

# Response from Cheltenham Borough Council

## Levelling Up and Regeneration Bill: Reforms to National Planning Policy Consultation December 2022.

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

*Cheltenham Borough Council agrees with the proposed change and supports the governments approach. The progression of the development plan to adoption is a time and resource consuming challenge for Local Authorities which is further complicated by housing delivery, a matter that is not within the control of the Planning Authority. The proposed amendment would therefore incentivise plan-making and ensure that the system remains plan led. The change would be welcomed, provided effective mechanisms are put in place to ensure timely plan-making (see response to other comments). This change would also ensure staff and other resources can remain focused on decision-making and monitoring/reviewing plans rather than servicing planning appeals.*

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

*Cheltenham Borough Council agree that provided local authorities identify a robust and deliverable housing land supply within the local plan (which is confirmed at examination) then the buffer is not required. The proposed reforms to monitoring housing delivery would simplify the system and can be welcomed as an incentive for local plans to be kept up to date.*

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

*Cheltenham Borough Council agree that any past oversupply of homes relative to annual requirements since the start of the plan period should be taken into account in a similar way to under-supply.*

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

*CBC wish to see clarity through the provision of clear and consistent guidance in relation to treating both undersupply and oversupply over the course of the plan period. Specifically the guidance should define the periods for assessing under/oversupply and should also provide conditional guidance which is dependent upon the method utilised to calculate housing need (e.g. Sedgefield / Liverpool).*

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

*CBC support the proposal to give greater import to Neighbourhood Development Plans and to increase the protection of such plans from 2 to 5 years. This change is not only sensible in the context of aforementioned amendments to local plans and five year housing land supply but may also increase the confidence of the community in neighbourhood plan-making as a valuable tool particularly in mind of the significant costs required by the community to develop such plans. Associated proposals to remove parts*

*14 c and d will assist neighbourhood planning ensuring that such plans cannot be undermined by the status of the local plan.*

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

*If the NPPF is amended to remove the duty to cooperate this could harm the ability of LPAs to work effectively with neighbouring authorities to meet local housing need. Small authorities such as Cheltenham which are tightly constrained should be allowed to undertake joint working in the calculation of a likely supply of homes in the wider area. The NPPF should place greater weight on working in partnership with other authorities to assess housing needs at a County or Sub-Regional level and on the production of documents such as our Joint Core Strategy (adopted 2017). The proposed changes to the text in paragraph 1 of the tracked changed NPPF refers to 'sufficient homes'. Whilst this word is used throughout the NPPF, the ambiguous use of the word 'sufficient' may be open to increased scrutiny and examination when considered alongside the proposed changes to the standard method becoming advisory. It is also seemingly inconsistent with NPPF paragraph 60 which retains the reference to the Government's objectives of "significantly boosting" the supply of homes and brings into question whether the drive for sufficient homes will be to the detriment of ensuring the provision of adequate infrastructure to support such growth. Without further clarification of the term "Sufficient Homes" within the NPPF as proposed it is envisaged that this term will only generate a whole line of new legal interpretation that may sow confusion and further slowdown the planning process. The opening chapters should also provide more explicit acknowledgement of the importance of fostering economic growth.*

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

*Ambiguity and uncertainty in national planning policies around the requirements for plan-making will inevitably lead to protracted debate and objections and result in delays and increased costs in preparing and examining local plans. This is exacerbated by the current challenge of recruitment and retention across planning authorities.*

*Cheltenham Borough Council is a sub-regional centre within Gloucestershire and there is considerable pressure for development in and around the town. However Cheltenham is a tightly bounded urban district encircled by key constraints including AONB and green belt which make the release of land to meet all identified housing needs impossible without extensive joint working with neighbouring areas. The NPPF's amendment to remove the duty to co-operate will harm the ability of LPAs such as Cheltenham to work effectively with neighbouring authorities to meet local housing need. The NPPF should place greater weight on working in partnership with other authorities to assess housing needs at a County or Sub-Regional level.*

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

*Cheltenham is a highly desirable town to live within; an important university town in Gloucestershire having a higher proportion of students; and has a large elderly population; and whilst we see value in adopting an alternative approach for assessing local housing needs it would be highly beneficial for the*

*NPPF to define what may constitute exceptional circumstances and the evidence base requirements needed to justify adopting alternative methodologies to the standard method. The requirement for a local housing need assessment is proposed to remain in paragraph 61 of the NPPF. Deriving a housing requirement locally will be dependent on consistent guidance and wording within national policy as well as clear evidence criteria of using an alternative approach. Without clarity and guidance this there is a risk of examination delays and defining approaches through case law with detrimental impact for Boroughs like Cheltenham where appropriate land for development is in short supply which will only lead to further pressure to build on open spaces, designated Local Green Spaces, Designated Green Belt and the Cotswolds Area of Outstanding Natural Beauty. See also response to Q.10 below.*

**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?**

*This question conflates three distinct issues.*

**Green Belt** - *Agree. As well as containing sensitive Green Belt land, Cheltenham Borough Council is heavily constrained by AONB and areas of high flood risk which when combined limit the realistic area of search for future housing and economic growth. In order to plan for its future housing and economic needs, options for development should be within the discretion of the local planning authority in consultation with its communities. The approach in Cheltenham is to maximise the potential for brownfield land development and to deliver higher density development that will have the combined effect of reducing the need to release undeveloped land including green belt. Indeed the value and reassurance of Green Belt for our communities is being undermined by regular reviews of the green belt which is to the detriment of local decision making.*

**Densities and housing needs** – *See response to Q.10 below.*

**Past over-supply** – *See response to Q.3 above.*

**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?**

*Cheltenham Borough Council supports the governments proposed approach to maximise the development potential of larger towns and cities whilst safeguarding undeveloped spaces. We understand that design codes will consider and set appropriate densities which reflect the design and character of the local area. Therefore, appropriate densities would need to be evidenced and agreed within a design code at the start of plan making. For larger towns and cities the design guide should take a proactive approach which promotes higher densities whilst safeguarding undeveloped spaces. Paragraph 31 of the NPPF states that design codes will be as part of the Local Plan or an SPD and will be given weight in decision making. However, design codes would need to be in place to inform SHLAAs/housing trajectories and supply assessments to evidence if housing needs could/couldn't be met. Further clarification is sought on the role of design codes in setting densities to enable the assessment if housing needs can be met or not. We would also question how an examiner could feasibly consider sufficient detailed evidence relating to the character and capacity of wide geographic areas in the face of inevitable robust challenges from the development sector and other parties. As drafted, the revised NPPF*

*is vague and there is a real risk that this amendment would simply be another cause of costly delay in plan-making. The expectation that every LPA will produce local design guides / codes that reflect local character is welcomed however it must be recognised that not all planning departments have the resources (human and financial) to prepare and implement the NPPF requirements.*

**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?**

*Agree. Whilst the government’s approach to take a proportional approach to examinations and reduce the large amounts of evidence and background technical studies is welcomed and supported in principle there is a high risk that merely removing references to the requirement for plans to be justified will cause significant examination delay and uncertainty. Further guidance is needed on what evidence will be required at examination as throughout the NPPF there are retained references to the need for evidence and justification in plan making and decision-taking. In particular, for example, Paragraph 31 of the NPPF remains unchanged in stating: ‘The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals’. For this to be effective, we would need to see clear and demonstrable change in the legislative requirements, approach by PINS and the expectations upon plan making. There has historically been government narrative to the commitment to speed up plan making, but this is not borne out in practice.*

**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?**

*Disagree. Whilst clear dates for transitional arrangements in the preparation of plans are important, there is a concern that the June 2025 deadline for the submission of existing plans may be a disincentive for plan-making to proceed in the short-term, and potentially lead to a backlog/bottleneck in examinations at a later date.*

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

*Cautiously Agree - We support the government’s approach that large towns and cities should accommodate a greater proportion of development to safeguard undeveloped greenfield sites. However, we feel that a blanket requirement for a 35% uplift in the largest 20 cities and towns would undermine local decision making whilst being an unrealistic requirement given (1) the absence of a duty for neighbouring authorities to agree to accommodate unmet needs; and (2) the proposed revisions to the NPPF to clarify that standard method local housing needs are advisory rather than mandatory and related draft policies seek to respect the character of existing areas.*

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

*See response to Q.13 above.*

**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?**

*See response to Q.13 above.*

**16, Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply?**

*Cheltenham Borough Council agree that a reduced 4-year rolling land supply requirement should apply for emerging local plans. However, we would question the requirement that this should only apply to draft plans which are accompanied by a policies map and proposed housing allocations, as this may be a perverse incentive for authorities to undertake potentially abortive consultation simply to comply with the guidance. It is suggested that the policy approach should apply to any plan which has commenced in line with an up to date LDS, and not simply those which meet the particular Regulation 18 criteria.*

**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?**

*Agree but see response to Q. 10 and Q. 12 above.*

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

*Cheltenham Borough Council supports the principle of the approach to 'switch off' the presumption of sustainable development. In this authority's experience the presumption of sustainable development is not a fair approach and has done a great deal of harm in undermining local decision making. The introduction of a new permissions based test is supported. However, it would benefit from further clarification. For example what weight will be given to strategic sites where there has been extensive pre-application discussion; also it is unclear if the deliverable permissions would need to have been permitted in the past 3 years and the types of permissions (e.g. hybrid & outline permissions). This is different to outstanding permissions whereby these could have been valid permissions over a number of years where development has stalled and not been in accordance with expected timescales. As with the term "sufficient housing" the definition of "sufficient deliverable permissions" will need to be set out clearly in Annex 2: Glossary in the NPPF.*

**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?**

*See response to Q. 18 above.*

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

*See response to Q. 18 above.*

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

*A pause in the release of the HDT in line with the timetable for reforms is appropriate.*

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

*Cheltenham Borough Council strongly endorse the proposal to revise national planning policy to attach greater material weight to Social Rent within planning policies and decisions. Social Rented properties remain the most sustainable option for dealing with the housing supply crisis and providing quality accommodation in the long term. In this regard we feel that Government should relax requirements for First Homes and other low cost affordable ownership tenures in areas of greatest need for social rent homes, for example by prioritising funding for Social Rented Homes schemes.*

*When considering the best mechanisms within national planning policy to support the delivery of social rented homes, it is logical to consider removing, or mitigating against existing limitations that reduce the delivery of social rented homes. For example, sections within the NPPF and Government Planning Practice Guidance (PPG) operate in direct conflict to the Government's support of increasing social rented delivery. A prime example relates to the Government's approach towards resolving viability issues within planning (which typically has the ultimate effect of reducing the delivery of desperately needed new social rented homes). Under current planning guidance, the viability of development (and the assumption that a developer should be able to make a reasonable profit) often holds precedence over the delivery of social rented homes. In practice, across our Borough, viability issues have led to the loss of approximately 410 affordable homes over the last 10 years (including applications that are currently being assessed), a significant proportion of which could have been delivered as social rented homes.*

*Whilst Cheltenham Borough Council would strongly support any move to increase the delivery of social rented homes (and place increased weight upon the delivery of social rented homes on new development) this must be viewed within a wider context of factors that erode and reduce the delivery of social rented homes, which must be better aligned with the Government's objective to increase the supply of social rented homes if any significant growth in social rented provision is to be realised. More social rented housing might be achieved by ensuring that public land is made available for social housing and prevented from being sold off for market housing together with limits on land use value appreciation of public land following grant of permission.*

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

*Agree - In the context of our response to Question 8 (defining exceptional circumstances) it is important to state CBCs commitment to improving the volume and diversity of housing stock to meet older peoples housing needs in Cheltenham.*

*The Council is working alongside Gloucestershire County Council to support delivering care in the community, and adapting homes (and ensuring new homes are built to the latest accessible and adaptable standards) to ensure that older and frailer residents can stay in their communities for as long as they choose, rather than being compelled to move to specialist older persons' housing on account of the unsuitability of their current accommodation. It is anticipated that whilst this approach could meet some housing needs that there would still be a need for new provision. The Council has a specific policy*

*in its Local Plan (Policy HM2) which encourages the provision of specialist housing for older and vulnerable people however there are challenges in Cheltenham given the constrained nature of the borough (green belt and AONB) to identify sufficient land to provide new older persons accommodation.*

*As such, whilst the additional wording reinforcing the requirement to consider the needs of older people is welcomed the proposed changes to paragraph 62 of the NPPF and the specific solutions listed such as care homes and retirement homes should be left to be defined locally by Local Planning Authorities as part of a Local Housing Needs Assessment. As drafted, whilst not being a closed list, the additional policy wording is limited in scope.*

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

*The contribution of small and medium sized enterprises (SMEs) is a very important part of the mix and diversity of local housing supply. SMEs utilise generate local employment and often utilise local suppliers making an active contribution to the local economy whilst also offsetting environmental impact of bringing in companies from further afield (e.g. travel impact) and its recognition in the Prospectus is welcomed. However, it would seem that policies around financial incentives for SME house builders, rather than planning guidance, would be the most effective way of supporting the sector*

**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?**

*The policy framework as it stands would appear to be fairly robust. The Government could explore adding a threshold for delivering affordable housing below the current NPPF definition of 'major development' (i.e. 10 dwellings or under) through Section 106 agreements, which would secure increased affordable housing delivery.*

*Beyond the planning process the Government could consider removing VAT implications for smaller developers on sites falling under 10 dwellings, provided that (as a minimum, policy compliant delivery of affordable housing is realised), to encourage the delivery of carbon neutral affordable housing on these smaller sites. Clearly, this approach would need to be weighed up against the viability and financial risks of delivering small sites (often by SME developers).*

*In addition Homes England could look to set up a specific 'small-sites fund' whereby SME developers could bid for an allocation of Homes England funding to support the delivery of small schemes, on the precondition (and contractual requirement) a certain percentage of homes delivered on this scheme (50%-75%) are affordable homes as per the NPPF definition, which could include homes for rent or affordable home ownership. If this option were to be progressed, it would be important for the Government to simultaneously look to incentivise Registered Providers and other small housing associations to manage or acquire these units in the long-term, to ensure that the long-term stewardship of the affordable homes delivered through this mechanism aligns with the Government's enhanced scrutiny on housing management and customer satisfaction in the social housing sector. Small sites can be complicated and time-consuming to deliver for all involved, and therefore the Government should set up a separate planning advice service for all developers (and RPs) tapping into the 'small-sites' fund to enable SME developers to smoothly progress schemes through planning.*

**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?,**

*Changes to the definition to include organisations that are not Registered Providers should be made with caution given to ensure that any organisation(s) that is allowed to build affordable homes should be legally obliged to uphold the regulatory framework that applies to normal Registered Providers; is compliant with the revised consumer standards; and utilises fair eligibility and local connection. Of concern is that the further diversification of affordable housing supply would divert funding away from the provision of Social Rented Housing (See response to question 10) which is considered to be the long term affordable solution to the housing crisis. Moreover, whilst such proposals may produce a modest increase in affordable housing delivery in the local area, this proposal would not offer a silver bullet in terms of significantly increasing the delivery of affordable housing to address the well-established sizeable national shortfall of affordable homes.*

**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?**

*Land acquisition and availability are key constraints. Government funding could also assist in enabling communities to bring exception sites forward, alongside guidance on best practice. More affordable housing might be achieved by ensuring that public land is made available for social housing and prevented from being sold off for market housing together with limits on land use value appreciation of public land following grant of permission. In addition the Government could update or create planning practice guidance (PPG) to incentivise the delivery of affordable housing by community groups on small exception sites.*

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

*In the specific context of Cheltenham which is primarily urban (but surrounded by greenbelt, and slightly more rural areas), community-led housing tends to be easier to facilitate in rural areas through the mechanism of using exception sites, tied to clauses within Section 106 agreements, to meet the housing needs of local communities.*

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

*See response to question 27 but increased support to return empty homes to use and supporting regeneration schemes to maximise use of commercial upper floors for residential use would also be a positive move*

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

*Disagree. The planning system is a regulatory process and relies upon making planning judgement based on planning matters and there can be no suggestion of potentially black listing applicants. Whilst there can be circumstances when the past behaviour of the applicant should be taken into account these should be dealt with on a case by case basis. If the government wish to move forward with changes of*



*this nature then such changes should be made carefully and an inclusive approach is taken which allows for improvements in behaviour. This could be achieved through a red/yellow card system although great care would be taken. Such an approach could be helpful with regards applications where there are onsite compliance and enforcement matters where the applicants past behaviour presents challenges to the LPA in ensuring that the approved scheme can be delivered to the approved details. Also with regard to large housing developers that have implemented extant permissions but not built them out within reasonable timeframes and/ or to stated trajectories.*

*The application of any such policy would create significant difficulty for LPAs in terms of being able to objectively assess the past behaviour of individuals/companies. This will result in an additional consideration for planning officers resulting in additional workloads and potential challenges at a time when the profession is already facing a resource/skills shortage. Focus should instead be given to providing additional resources for LPAs to invest in planning enforcement and compliance. Thought should be given as to whether the Government can amend the planning enforcement/appeal route as opposed to focus such a change on the development management process.*

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

*See response to Q.30 above – With respect to both options it is clear that more clarity and guidance would be needed regardless of the mechanism to prevent unintended and costly legal consequences.*

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

*Disagree. The reforms being proposed in the Levelling Up and Regeneration Bill to require commencement notices, together with the proposed requirement for developers to report annually to local authorities on actual delivery of dwellings are welcomed. Although the additional measures now being proposed through the NPPF are noted, it is not entirely clear how publishing data on developers' failure to build out will meaningfully assist in assessing planning applications, other than achieving greater transparency. Similarly, the requirement on applicants to explain how they propose to maximise absorption rates risks introducing additional planning application validation paperwork, without a clear link to how this will assist delivery. Furthermore, the risk of refusal of planning permission for applications which propose a slow delivery rate may simply encourage applicants to submit unrealistic and over-optimistic trajectories.*

*Cheltenham has experienced the challenge of delivery of strategic allocations. The lead in times are significantly different to those smaller to mid range sites that are more turn-key in their delivery. Linking back to the 5 year housing supply consideration should be given to building in flexibilities where local planning authorities are limited in terms of wider urban capacity.*

**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?**

*The move to strengthen design to provide for well-designed and beautiful development is encouraging. However, this is a subjective term, is open to interpretation and will require the development and adoption of design guidance / codes (see response to Q10) to help deliver well designed buildings and*

*spaces and put place making at the heart of the planning process. Addition of a subjective term like 'beautiful development' will add further complexity to the planning system and create uncertainty to planning decision making. Thought should be given to further embedding the term 'placemaking' within the planning system in a similar effective manner to Welsh planning policy (Refer to Planning Policy Wales and Future Wales for example).*

**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?**

*Agree. However, see concerns raised regarding subjectivity in response to Q33 and Q10 above.*

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

*Agree. LPAs already have powers and often condition developments to secure appropriate details such as design details which have not been submitted. An alternative approach would be to invalidate applications because of poor supporting information within a planning application submission.*

**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?**

*Disagree. The choice of 'mansard roofs' is one example of extending a building to increase accommodation but appears in isolation as an odd addition to the NPPF. Gentle densification is supported in built-up areas but this must also be considered in respect of the impact of the design of development upon its immediate environs including heritage impacts within conservation areas and listed buildings. Arguably it would be wrong to specify one design solution (mansard roofs) that should apply to all areas as a principle.*

**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?**

*Chapter 7 of the prospectus is supported, and we welcome the review the strategic objectives set out in planning policy to ensure that they support environmental targets under the Environment Act, net zero, nature recovery and the National Adaptation Programme. In terms of protecting local biodiversity, CBC is not supportive of the use of artificial grass within new developments. In terms of improving local biodiversity we would suggest that the net biodiversity gain of a site should be measured against the site, not at the time of the application, but at a more recent state prior to site preparation (3-5 years as assessed from aerial photography). This would provide a more reasonable basis for assessing biodiversity net gain.*

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

*Agree. However, the proposed amendment to footnote 67 relates to deciding which sites are most appropriate for development. It should be clarified whether this applies to both plan-making and*

*decision-making. Much clearer guidance is also required on what constitutes land “in use” for food production. Additional consideration should also be given to publishing national tests which can be used to test whether food production is viable. Such guidance would be helpful to assess those instances when tenant farmers leases are terminated as a result of the market seeking alternative higher land values (e.g. housing). This also comes at a time when land/buildings are falling out of food production because of higher food production costs (in particular harvest costs) and how such considerations can be given material weight in a rapidly changing market.*

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

*It is recognised that, as set out in the Prospectus, there are a range of options that could be pursued. However, given the significant resource/costs required to assess both strategic (e.g. plan wide) and site carbon generation that clear and consistent guidance needs to be issued on this matter as well as resources be made available to support LPAs in undertaking the critiques of such assessments.*

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

*Planning Policy has a significant role to play in climate adaptation particularly in promoting and integrating nature-based solutions within new development to mitigate the effects of climate change. Gloucestershire councils already enjoy a high level of co-ordination in this regard. However, given the strategic nature of nature and green infrastructure networks, sustainable drainage, etc. a stronger role for Government in terms of co-ordination and funding would be welcomed in the context of a clear national strategy. To this end the government should consider new buildings models for floodplains as in the Netherlands.*

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

*Agree. Cheltenham Borough Council supports the governments approach and would like to see immediate measures to mandate all developments and not just low carbon developments. The re-powering of existing infrastructure for renewable and low carbon energy is also supported.*

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

*Agree. See response to Q.41 above.*

**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?**

*Agree. The move away from the rigid requirement that wind energy developments should only be permissible in locations designated in the development plan is welcomed. However, the reference to areas being identified in Supplementary Planning Documents is confusing given proposals set out elsewhere in the Prospectus that SPDs should be abolished.*

*The retained localist approach is also welcomed in principle but clearer guidance is needed on the definition of “local support”.*

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

*Agree. This Council is supportive of amendments to the NPPF which places preference to reuse of existing buildings (rather than demolition) and their renovation to improve energy efficiency and assist decarbonisation of existing stock. However, it would be logical, given the pressing need to decarbonise stock in light of the ongoing climate emergency (Cheltenham Borough Council is seeking to become a net-zero Borough and organization by 2030) and the Government’s own climate targets to place significant weight to proposals that seek to improve the energy performance of existing buildings (when considered in view of all of the policies found within the NPPF).*

**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?**

*See response to Q.12 above.*

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

*See response to Q.12 above.*

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

*Subject to the drafting of the legislation, the proposed reforms to the timeline for preparing development plans does not appear to directly affect neighbourhood plans in a comparable / same way as local plans.*

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

*Disagree. Whilst there is a clear logic for local planning authorities having the discretion to prepare Supplementary Plans, it is not clear why existing Supplementary Planning documents should expire at all, provided their contents remain consistent with the local plan and the NPPF/National Development Management Policies.*

*Furthermore, Supplementary Plans are, although intended as light touch, nonetheless be likely to require significant resources to prepare, examine and adopt. There would therefore be merit in also retaining the ability for local planning authorities to prepare some form of supplementary guidance as a material consideration supporting policies in the development plan.*

*Should SPDs be abolished as proposed then it is recommended that they should remain extant for a period of time after the adoption of a new style Local Plan to allow LPAs to have a realistic prospect of preparing new style supplementary plans and ensure some continuity in the determination of development proposals.*

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

*Neither agree nor disagree at this stage until further details are known. Whilst there may be a role for standardised DM policies, the Council is concerned that they would enjoy equal status to democratically produced development plan policies, and seemingly could be introduced, revised or withdrawn without consultation by the Secretary of State. This could be in ways which are not reflective of the circumstances of individual local authorities and undermine local plans. The consultation suggests that National Development Management Policies would be contained within a separate document to that of the NPPF. This may likely cause confusion over the weight attributable running separately to the NPPF.*

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

*See response to Q. 49 above.*

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

*See response to Q. 49 above.*

**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?**

*See response to Q.49 above.*

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

*No specific suggestion in connection with the 12 levelling up missions. However, thought needs to be given to providing for national planning policies that reflect the climate crisis by ensuring that all new future housing developments are built net zero and having a national strategy.*

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

*Relevant planning measures are considered to be addressed elsewhere in the NPPF.*

**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?**

*The Council strongly agrees and supports the Government's focus on prioritising the re-use of brownfield land in city and town centres; the promotion of town centre living; and preventing unnecessary encroachment onto greenfield sites. The levelling up and regeneration agenda aimed at bringing sites back into active use is supported. However, further amendments to national planning policies are unlikely to materially assist further in effecting the regeneration of such sites. Policy aspirations will need to be supported by appropriate financial incentives for land remediation, infrastructure and compulsory purchase.*

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

*The Council strongly agrees and supports the Government's focus on prioritising the re-use of brownfield land in city and town centres; the promotion of town centre living; and preventing unnecessary encroachment onto greenfield sites. The levelling up and regeneration agenda aimed at bringing sites back into active use is supported. However, further amendments to national planning policies are unlikely to materially assist further in effecting the regeneration of such sites. Policy aspirations will need to be supported by appropriate financial incentives for land remediation, infrastructure and compulsory purchase.*

**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?**

*It is helpful that most national planning policies are set out in a single framework. However, it is a Planning Framework with the absence of plans or diagrams and makes it a document that a member of the public may find difficult to understand. Capturing the vision in a diagrammatic way throughout the document (in a similar manner to that shown in diagram at point 8 of the consultation) may assist. Refer to Planning Policy Wales and Future Wales documents in Wales which help visualise the placemaking and well-being perspectives that run central to plan making. In addition the PPG is difficult and confusing to access and navigate. It would be useful if it were published in word searchable pdf or similar format and kept up to date.*

**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.**

*Noted.*