (question 39) and also nature based solutions (question 40). There are also specific changes proposed in the NPPF to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance and to specifically support more onshore wind energy generation. The proposed draft responses to questions 41, 42 and 43 regarding onshore wind energy generation are broadly positive, but do flag key matters around supporting community led small scale provision and addressing potential landscape impacts, particularly in designated landscapes.

3. Next steps

The comments provided by Members will be incorporated into the final response that will be agreed by the Chief Executive who will use provisions for urgent actions set out in Standing Order 18 and submit the consultation response by the deadline of 2 March 2023.

4. Other implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No. However, Members of the Authority will be informed about the use of the provisions for urgent actions as set out in Standing Order 18.
Does the proposal raise any Resource implications?	No but slim lined plan-making may save time and resource
How does the proposal represent Value for Money?	n/a
Which PMP Outcomes/ Corporate plan objectives does this deliver against	Yes. The influence of changes in National Policy are relevant to varying degrees to all PMP outcomes and corporate plan objectives. Key PMP outcomes: <ul style="list-style-type: none"> • Outcome 1: Landscape & Natural Beauty • Outcome 2: Increasing Resilience • Outcome 3: Habitats & Species

Implication	Yes*/No
	<ul style="list-style-type: none"> • Outcome 9: Great Places To Live • Outcome 10: Great Places To Work Key Corporate Plan objectives: <ul style="list-style-type: none"> • Nature Recovery • Climate Action • National Park for All • Rural Economy • Delivering the Statutory Planning Service
Links to other projects or partner organisations	n/a
How does this decision contribute to the Authority's climate change objectives	Influencing policy to support achieving climate change objectives via the planning system.
Are there any Social Value implications arising from the proposal?	n/a
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	The Authority's equality duty has been taken into account when reviewing the consultation materials and informed the preparation of draft responses appended to this report, for example in relation to questions regarding affordable housing and housing provision for older people.
Are there any Human Rights implications arising from the proposal?	No
Are there any Crime & Disorder implications arising from the proposal?	The Authority has a duty under the Crime and Disorder Act 1998 to ensure tackling crime and disorder becomes an everyday consideration. This duty was taken into account in the draft response to question 56 regarding safety in public spaces. Policy to support this point is considered positive and the response provides additional ways to improve safety through design beyond lighting.
Are there any Health & Safety implications arising from the proposal?	No
Are there any Data Protection implications?	No
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	Yes. Many of the proposals will positively impact sustainability, especially the proposed amendments to policy regarding climate change and carbon. The draft responses support policy changes that are positive for sustainability.

5. Risks Associated with the Proposed Decision

5.1

Risk	Likelihood	Impact	Mitigation
Not submitting a response and our voice is not heard on these matters	2	2	The preparation of a response that covers matters we would like to raise.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices	Appendix 1 – Draft Consultation Response Appendix 2 – Consultation Summary
SDNPA Consultees	Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services,
External Consultees	None
Background Documents	Consultation documents: <ul style="list-style-type: none">• Levelling-up and Regeneration Bill: reforms to national planning policy – 22 December 2023• National Planning Policy Framework: draft text for consultation – 22 December 2023

Officer Draft Responses to the Government’s Levelling-up and Regeneration Bill: reforms to national planning policy consultation on a revised NPPF and prospectus of proposed national planning policy reforms

Draft Response to Consultation Questions

Question	Draft proposed response
Reforming the 5 year housing land supply (5YHLS)	
1	<p>Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) for as long as the housing requirement set out in its strategic policies is less than 5 years old?</p> <p>Yes.</p>
2	<p>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)?</p> <p>Yes. This aligns with the ambition to strengthen the plan led system approach. It should also help with the wider communities understanding of the 5YHLS situation and what is expected of the wider planning authority area and how their area contributes to that.</p>
3	<p>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?</p> <p>Yes, however further clarity on the time period of oversupply being considered is needed, including how this relates to stepped trajectories / delivery.</p>
4	<p>What should any planning guidance dealing with oversupply and undersupply say?</p> <p>Explicit clarification of:</p> <ul style="list-style-type: none"> • The time period relevant. For example, is it any time in the plan period or looking back at a particular number of years e.g. previous 10 (or some other number) years? • How this relates to stepped trajectories / delivery; and • The percentage of over supply that counts – clearly 1% too low. Would suggest 10% or 5% as is often used for windfall calculations.

Question	Draft proposed response
Boosting the status of Neighbourhood Plans	
5	<p>Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?</p> <p>These changes are positive and bolster solidity of neighbourhood plans which will have taken quite some time to complete. It is asked that the benefits also apply to NDPs in National Parks where community engagement and planning is so integral.</p>
Planning for housing	
6	<p>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?</p> <p>No. This isn't necessary. The NPPF already places a lot of emphasis on planning for homes. Whilst the reference to communities/the social aspect of sustainability may be positive, the infrastructure required to accompany homes for communities needs (such as schools) and other aspects of land use (such as employment) are already required.</p>
Housing Need / Standard Method / Exceptional Circumstances	
7	<p>What are your views on the implications these changes may have on plan-making and housing supply?</p> <p>These changes put a bit more onus on house builders to efficiently build out and not accumulate excessive land banks, and to prevent overt 'gaming' of the system. However, it is important to note that the industry can only go as fast as labour, materials and other contextual factors allow. This is most relevant for small house builders.</p>
8	<p>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?</p> <p>Yes. Policy and guidance should be explicit recognising National Parks as a geographic factor to demonstrate exceptional circumstances. This would be consistent with the statement from the Secretary of State in reference to this consultation. Mr Gove said housing numbers should "<i>be an advisory starting point, a guide that is not mandatory</i>" and explained that it will be up to Local Authorities – by working with their communities – to determine how many homes can actually be built and that this will need to take into account what should be protected; i.e., Green Belt, <u>National Parks</u> (emphasis added), the character of the area, or heritage assets etc.</p>

Question	Draft proposed response
	<p>The prospectus gives an example demographic factor of ‘islands with a high percentage of elderly residents’. This should be any definable area, not only islands. Policy and/or guidance could usefully provide steer and support towards planning for care/nursing homes and retirement apartments alongside building for life standards rather than generic allocations for housing to meaningfully address these needs.</p>
<p>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?</p>	<p>Yes, the changes are supported that allow 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 as well. Taking into account character is a positive and useful change, particular in regards the setting of the National Park. Evidence of past delivery is also positive, so LPAs are not penalised where there has been greater delivery. No comment is made on Green Belt.</p>
<p>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?</p>	<ul style="list-style-type: none"> • Landscape Character Assessment. The definition of landscape (ELC 2004 “an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors”) encompasses all types and forms including townscape. The LCA 2020 for the South Downs National Park is an interactive storymap which includes sections providing useful information and guidance on settlement form and built character, pressures and sensitives, and on integrating development into the landscape to avoid harm and seek to enhance character of the area. • Adopted design codes • Prevailing densities analysis with a % allowance for acceptable increase (either integrated with above or as separate evidence base) • Tall building studies (either integrated with above or as separate evidence base).

Question	Draft proposed response
Tests of Soundness	
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?
	Yes. It will speed up plan-making and key aspects of the test are already covered in principle by other tests of soundness.
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. Such plans will have already taken steps to address the current tests of soundness, such as testing reasonable alternatives, and so it is logical to keep this for those at an advanced stage.
Urban Uplift	
13	Do you agree that we should make a change to the Framework on the application of the urban uplift?
	<p>Maybe? The principle of locating homes in sustainable urban locations where development can reduce the need to travel and making best use of brownfield land are understood. However there are two key challenges which are likely to impact the success of this policy:</p> <ol style="list-style-type: none"> 1) Brownfield sites can be of significant importance for nature, or be in sensitive locations such as the setting of National Parks. They therefore may not always be suitable for the redevelopment that this policy has in mind; 2) Capacity of urban authorities. Near to the South Downs National Park, Southampton, Portsmouth and Brighton are Nos 19, 21 and 22 in UK city list, and considering England only then they are all Top 20. None of the cities can meet their current housing needs as it is, let alone 35% uplift.
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?
	<p>Guidance on:</p> <ul style="list-style-type: none"> • Constraints, including those for brownfield sites, such as green belts, the setting of National Parks.

Question		Draft proposed response
		<ul style="list-style-type: none"> How uplift could be accompanied by BNG in urban areas. A 35% uplift would likely lead to less space for ground level GI and so there is a need to think creatively in terms of balconies, green walls and green roofs, and also identifying and maximising opportunities for particularly important habitat and strategic habitat connectivity opportunities.
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 may depend on the nature of the functional relationship. Neighbouring authorities should work with city authorities to ensure green infrastructure and biodiversity links, and they may be able to provide offsetting opportunities to support city development proposals. There will need to be a balance between this and meeting own needs arising in those neighbouring authority areas especially where they may be some 'green' land that does already provide a useful role in nature and general wellbeing but does not 'score' on the metric.
Four Year Supply – Transitional arrangements		
16	Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?	Yes in principle, however some LPAs would have delayed plan-making to understand what changes are coming, these LPAs may now be penalised. Perhaps transitional 4YHLS should be provided to all LPAs for an extended time, say 4 years?
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?	Yes. There seems to be no issue with this in principle and clarity regarding appropriate / gentle densities could be useful in the progression of those plans.
Housing Delivery Test		
18	Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of	Yes. This would be consistent with other parts of the proposals.

Question	Draft proposed response
sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?	
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?	No. 100% plus a 10% buffer would be reasonable and appropriate.
20 Do you have views on a robust method for counting deliverable homes permissioned for these purposes?	The function of a buffer is to take into account those that may be found to be difficult to deliver. Unless the permission is specifically known to no longer be deliverable due to, for example, a condition that as drafted can no longer be achieved, then it should be considered deliverable for the purposes of this test.
21 What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?	It depends on the results, so bit early to ask this question.
A planning system for communities	
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, notwithstanding the particular issue below. Support for social rent is agreed unless there is a high proportion already and so other types of affordable accommodation are of greater need. For example, in the SDNP East Meon had a high proportion of social rent homes (the highest in East Hampshire District) and therefore wanted to encourage more shared equity tenure to allow those in social rented accommodation to get on property ladder and remain in community with support network / work / social connections. A policy caveat for consideration to be given to the proportion of tenures already available in a community would address this.
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. The NPPF should expand on this further to support LPAs securing specialist provision for older people and people with disabilities, such as care homes, extra care accommodation, and retirement apartments, in

Question	Draft proposed response
	<p>sustainable locations with access to services and facilities as part of supporting sustainable communities. It should also be supported that the above be provided as part of major schemes where they are in sustainable locations such as close to town centres. There should also be support for building for life standards (which may include standard features such as larger doors and downstairs bathrooms) in new development to support people and their needs throughout their lives. There is also the need to address affordability in older people accommodation there should be new burden funding.</p>
<p>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)?</p>	<p>Chapter 5 paragraph 10 of the consultation prospectus begins ‘small sites play an important role in delivering gentle density in urban areas...’. It is important to note that principle should not just focus on urban areas. Small sites are often appropriate and important for rural locations where small scale development can be in accommodated that also supports the long term sustainability of the community and rural services they have and are also part of the countryside ‘fabric’.</p> <p>Observations are that it is not very effective at the moment. Para 69(a) rarely bites and 69(d) tends not to work in practice. 69(c) has its place, however consideration should be given to even smaller sites being encouraged through neighbourhood plans, or even Local Plans, that contribute to this provision.</p>
<p>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?</p>	<ul style="list-style-type: none"> • Allow even smaller sites (less than 5 dwellings) to be considered part of allocation element of neighbourhood development plans and Local Plan and therefore contribute to meeting provision. • Allowance for groups to act as registered providers may help small sites coming forward in NDPs. • Support small sites being promoted for self-build. This could both help to meet demand for self-build and deliver more small sites.

Question	Draft proposed response
Community Led / Affordable Homes	
<p>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?</p>	<p>Yes. This can be a real issue and barrier to sites progressing. Community Land Trusts (CLT’s) and private estates are really important in the delivery of affordable homes, especially in rural areas.</p> <p>Examples where this has been a barrier in the SDNP:</p> <ul style="list-style-type: none"> • Petersfield Self Build CLT had difficulty engaging a RP to support the affordable element of the site to come forward. • The community / parish council in Steep were keen to see some almshouses (or similar) developed on the site. <p>For this to be successful the NPPF/associated guidance should also address:</p> <ul style="list-style-type: none"> • Ensuring that new homes (including affordable for rent) are available for those with a strong local connection in the first instance, where it can be demonstrated there is local demand (from housing register). • Consideration as to the governance and accountability of these groups. Will there be resources to assist these organisations in setting up and operating, such as through the Rural Community Councils?
<p>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?</p>	<ul style="list-style-type: none"> • Ensuring that new homes (including affordable for rent) are available for those with a strong local connection in the first instance, where it can be demonstrated there is local demand (from housing register). • Review how rural exception sites contribute to meeting housing provision figures - to ensure they can fully contribute to meeting provision figures. • Rural exception sites policy to allow such sites to be linked with rural worker accommodation.

Question		Draft proposed response
		<ul style="list-style-type: none"> • Allowance for some market housing to enable sites to come forward, as we do at the South Downs via our Planning Position Statement.
28	Is there anything else that you think would help community groups in delivering affordable housing on exception sites?	An affordable housing model which could be applied to self or custom build format. This would be popular for small communities. Matters to consider include how affordable housing would be allocated in a self-build model, who would be eligible and how to ensure in perpetuity provision.
29	Is there anything else national planning policy could do to support community-led developments?	<ul style="list-style-type: none"> • Strengthen local connection tests where evidence exists that there is local demand for new homes. • Support for land management based employers to develop affordable housing to support rural enterprise; and manage their housing stock with suitable arrangements to ensure in perpetuity. • Community led development considered exceptional to be allowed outside settlement policy boundaries if proposals meet the requirements of community.
Applicant's Past Behaviour, Build Out Performance		
30	Do you agree in principle that an applicant's past behaviour should be taken into account into decision making? If yes, what past behaviour should be in scope?	<p>Yes. However, to be effective, fair and practical this should be tightly and clearly defined in scope. An accidental mistake should not be 'punished', rather consistent and/or significant irresponsible behaviour.</p> <p>Suggest past behaviours in scope includes:</p> <ul style="list-style-type: none"> • Breach of planning permissions and conditions, • Evidence of site clearance to reduce biodiversity value of the site, and • Failure to build out permissions granted.

Question		Draft proposed response
31	Of the 2 options above, what would be the most effective mechanism? Are there any alternative mechanisms?	Option 1 would be the most practical and is preferred. Such considerations should be a material consideration in the determination of a planning applications. Option 2 is more likely to stall progress by limiting the opportunity for dialogue and so reduces progress towards an acceptable scheme and appropriate behaviours. More resource efficient.
32	Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?	Unless evidenced, criteria C may risk increasing almost fictional planning applications that are permitted but the details of which, such as built out time, are never achieved. However, it is right that it should be a requirement for developers to advise how quickly they will build out the development should they be granted permission, suggested up to a time period of 5 years. If not built within that time it's taken as delivered for purposes of HDT and all other aspects of planning. There could be a threshold so small sites or SME not subject to this, or perhaps a threshold on size of business or no. of permissions in your hands.
Asking for beauty		
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?	Yes, however it would be helpful to provide a definition of beauty to expand on the meaning of this further to support practical delivery of this point. In this section and other areas of the prospectus there is reference to design codes being prepared by LPAs with local communities. We advise that whilst this may be appropriate for some LPAs, places like the South Downs National Park have such a range of communities and places with their own distinctive character that there is still a worthwhile and valued place for locally prepared guidance in the form of village design statements. The loss of SPDs would greatly hinder the production and use of such village design statements. We strongly advise that SPDs remain a planning tool to address this point. These could follow the approach set out in plan area wide guidance to ensure consistency, but allow for locally distinctive design and features to be respected.

Question		Draft proposed response
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?	Yes, but see above.
35	Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?	Yes. This sounds very useful. Guidance could useful define what is considered as sufficient visual clarity.
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 comment proposed.
Small Scale Nature Interventions		
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?	<ul style="list-style-type: none"> • A ban artificial grass for anything other than a sports pitch. Artificial grass has negative impacts on other policy matters such as flooding, also exacerbated by climate change and removes the prospect of multiple benefits (the definition of GI) from being realised. • The South Downs Local Plan Policy SD2 Ecosystem Services is an example of requiring positive interventions at any scale, including small scale for nature, whilst also being proportionate to the nature and scale of what is proposed. • Policy to ensure bat boxes / swift boxes / bee bricks are required in development (unless there are specific circumstances that would mean it would have negative impacts, for example an extension on an elevation and unavoidable design resulting in shading or overheating of a bird or bat box that could harm any wildlife using it). This could apply to extensions to encourage take up and all scales of development.

Question		Draft proposed response
		<ul style="list-style-type: none"> • Requirements could be nationalised through Building Regulations, energy and sustainability standards, that has positive benefits for nature as well as climate change as the two are interlinked. • Urban Greening Factors could be a useful mechanism for small scale development and development in towns or cities where BNG does not work very well due to baseline problems. • Policy and/or guidance should recognise that it is also important that interventions at any scale are the right type and in the right location. Small scale interventions can be significant in landscape and habitat connectivity and therefore can be a vital part of the Nature Recovery Network or realise objectives in Local Nature Recovery Strategies. Appropriate interventions are key for meaningful improvements for nature for example planting the right tree in the right place for the right reason. Or a small rain garden can provide biodiversity enhancement and also flood prevention in a very localised setting. Linking to LNRS can provide inspiration and guidance on small scale interventions appropriate for the area/habitat type. Flag our Nature by LCT doc which helps with this – new nature and nature friendly actions.
Farmland		
38	Do you agree that this is the right approach to making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?	Yes. However, it should be noted that areas with high quality agricultural land and high levels of food production that also have high housing targets may struggle to meet needs and therefore this would be useful to justify circumstances in which needs cannot be met. It is also important to consider unintended consequences of higher pressure for food production on our best agricultural land that also provides nature friendly functions via hedgerows, headlands, watercourses etc. for landscape connectivity and regenerative farming approaches which support biomass and soil health. Also risk of perceived or actual ease for lower grade farmland to be used for

Question		Draft proposed response
		housing that might have otherwise gone down a route for offsetting for nature.
Carbon		
39	What method and actions 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?	<ul style="list-style-type: none"> • National Parks have agreed methodology for assessing baseline emissions – refer to work with Small World Consulting • A move towards whole lifecycle accounting of carbon impact of development would be welcome • Where carbon offsetting is being considered, this should be aligned with nature recovery
Adaptation		
40	Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?	<p>Nature recovery and climate change are interlinked issues and nature based solutions can efficiently address both matters. A policy requirement to demonstrate use of nature based solutions in the first instance would make this the expectation as standard.</p> <p>Examples include using green infrastructure such as rows and clusters of trees and green walls to address increasing risks of overheating, and natural flood management to address increase risks in flooding. The SDNPA have produced guidance on natural flood management.</p>
Enabling the repowering of existing onshore wind turbines		
41	Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?	<p>Yes, in principle, however this should be recognised as ‘where feasible’. The time periods involved can go beyond the life of a plan and be subject to variables a Local Plan cannot suitably address.</p> <p>There should also be an additional criteria in support of small scale renewable as part of development from the outset, particularly community</p>

Question		Draft proposed response
		led. Could there be a requirement for development to provide a certain proportion of energy from renewable energy sources?
42	Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?	Yes, subject to other policies in Local Plans and being design/landscape led, especially in or in the setting of National Parks. As above, there should also be an additional criteria in support of small scale renewable as part of development from the outset, particularly community led. Could there be a requirement for development to provide a certain proportion of energy from renewable energy sources?
Introducing more flexibility to plan for new onshore wind deployment		
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?	Re footnote 54: Yes in principle, however: <ul style="list-style-type: none"> • There may be delay in delivery of wind energy proposals while LPAs identify areas suitable for wind development, when in some instances a planning application may be clearly able to be determined. • In large areas such as the South Downs National Park additional site specific issues may be flagged by the LPA to be addressed e.g. localised but significant landscape impacts, not just impacts identified by the community. Both LPA and community identified impacts should be referenced in this footnote; and • SPDs are proposed to fall away. We recommend SPDs a planning tool to address this point. Re footnote 62: Specific issues may be flagged by the LPA to be addressed e.g. localised but significant landscape impacts, not just impacts identified by the community. Both LPA and community identified impacts should be referenced in this footnote.

Question	Draft proposed response
Barriers to energy efficiency	
<p>44 Do you agree with our proposed new 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?</p>	<p>Yes.</p>
Giving time to finalise and adopt plans already in development before the reformed plan-making system is introduced	
<p>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?</p>	<p>Yes, on the basis that the proposed timetable as a whole comes forward as expected. Delays in legislation and regulations will have implications for milestones set out.</p>
Timeline for transitioning to the reformed plan-making system	
<p>46 Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?</p>	<p>No. The principle of additional time ‘in-date’ while preparing a new plan is positive. However, this excludes LPAs from the fair and practical benefits of this transition arrangement where plans reach their five-year date just before the proposed new system goes live in Nov 2024. This is the case for the South Downs Local Plan which reaches its five year date in July 2024, less than four months shy of the proposed transition arrangement. We strongly advise that this transition arrangement be extended to include Plans which will reach their five year date in the run up to November 2024. The extended time period should be an absolute minimum of 6 months, as within this period LPAs are likely to be at the earliest stages of plan making for a newly outlined reformed planning system. However, an extended transition arrangement of an additional 12 months (November 2023) would be fairer and commensurate with the overall plan making process, and taking into account the programme of emerging details of the new planning system, upcoming consultations and royal assent of the LURB which is yet to occur.</p>

Question		Draft proposed response
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, on the basis that the proposed timetable as a whole comes forward as expected. Delays in legislation and regulations will have implications for milestones set out.
48	Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?	Yes, if they must be abolished. Otherwise, no, we disagree with the principle of abolishing SPDs as a planning tool. As recognised in our responses to other questions in this consultation, SPDs are an important planning tool, for example for providing guidance on local character via village design statements, identifying areas for wind energy generation, and adding other local detail to our broader policies such as for matters to address Habitats Regulations / other biodiversity issues which can occur. LPAs need the ability to create relatively quick planning documents like SPDs to respond to changing circumstances and provide local detail as a vital tool for facilitating development. We strongly recommend that SPDs remain.
Scope of National DM Policies		
49	Do you agree with the suggested scope and principles for guiding National Development Management Policies?	<p>Mostly yes.</p> <ul style="list-style-type: none"> • Second bullet of paragraph 13 in the consultation document referencing national issues: agreed but this should be in a high level way to allow scope for additional policy to reflect local circumstances. For example dark skies: a NDMP could be ‘avoid, minimise, mitigate for dark night skies’ but local policies are needed and of value for where there is a Dark Skies Reserve that requires a particular response. Add in ‘<u>standard, nationally applicable criteria</u>’ to second bullet. • Third bullet of paragraph 13 in the consultation document about retaining scope for optional technical standards to be set through local plans is really positive, particularly on HRA issues such as water neutrality where water usage requirements will be an important part of any successful strategy.

Question		Draft proposed response
50	What other principles, if any, do you believe should inform the scope of National Development Management Policies?	No comment proposed.
51	Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?	Yes.
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?	Unsure prior to sight of a list of topics. There is merit in certain matters being addressed by national policies as this is more efficient than each LPA devising their own policy for nationally shared issues, for example standardising minimum requirements for climate change. That being said, there is real value in being able to retain some local policy making to address locally specific issues and priorities. This will ultimately support the principles of this consultation which are seeking to achieve good outcomes. We would like to offer that we would welcome the opportunity to bring our practical experience to assist in regard to any potential national policies for designated landscapes, for example the major development test.
Enabling Levelling Up		
53	What, if any, planning policies do you think could be included in a new Framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?	No comment proposed.
54	How do you think 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?	No comment proposed.
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?	No. There is already positive emphasis on these points. The barriers to delivery significantly relate to viability matters. It is also important to recognise other important considerations of brownfield sites as they can be of high biodiversity value or be in sensitive locations.

Question		Draft proposed response
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 feel safe in our public spaces, including for example policies on lighting/street lighting?	Yes. But it is critical that this issue is not framed as a purely lighting issue. The focus should be on good design in the most comprehensive way. There are many other interventions that can support this positive goal, such as natural surveillance, balance of open & defensible spaces, well connected public transports, design for day and night considerations (outside of lighting, such as avoiding concealed spaces), and permeability of settlements and direct routes.
Practical changes and next steps		
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?	The track changes approach to NPPF revisions works well and is more accessible and easier to engage with.
Public Sector Equality Duty		
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.	All proposals should consider equity and diversity matters which could arise. Any local connection policy framework matters in connection with these proposals would need to balance both supporting equity and diversity of local communities and the freedom to buy for new people and potential for increasing diversity in communities.

Summary of key matters in the Government's Levelling-up and Regeneration Bill: reforms to national planning policy consultation on a revised NPPF and prospectus of proposed national planning policy reforms

Summary of immediate key changes proposed to NPPF

The consultation includes a track changed version of the NPPF. This sets out the immediate changes proposed. Paragraph 6 of the Prospectus says that there will be a wider review of the NPPF following Royal Assent of the Levelling Up and Regeneration Bill (LURB).

Table 1: Key changes proposed to the NPPF

Aspect of NPPF	Summary of change proposed	Officer comments
Introduction	Emphasis on Local plans to: <ul style="list-style-type: none"> • Provide for sufficient housing • Prepare & maintain up-to-date plans as a priority 	Possible risks around having out-of-date plan given the focus of the NPPF.
Presumption in favour of sustainable development for plan-making (para 11 and para 14)	Strategic policies should meet housing needs unless: <ul style="list-style-type: none"> • Adverse impact considerations - new example of building at densities significantly out of character with the existing area taking into account design codes. • Addition of evidence of past over delivery as a consideration. Neighbourhood Development Plans (NDPs) afforded 5 years rather than 2 years before presumption may apply.	Taking into account character is a positive and useful change, particular in regards to the setting of the National Park. Evidence of past delivery is also positive, so LPAs are not penalised where there has been greater than expected delivery. Regarding the change to paragraph 14 and NDP protection: Less impetus for NDPs to review ahead of the LPR. A more proportionate and reasonable 'steady state' after the years that go into NDP making. However, these changes do not appear to apply in the SDNP. The changes regarding NDPs are linked to clause (d) of paragraph 11 allows for the granting of permission if a plan is out of date, unless the policies of NPPF protect that area, with further clarification in footnote 7. In this footnote, National Parks as one of the relevant protected areas. Therefore, the extended 5 year protection would not apply to National Park NDPs as they are not subject to the presumption in favour.

Aspect of NPPF	Summary of change proposed	Officer comments
<p>Changes to the tests of soundness (para 35)</p>	<ul style="list-style-type: none"> • ‘Positively prepared’ – seek to meet the area’s OAN as a minimum <u>so far as possible, taking into account policies in this Framework</u> • Delete justified test (reasonable alternatives) 	<p>Changes to positively prepared are helpful.</p> <p>The removal of the ‘justified’ test is a big change. A significant part of the test is for plans to demonstrate ‘reasonable alternatives’ as part of evidence gathering and reporting. The loss of the test will however speed up plan-making and key aspects of this test which are relevant to the SDNPA considerations, such as ensuring strategies of plans do not harm of the setting of the National Park, are already covered in principle by the other tests of soundness. Overall a good simplification and leaving nature of justification to local discretion.</p>
<p>Supply of homes (chapter 5)</p>	<ul style="list-style-type: none"> • Housing Need (para 60-61): General move toward meetings as much of housing need as possible and OAN being a starting point whilst taking into account of exceptional circumstances and particular characteristics of the area. • Urban Uplift (para 62): New paragraph specifically stating the urban uplift as part of the standard method, within LPA area and brownfield first. • Older people (para 63): specific reference added for establishing need and policies for retirement housing, housing-with-care and care homes. • Once strategic policies are more 5 years old, LPAs should report on 5YHLS, taking into account any previous over-supply. Remove buffer requirements (para 75). • Changes to Housing Delivery Test 	<p>The housing need changes are likely to be helpful for our work with neighbouring authorities on setting.</p> <p>As we know the urban uplift puts pressure on some of our neighbours. Brownfield sites can be important for nature.</p> <p>We are likely to need to do some further work on housing provision for older people as part of our Local Plan Review work. Matters to highlight include the need for both dedicated specialist care accommodation provision, building for life homes that are flexible throughout life, to address affordability in older people accommodation, and that there should be new burden funding.</p> <p>We will only need to report on housing trajectory from July 2024 onwards. Removal of buffer (5%) will make 5YHLS marginally easier. Taking into account oversupply is a good thing as that is the primary element LPA’s have control over in relation to overall housing delivery.</p> <p>Housing Delivery Test does not apply to protected areas but may impact our neighbours. Will make conserving the setting, and</p>

Aspect of NPPF	Summary of change proposed	Officer comments
		indeed pressure on us to sometimes take more housing than there is 'landscape capacity', easier and more proportionate.
Well-designed and beautiful places (chapter 12) and throughout	<ul style="list-style-type: none"> • Addition of 'beauty' and 'beautiful' design or places is made throughout. • Primary tool for assessing & improving design are local design codes (para 135) • Planning conditions (para 137): addition that LPAs <u>'should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate, to make enforcement easier'</u>. 	<p>Emphasis on design codes. Note broader planning reforms which will abolish SPDs. There is a place for SPDs in achieving these policy goals, such as village design statements and planning briefs that allow for quick response to facilitate development that is also well designed, beautiful and contributing to character.</p> <p>Change relevant for DM, applicants, validation. But such a planning condition is in principle a good thing as visually far more enlightening than many plans. Will it make enforcement easier though, especially as there will be validation and accuracy issues to be aware of?</p>
Renewable and low carbon development (paras 157, 160-161)	<ul style="list-style-type: none"> • Provisions to support re-powering of existing onshore wind sites (para 157 & 160) • Onshore wind permission can be granted through range development orders (footnote 62) • Areas 'suitable for wind energy development' can also be identified in SPDs (in addition to DPD). Planning impacts are to be satisfactorily addressed and have community support (footnote 63) • New para 161 supporting energy efficiency improvements, particularly in large non-domestic buildings 	<p>More flexibility in supporting onshore wind, including where there is community support.</p> <p>References a role for SPDs, but reforms intend to abolish them.</p> <p>'Significant weight' for need for energy efficiency improvements should be factored in decision-making on proposals to adapt existing buildings. Important change in direction emerging in regarding to heritage assets and the need to address energy conservation.</p>
Agricultural land (footnote 67 in relation to para 178 (and arguably	<p>'Where significant development of agricultural land is demonstrated as necessary, areas of poorer quality and should be preferred to those of higher quality. <u>The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework,</u></p>	<p>Perhaps more relevant for areas losing a lot of agricultural land to development where they are trying to meeting high housing numbers. The scale of development (housing and employment) in the SDNP is such that it is unlikely to involve significant development of agricultural land, however for some offsetting</p>

Aspect of NPPF	Summary of change proposed	Officer comments
<i>linked to para 177 (a) and (b))</i>	<u>when deciding what sites are most appropriate for development.'</u>	sites or renewable energy may involve notable land use change. There could be unintended consequence of additional pressure for food production or quick losses of lesser grade land that have a role in nature recovery.
Glossary – new definition included for community-led developments	Community-led developments driven by non-profit organisations, owned and accountable to their community members.	Confirmation of national support for community-led development e.g. community land trusts.

Table 2: Summary of other key matters in the Prospectus

Matter	Summary	Officer comments
Timetable for new planning systems	<ul style="list-style-type: none"> • Spring 2023 – New National Planning Policy Framework (NPPF) to be in effect • Later in 2023 – A more comprehensive review of the NPPF, consultation on the suite of National Development Management Policies (NDMP), and LURB receives Royal Assent at earliest • Late/Nov 2024 – Revamped planning system to be in place 	
Plan-making	<ul style="list-style-type: none"> • From November 2024, the new planning system will require mandatory timetable for plan-making of 30 months once the five year date is reached. • Plans that are submitted by 30 June 2025 will be examined under the current broad planning system (i.e. as it is prior to November 2024). Plans submitted after that date will be 	The principle of additional time ‘in-date’ while preparing a new plan is positive. However, the South Downs Local Plan reaches its five year date in July 2024, less than four months shy of this transition period. This excludes LPAs such as ourselves from the practical benefits of the transition period. Suggest it is strongly advised that this transition arrangement should be extended to cover affected plans in the lead up to the November 2024 go-live date.

Matter	Summary	Officer comments
	<p>prepared and examined under the new plan-making system that is intended to go live in 2024.</p> <ul style="list-style-type: none"> • Transition period - Paragraph 10 of Chapter 9 in the prospectus proposes that <i>'plans that will become more than five years old during the first 30 months of the new system (i.e. while the local planning authority is preparing its new plan), will continue to be considered 'up-to-date' for decision-making purposes for 30 months after the new system starts'</i>. • SPDs to be abolished– transition period will mean they will cease at the point the authority is required to have a new plan in place. • NDPs – June 2025 deadline applies for the current plan making system/ requirements. NDPs submitted after that date are subject to the new system and requirements. NDPs prepared under the current system will continue to remain in force under the reformed system until they are replaced. 	<p>The loss of SPDs could be significant for the National Park, in allowing us to respond to changing circumstance quickly and for communities in the preparation of Village Design Statement which provide valued local context in addition to the Design Guide. If they are abolished then we will need to integrate certain overarching key points from our SPDs into the Local Plan Review which is intended to be lighter touch. Some of our SPDs are quite long, perhaps with remaining minor points become TANs. VDS are locally specific and so would likely become TANs. Draft response proposes we strongly advise that SPD mechanism remains. This is also consistent with other aspects of the consultation which seeks to encourage more community input.</p> <p>NDPs in SDNP will remain part of the DPD until replaced. NDPs that are being reviewed will need to consider which route they are taking. It is advised NDP groups discuss with officers in due course.</p>
National DM Policies	<ul style="list-style-type: none"> • Will not impinge on local policies for shaping development and directing land use • Will have equal weight to the development plan. LPs cannot duplicate National DM policies. National DM policies will outweigh local ones where there is conflict. • Will cover generic issues of national importance – e.g. protection of heritage assets, flood risk, falling in three broad categories: <ul style="list-style-type: none"> ○ Existing DM policies already set out in the NPPF (or other policy statements e.g. PPS for Travellers) 	<p>Appears to give scope for locally specific policies. It is essential there is some scope for Local DM policy making. There is merit in certain matters being addressed by national policies as this is more efficient than each LPA devising their own policy for nationally shared issues and defending each way at examination. National policies may also be useful to NDP groups.</p> <p>If there are policies for designated landscapes suggest we can assist and would like to re any universal policies for designated landscapes</p> <p>Last point very helpful for water standards for water neutrality.</p>

Matter	Summary	Officer comments
	<ul style="list-style-type: none"> ○ Selective new additions to reflect new national priorities, for example net zero policies, which are nationally important ○ Selective new additions to close ‘gaps’. Gaps identified are carbon reduction in new developments, allotments, housing in town centres & built up areas. ● On matters usually covered by other legislative requirements (e.g. building standards), minded to allow optional technical standards in LPs to go above minimum. 	
Developer accountability	<ul style="list-style-type: none"> ● Decision making to take account of past irresponsible behaviour ● Package of reforms to enable effective enforcement action ● Two options for taking account past irresponsible behaviour: <ul style="list-style-type: none"> ○ Past irresponsible behaviour to be a material consideration ○ Allow LPAs to decline to determine applications from applicants with track record or past irresponsible behaviour 	<p>This could be a significant change away from the long standing position of taking the proposals on its merits of the development and not the applicant. To be effective, fair and practical this should be tightly and clearly defined in scope and should not unfairly ‘punish’ accidental error. The draft response to question 30 makes this point and elaborates further.</p>
More build out	<ul style="list-style-type: none"> ● Requirement for Development Commencement Notices, review existing Completion Notice powers ● Developers required annually to report on delivery ● Discretion for LPAs to decline to determine applications from developers who fail to build out ● Delivery to be a material consideration 	<p>These proposals are generally positive. Agreed that it is worthwhile making delivery a material consideration as viability is increasingly becoming a key issue. There could be a threshold so small sites or SME not subject to this, or perhaps a threshold on size of business or no. of permissions in your hands.</p>

Matter	Summary	Officer comments
	<ul style="list-style-type: none"> • Separate consultation on proposed financial penalty for slow build out • Seeking views on how to support delivery of small sites, SME builders including affordable housing 	
Environment & Energy	<p>Many of the matters raised in the consultation materials relating to biodiversity are to be addressed in future amendments. There are specific questions seeking views on how policy can support biodiversity improvements at smaller scales of development and on the protection of agricultural land.</p> <p>There are consultation questions seeking views on carbon impact assessments (question 39) and also nature based solutions (question 40). There are also specific changes proposed in the NPPF to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance and to specifically support more onshore wind energy generation.</p>	<p>Small scale nature delivery is something which the SDNPA already recognises and encourages, for example through policy SD2 Ecosystem Services which applies to householder development and larger scale development. Cautious of making sure the right interventions occur in the right place to get meaningful benefits for nature and avoid unintended consequences.</p> <p>Nature based solutions is positive and something SDNPA already support. Wind energy – key considerations around small scale community generation and also landscape impacts. Regarding carbon impact assessment:</p> <ul style="list-style-type: none"> • National Parks have agreed methodology for assessing baseline emissions – refer to work with Small World Consulting • A move towards whole lifecycle accounting of carbon impact of development would be welcome • Where carbon offsetting is being considered, this should be aligned with nature recovery
Asking for beauty	<p>The addition of ‘beauty’ and ‘beautiful’ design or places is made several times throughout the NPPF and is the focus of chapter 6 of the prospectus. Design codes, either integrated into Local Plans or adopted as Supplementary Plans, are the primary tool.</p>	<p>Note broader planning reforms which will abolish SPDs. There is a place for SPDs in achieving these policy goals, such as village design statements and planning briefs that allow for quick response to facilitate development that is also well designed, beautiful and contributing to character.</p> <p>This is a positive addition albeit there may be some practical considerations in definition suitable visual clarity.</p>

Matter	Summary	Officer comments
	<p>Proposal to amend the NPPF to require greater visual clarity on design requirement set out in planning conditions to support effective enforcement action.</p>	
<p>Wider changes to National Policy in the Future</p>	<p>Chapter 12 lists various matters that may require updating in the future via the wider review of the NPPF or included in the National DM policies. There will be a consultation on the National DM Policies once the Bill has completed passage through Parliament.</p> <p>Example of matters listed –</p> <ul style="list-style-type: none"> • Replacing the duty to cooperate abolished by the Bill with an ‘alignment policy’ to secure appropriate engagement. • How to take into account Neighbourhood Priorities Statements when preparing Local Plans • Alignment of NPPF with Environment Act • Introduction of Environmental Outcome Reports to replace Sustainability Appraisal. 	
<p>Practical changes & next steps</p>	<p>Intention to create more accessible and user friendly policies and plans, including more sharing data and digital platforms such as interactive web-based presentation of national policy.</p>	

