

NATIONAL PLANNING POLICY FRAMEWORK – comments on consultation draft.

Chapters:	Paragraphs:
1. Introduction	1 - 6
2. Achieving sustainable development	7 - 14
3. Plan-making	15 - 38
4. Decision-making	39 - 59
5. Delivering a sufficient supply of homes	60 - 81
6. Building a strong, competitive economy	82 - 85
7. Ensuring the vitality of town centres	86 - 91
8. Promoting healthy and safe communities	92 - 102
9. Promoting sustainable transport	103 - 111
10. Supporting high quality communications	112 - 116
11. Making effective use of land	117 - 123
12. Achieving well-designed places	124 - 131
13. Protecting Green Belt land	132 - 146
14. Meeting the challenge of climate change, flooding and coastal change	147 - 167
15. Conserving and enhancing the natural environment	168 - 181
16. Conserving and enhancing the historic environment	182 - 198
17. Facilitating the sustainable use of minerals	199 - 206
Annex 1: Implementation	207 - 213
Annex 2: Glossary	

Chapter 1. Introduction

1. The proposed timescale for termination of this consultation and publication of the definitive new National Planning Policy Framework makes it implausible that serious consideration will be given to consultation responses. This calls into question whether this consultation is genuinely meaningful.
2. In general, the revised NPPF is welcome, in clarifying and extending the scope of the national planning regime. It is 20% longer than the original version.
3. The revised NPPF fails to recognise that the fundamental issue is affordability of housing, not simply numbers of houses built; the latter is a contributor to the former, but not the basic problem.
4. It is doubtful, given the complexities of the causes of housing unaffordability in parts of the country, if the revisions to the NPPF will have a significant effect on affordability.
5. It seems unlikely that the revisions to the NPPF will remove significant constraints to the delivery mechanisms for housing developments, and hence lead to more house-building, or, more critically, to the provision of more affordable housing in locations where unaffordability has serious social and economic consequences. We consider that resolution of the problems of unaffordability can only be achieved within a realistic timescale by addressing issues which lie well beyond the scope of planning legislation and regulation.
6. We have a particular concern that the overriding focus on housing numbers is to the detriment of the provision of genuinely affordable and secure housing. The definition of affordable housing is no longer linked to local incomes, but to an arbitrary figure of 80% market value. In a high house price area like Oxford this is out of reach of people on even average incomes.
7. We would suggest that 2018 is a crucial time to reflect on a century of various housing interventions, as part of the review of the NPPF, which identifies housing development as a key component within the wider planning context. We believe that the review of the NPPF should prompt a wider enquiry into the lessons to be learned from a century of previous interventions, to inform future housing and planning policies and practices, in order to ensure the availability of secure and affordable homes for all citizens.

Chapter 2. Achieving sustainable development

Para. 7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

It is a notable omission that neither here, nor in the Glossary, is a specific definition of “sustainable development” provided, yet this is presented as a fundamental tenet of planning policy.

Chapter 3. Plan-making

In the accompanying paper “Consultation Proposals”, Chapter 3, paragraph 6) it is stated that Local Planning Authorities are required to prepare “an appropriate” Local Plan, rather than “the most appropriate” Local Plan. It seems a retrograde step to not require that the Local Plan should be aimed at achieving the best outcomes from development, not simply any ‘appropriate’ outcome.

Para. 16 c) Plans should: be shaped by early, proportionate and meaningful engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and statutory consultees;

The requirement that Local Plans be shaped by meaningful engagement of communities is welcome, but none of these terms is defined, and no guidelines are provided as to what constitutes ‘meaningful’ consultation. Likewise, ‘communities’ are referred to throughout the document, but never defined, even in the Glossary.

Para. 17 a) As a minimum authorities must ensure that there is a plan which addresses the strategic priorities of their area. This strategic plan can be produced by local planning authorities working together or independently in the form of a joint or individual local plan.

We have difficulty understanding what is meant by ‘a’ plan in the context of the Joint Statutory Spatial Plan to be produced by local planning authorities in Oxfordshire (as a condition of receiving moneys in the Housing and Growth Deal) Difficulty is compounded by the reference to ‘flexibility’ in plan-making in page 37 of the draft Planning Practice Guidance.

We believe that, whilst the Oxfordshire authorities will prepare a joint plan under the auspices of the Oxfordshire Growth Board, the adoption of the policies within it will formally remain with the individual councils as part of their Local Plan responsibilities. This raises the question of the ‘extensiveness’ of the (strategic) policies in the joint plan. Are these to consist of ALL the strategic policies which are to be adopted by the individual councils or – at the other extreme – are they to consist solely of the ‘highest common denominator’, with the individual councils adding further strategic policies – possibly at a later date - which are only relevant to, or are a particular priority, in their area? (Do councils in fact have discretion over this?) If the latter then what is ‘the’ strategic plan? There is obviously room for confusion here. Like ‘the development plan’ more broadly (as noted in para 19) would it be the case that ‘the strategic plan’ refers to all the strategic **policies** relevant to a particular area?

We are also concerned that the minimum requirement in preparing a local plan is for local authorities to address the strategic priorities for their area. This could mean there are no policies covering detailed matters for an area, which could be to the detriment of place-making and creating inclusive communities for the long term.

Para. 22 Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.

The wording of this paragraph implies that development planning should respond to infrastructure provision, not that it should be developed hand-in-hand with infrastructure planning and provision.

Para. 28 Effective and on-going joint working between strategic plan making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

This statement is particularly relevant to Oxfordshire and is very much welcomed. However the word “could” in the last sentence is ambiguous; “should”, or “how development needs ...” may be more appropriate.

Para. 32 Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan for that neighbourhood, where they are in conflict; unless they are superseded by strategic or local policies that are adopted subsequently.

It is not clear what the status of Neighbourhood Plans might be, since they are stated to be superseded by more up-to-date Local Plans, which are required to be reviewed and, if necessary, updated, at intervals of not more than 5 years. This seems to suggest that Neighbourhood Plans could have a maximum life expectancy of 5 years. This undermines the justification for the whole laborious process of Neighbourhood Plan production. This paragraph of the NPPF should be expanded to include discussion of the relationship between neighbourhood plan updating and local plan updating.

Para. 34 Plans should set out the contributions expected in association with particular sites and types of development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, green and digital infrastructure). Such policies should not make development unviable, and should be supported by evidence to demonstrate this. Plans should also set out any circumstances in which further viability assessment may be required in determining individual applications.

The key issue here is the process of viability assessment; the “Draft Planning Practice Guidance for Viability”, published with the Draft NPPF, suggests more scope for assessment using existing use value, plus a landowner’s premium, than past practice, but whether this will lead to the development of more affordable housing, or supporting infrastructure, will depend on practice and interpretation of the guidance. The alternative of making policy on affordable housing and infrastructure provision the determinants of land value, rather than land value being the determinant of policy, is not considered, but must be.

Chapter 4. Decision-making

Para. 41 Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

The requirement of encouragement of pre-application engagement of developers with local communities is very welcome, in promoting better understanding of circumstances, priorities and concerns.

Para. 45 Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.

The requirement for Local Authorities to publish a list of their information requirements for applications for planning permission is very welcome. Oxford Civic Society has long experience of very poor documents and little consistency in presentation of applications.

Para. 58 Where proposals for development accord with all the relevant policies in an up-to-date development plan, no viability assessment should be required to accompany the application. Where a viability assessment is needed, it should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Presumably a viability assessment will thus only be required where an application fails to accord with policy, for example in provision of sufficient affordable housing. It is not clear whether, in practice, there will actually be a reduction in site viability assessments.

Chapter 5. Delivering a sufficient supply of homes

Para. 61 In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance – unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic

trends and market signals. In establishing this figure, any needs that cannot be met within neighbouring areas should also be taken into account.

The key issue here is the validity of assessments and the methodology used – the methodology used by all planning authorities has been disputed strongly by Oxfordshire communities, but effectively endorsed by the terms of the Oxfordshire Housing and Growth Deal.

Para. 64 Provision of affordable housing should not be sought for developments that are not on major sites, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

“Major developments” are defined in the Glossary as being of 10 dwellings or more, or of at least 0.5Ha in area. In a city like Oxford, “major sites” are few, hence their exclusion from any requirement for provision of affordable housing limits the delivery of the most-needed dwellings.

Para. 69 a) Small sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: ensure that at least 20% of the sites identified for housing in their plans are of half a hectare or less;

This requirement does not recognise the very different geography of places. In densely built-up towns and cities this may not be possible unless sites currently in use are identified. The NPPF should allow flexibility especially as such sites can be adequately covered by policies on the development of windfall sites.

Para. 71 Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Burying the requirement for plans to be sensitive to ‘inappropriate’ development of gardens in this clause seems inappropriate. Inappropriate development should be resisted anywhere. Does the wording “... cause harm to the local area ...” imply that the principle of weighing up harm against benefit, against social, environmental and economic criteria should not apply in the case of garden developments?

Para. 72 Local planning authorities should support the development of entry level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area. These sites should be outside existing settlements, on land which is not already allocated for housing, and should:

a) comprise a high proportion of entry-level homes that will be offered for discounted sale or for affordable rent; and b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

The rationale for the requirement that entry-level sites should be “outside existing settlements, on land which is not already allocated for housing ...” is not explained; it sounds like a formula for creation of ghettos. The expectation that local authorities should support the development of entry level exception sites suitable for first time buyers or renters may undermine the delivery of permitted and allocated sites. Such sites if granted as an exception to planning policies should be required to deliver at least 75% of genuinely affordable homes, linked to local wages and should remain affordable in the long term. The proposed exceptions policy would undermine the provision of rural exception sites that are linked to meeting very local needs, so it may be preferable to limit its application to sites on the edges of towns and cities.

Para. 73 The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns. Working with the support of their communities, and other authorities if appropriate, strategic plan-making authorities should identify suitable opportunities for such development where this can help to meet identified needs in a sustainable way. In doing so, they should consider the opportunities presented by existing or planned investment in infrastructure, the area’s economic potential and the scope for net environmental gains. They should also consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

This encouragement of proper consideration of large-scale town and city extensions, with infrastructure opportunities is welcome. But consideration should not only be given to provision of green amenity space by accretion of new Green Belt, but by detailed specification of land use in newly-developed areas, to include green amenity space with specific purposes. Nevertheless, the hint that town extensions may encroach on Green Belt, but this could be replaced, is a step forward.

Para. 77 To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.

What is meant by "actions to increase delivery"? What actions are envisaged, by whom and with what authority in law? The powers of Local Authorities and others should be made clear.

Para. 78 To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major housing development, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.

What would be the enforcement powers for non-compliance with the kind of condition suggested? Are there sanctions which would be likely to expedite development? The requirement for developments to "start" will need to be clearly defined to avoid the loop-hole of digging a piece of turf and nothing more. A timed programme of work should be required and enforced.

Para. 79 In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

No definition is provided of 'rural areas', 'local circumstances', 'local needs', or even 'local' in this context. In Oxfordshire there are significant areas of 'rural dormitories', with residents commuting significant distances to urban conurbations. It is doubtful that an ill-defined, 'one size fits all' policy is appropriate for all so-called 'rural areas', across the whole UK.

Para. 80. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Plans should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

This makes no mention of the economy of the rural communities to which it refers. Villages should 'grow and thrive' if, or because they have a vibrant economy, not where it would promote commuting and increased pressure on transport infrastructure.

Chapter 6. Building a strong, competitive economy

Para. 82 Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

This seems very apposite for Oxfordshire, but the requirement for 'significant weight' to be placed on economic growth, and the absence of any reference to balancing this against social and environmental issues will be anathema to some. It should be made clear that the requirement to balance economic factors against social and environmental issues remains. In what way are Local Authorities expected to 'counter any weaknesses' in the economy, or 'address the challenges of the future', in setting planning policies?

Chapter 8. Promoting healthy and safe communities

Para. 98. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the former use.*

This makes no reference to whether open space is in public or private hands, its accessibility to the public, the level or type of usage, seasonal activity etc. Sites should not be excluded from development if they provide little social or environmental benefit, for example by restrictions in access or usage..

Para. 99 Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

It is a significant omission that there is no mention of the National Cycle Network, the establishment of which has received considerable public funding.

Chapter 9. Promoting sustainable transport

Promoting sustainable **transport** is a laudable objective but it is only part of the broader goal to promote sustainable **travel** which involves improving **accessibility** through an integrated approach to development and transport planning. The title of this section should be amended accordingly and the accessibility dimension acknowledged in para 103.

Para. 103. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*

This should be amended to read as follows:

‘Transport **and accessibility** issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) The potential impacts of development on transport networks **and levels of accessibility** can be addressed
- b) Opportunities from existing or proposed transport infrastructure **and services** and changing technology and usage are realised, for example **to reduce dependency on single occupancy car use** or in relation to the scale, location or density of development that can be accommodated’

Para. 104 However opportunities to deliver sustainable transport solutions will vary between urban and rural areas.

The distinction between urban and rural areas is too simplistic. In counties like Oxfordshire many former ‘country towns’ are now substantially urbanised, but because of their ‘rural’ legacy attitudes persist that opportunities for ‘sustainable transport’ do not apply. A change of wording would avoid implicitly reinforcing such attitudes, e.g. ‘will vary between **different types of area**’

Para. 106. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.*

No mention is made of parking standards for bicycles.

Para. 107. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

It is highly irresponsible to suggest improvement of car parking to make it 'safe, convenient and secure', without requiring at least the same for cycle parking, and with no mention of the need to promote public transport. This runs counter to Government policy in a range of other areas, including public health and environmental quality. There should be a discussion of transport policies which give precedence to public transport, cycling and walking.

Para. 108 c) In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that any significant impacts from the development on the transport network (in terms of capacity and congestion, on accessibility levels, or on highway safety can be cost-effectively mitigated to an acceptable degree.

Accessibility should be identified as a consideration in assessing sites or development applications, as indicated above.

Para. 109. Development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network or road safety would be severe.

This paragraph should be amended to read: 'Development should only be prevented or refused on **transport** grounds if the residual cumulative impacts on the **transport** network, **accessibility** or road safety would be **significant**.'

Para. 110. "Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations."*

All these requirements are very welcome.

Chapter 10. Supporting high quality communications

Para. 112. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

It may be inappropriate to require that full fibre connections be prioritised, as technology develops; it may be the 'optimum solution' at present, but could be superseded in the near future,

Para. 113. The number of radio and telecommunications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers and the efficient operation of the network. Use of existing masts, buildings and other structures for new telecommunications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Equipment should also be sympathetically **sited**.

Chapter 12. Achieving well-designed places

Para. 127. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

The additional emphasis on design, and design quality is very welcome, though defining 'good design' is difficult. The conflation of design quality with community engagement is anomalous; public engagement has many benefits, but what is the evidence that it improves design quality?

Chapter 13. Protecting Green Belt land

Para. 133. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Green Belts should serve many more purposes than just these five; for example, they should facilitate recreation and encourage public access, promote ecological diversity, and preserve and enhance the beauty of the landscape, and the setting and character of towns which may not be historic may deserve preservation.

Para. 134. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic plans which should:

- a) demonstrate why normal planning and development management policies would not be adequate;*
- b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;*
- c) show what the consequences of the proposal would be for sustainable development;*
- d) demonstrate the necessity for the Green Belt and its consistency with strategic plans for adjoining areas; and*
- e) show how the Green Belt would meet the other objectives of the Framework.*

New Green Belts subject to current 'purposes' should not be proposed; landscape and 'green' environment should be controlled by the normal planning processes.

Para. 137. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic plan-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

These requirements are very welcome. However, '... plans should give first consideration to land which is well-served, **or could be well-served** by public transport.' Where it is considered necessary to release land from the Green Belt, consideration should be given not just to improving the remaining areas of Green Belt, but how the loss could be compensated for by green amenity space within the new development, and in additional areas outside the development.

Para. 140. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

We would endorse this proposal, but would argue that it is not simply in Green Belts that authorities should “*plan positively*” to enhance opportunities for access, sport and recreation, visual amenity and biodiversity, or to improve damaged and derelict land. Such objectives should be included in the allocation of land for these purposes as part of the process of land use planning.

Para. 145. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds, so long as the development would preserve openness); and

f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

These exemptions effectively undermine the purposes, or what should be the purposes of the Green Belt.

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

Para. 149. New development should be planned for in ways that:

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.

A requirement for measures to sustainably manage water collection, storage, use and disposal should be included.

Para. 150 c). To help increase the use and supply of renewable and low carbon energy and heat, plans should: identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

The reference to ‘decentralised’ supply systems is ambiguous; this should not be interpreted as precluding district heating, or local combined heat and power systems.

Para. 152 b). In determining planning applications, local planning authorities should expect new development to: take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

To this text should be added the words: “... and to exploit opportunities for on-site energy generation.”

Para. 154. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

No guidance is provided on the interpretation of ‘lifetime’ of a development.

Para. 163 d). Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: where possible, provide multifunctional benefits.

No indication is given of the intended meaning of ‘multifunctional benefits’, in this context.

Chapter 15. Conserving and enhancing the natural environment

Para. 175. The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

No guidance is provided on requirements when or if the Directives referred to cease to be applicable, for example when the UK leaves the European Union.

Chapter 17. Facilitating the sustainable use of minerals

Para. 200 A NEW CLAUSE (i) should require policies to consider the potential adverse effects on transport infrastructure and materials distribution, and the opportunities for exploitation of transport modes other than road systems.

Para. 204 a). *Minerals planning authorities should: recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction;*

It is a contradiction to refer to exploitation of hydrocarbons for energy supplies as a sustainable use of minerals, given the irreversible process in their use, and their irreplaceability. The only benefits of oil and gas development are (diminishing and debatable) price advantage. Technological developments in the exploitation of sustainable energy sources have rendered hydrocarbons obsolete for energy supply. This clause should be deleted.

Annex 1: Implementation

Para. 211. *The Housing Delivery Test will apply from the day following the publication of the Housing Delivery Test results in November 2018. For the purpose of paragraph 75 in this Framework, substantial under-delivery means where the Housing Delivery Test results published in:*

- a) November 2018 indicate that delivery was below 25% of housing required over the previous three years;*
- b) November 2019 indicate that delivery was below 45% of housing required over the previous three years;*
- c) November 2020 and in subsequent years indicate that delivery was below 75% of housing required over the previous three years.*

It is helpful that the delivery of housing will be monitored annually, but it is not clear to what extent the causes of under-delivery are to be researched, or what mechanisms are to be deployed to rectify under-delivery. The Housing Delivery Test records delivery against the previous predictions of objectively-assessed need, but the required methodology for this assessment is not infallible.

Annex 2: Glossary

Affordable housing

We are concerned that the definition of affordable housing set out in the Glossary will make it more difficult to provide genuinely affordable homes (i.e. social housing) for those on low incomes - affordable housing for rent is defined as the Government's rent policy or at least 20% below local market rents.

The changed definition of affordable housing set out in the Glossary leads to concern that the wide range of intermediate housing products will not provide genuinely affordable homes for those on low incomes. It is inevitable that the market will respond to policy by providing 'affordable' housing in the most cost-effective way, rather than meeting the needs of those on the lowest incomes. The inclusion of starter homes in the definition, without any requirement that the benefits should remain available to future generations, and the requirement that at least 10% of homes on major sites should be for affordable home ownership, signals a shift in emphasis to "affordable housing" for sale rather than rent, to the detriment of those who are not able to buy. If starter homes are included in the definition of affordable homes, the benefits should be available for future occupants. That build to rent schemes should offer longer term tenancies of three years or more, indicates the lack of security for tenants generally which is of particular concern for families with school aged children and for creating stable communities.

Sustainable development:

It is notable that no definition of sustainable development is provided, except in the 'summary' provided in paragraph 7. This is a serious omission, since the concept of 'sustainable' development comprises such a fundamental basis for planning policy.
