

## **Appendix 1: Response of Weymouth & Portland Borough Council to Consultation on the Revision of the NPPF**

### **Chapter 1: Introduction**

**Question 1: Do you have any comments on the text of Chapter 1?**

**Response:** No comment

### **Chapter 2: Achieving Sustainable Development**

**Question 2: Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?**

**Response:** The differences in the text are not significant, but the proposed changes to paragraphs 8-10, including in respect of the reference to the three sustainability objectives (economic, social and environmental), help to clarify the role of the objectives and how they relate to the presumption in favour of sustainable development. The reference to the need for the objectives 'to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across the different objectives)' is considered useful.

With regards to the expectation that objectively assessed needs for development (including any unmet needs from neighbouring houses) need to be accommodated, unless there are strong reasons not to, the Statement of Common Ground that will be drawn up by the Councils in Dorset will have an important role to play.

Under the proposed standardised methodology for assessing housing need there will be a significant housing need arising from Bournemouth, Christchurch and Poole (which will form a new unitary Council, covering a largely urban area, under a proposal approved by the Secretary of State), which it is unlikely will be able to be met in full within this area. In a circumstance where the objectively assessed need for housing cannot be met, careful consideration will have to be given to whether such needs can be met in other parts of Dorset especially given the constraints, including environmental constraints, that are applicable to large parts of Dorset including North Dorset, West Dorset and Weymouth and Portland (which will form part of a new unitary Council, covering a largely rural area, under a proposal approved by the Secretary of State). North Dorset is likely to be particularly vulnerable to possible development pressures relating to

Bournemouth, Christchurch and Poole given that it is located within the same housing market area.

In terms of the proposed changes to the 'presumption in favour of sustainable development', the reordering of paragraph 11 to reflect the way that plan and decision-making are approached in practice is considered a sensible change. In addition the proposed change to the decision making part of the presumption so that it refers to circumstances where 'there are no relevant development policies, or the policies most important to determining the application are out of date'; and to 'refusing' rather than 'restricting' development are supported for the purposes of clarity.

It is noted that a further change relates to the policies which provide a specific reason for refusing proposed development (at footnote 7). The footnote refers to a specific list of policies within the revised draft NPPF whilst the current NPPF provides examples of policies that indicate that development should be restricted. Furthermore, footnote 7 makes it explicit that it is referring to policies in the draft revised NPPF and it is not referring to policies in development plans.

Although it is understandable that the Government is seeking to provide clarity, and avoid confusion, in relation to the application of the presumption in favour of sustainable development the proposed approach undermines instances where there may be a particular local circumstance (e.g. a valued landscape) that would justify refusing planning permission for a proposed development.

Finally, the reference to the application of policies providing a 'clear reason' for restricting development in b(i) and d(i), in terms of the presumption in favour of sustainable development, is potentially ambiguous. Is it intended that harm to these listed interests would be regarded as a clear reason, or that it would have to be a strong degree of harm to justify the restriction on development?

**Question 3: Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?**

**Response:** The 'core planning principles' section in the existing NPPF is an important and useful reference point for both plan-makers and decision-takers. By moving the principles into the most appropriate parts of the draft revised NPPF, and not repeating them in a specific 'core planning principles' section, an unintended consequence is that the principles may not be used as often as they currently are particularly in terms of decision-taking.

**Question 4: Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?**

**Response:** Given the amount of time and resources it takes communities / Qualifying Bodies to produce a neighbourhood plan (especially one that allocates sites for development) it is considered that the definition of 'recently brought into force' should be amended so that it covers a longer time period than the 'two years or less' referred to in the definition. This would give communities / Qualifying bodies more incentive to progress a neighbourhood plan in instances where local planning authorities are unable to demonstrate a five year supply of deliverable housing sites and / or where they are unable to meet the requirements of the proposed Housing Delivery Test.

Further to the above, with regard to neighbourhood plans, it is important that the draft revised NPPF is written in a way that allows communities / Qualifying Bodies to fully understand its content and implications. With this point in mind consideration should be given to whether it is possible make any changes to paragraph 14 in order to simplify its content.

### **Chapter 3: Plan-making**

**Question 5: Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?**

**Response:** It is considered that the expectation, in paragraph 21, that 'strategic policies' should be distinguished clearly in plans is sensible. Such an approach will help to provide clarity regarding the need and scope for local policies.

In terms of the tests of soundness, the current tests already establish the principles that local plans should be based on: a strategy that meets needs (including unmet needs from neighbouring authorities, where it is reasonable to do so) and; effective joint working. The draft revised NPPF could include supporting guidance on the evidence likely to be needed to test the soundness of a local plan, but the need for statements of common ground are primarily procedural matters that should not form part of the tests of soundness themselves.

**Question 6: Do you have any other comments on the text of Chapter 3?**

**Response:** Paragraph 15 states, amongst other things, that the planning system should be genuinely plan-led. There are other references within the draft revised NPPF to the importance of the plan-led system. However, it is considered that the proposed changes to the NPPF, and the associated Planning Practice Guidance, especially in respect of the requirements relating to demonstrating a five year supply of deliverable housing sites and the Housing Delivery Test will result in an increased number of planning applications being determined against part (d) of the 'presumption in favour of sustainable development' set out in paragraph 11 of the draft revised NPPF. Consequently, the proposed changes to the NPPF will significantly undermine the plan-led system.

## **Chapter 4: Decision-making**

**Question 7: The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?**

**Response:** The Council supports the proposed approach. It does not consider that there are any circumstances where this would be problematic. However, there could be very limited circumstances where specific viability information contained within an assessment should remain confidential. The Council agrees with the text in the draft Planning Practice Guidance that 'circumstances where it is deemed that specific details of an assessment should be redacted or withheld should be clearly set out to the satisfaction of the decision maker.'

**Question 8: Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompanying planning applications would be acceptable?**

**Response:** Yes. Although it is acknowledged that the draft Planning Practice Guidance provides some illustrative examples of circumstances which plan makers could identify as requiring viability assessment at the decision-making stage it is considered that such circumstances should be clearly set out in national planning guidance. This would help to ensure a consistent approach across the country and provide clarity for all those involved with viability work including decision-makers.

**Question 9: What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?**

**Response:** One of the main benefits would be to help ensure that the level of infrastructure that accompanies any development is maximised. Given the resource pressures on local authority planning departments, especially in terms of staffing, there is no guarantee that review mechanisms would be used in all the circumstances where it would be appropriate to do so without a mandatory requirement regarding the use of such a mechanism.

One of the main concerns that is often raised by communities in respect of new development relates to the pressure that would result on existing infrastructure and services. Therefore, for this reason, amongst others, it is vitally important that every opportunity is taken to maximise the level of infrastructure that is provided with any new development.

**Question 10: Do you have any comments on the text of Chapter 4?**

**Response:** It is noted that paragraph 58 of the draft revised NPPF states that '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.' With regards to the recommended approach to assessing existing use value in the draft Planning Practice Guidance, the Council supports the approach that is set out. It is outlined under the heading 'What is meant by existing use value in viability assessment?' that existing use value is not the price paid for land and should disregard hope value. The Council is particularly supportive of this statement. Viability assessments are often skewed on the basis of the land value which often reflects the price paid for the land rather than a realistic value based upon its existing use.

**Chapter 5: Delivering a wide choice of high quality homes**

**Question 11: What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?**

**Response:** The proposed requirement for at least 20% of housing sites in local plans to be small sites is considered to be too prescriptive. A more general requirement for a broad mix of housing sites would be more appropriate for national policy. The definition in paragraph 69a of a 'small site' at half a hectare or less, which would on average deliver about 15 to 20 dwellings, is too small.

The Government aims to diversify the housing market by enabling small and medium-sized developers to grow and deliver more homes. The approach of national policy should be to encourage local planning authorities to have a

supply of housing sites in an area that facilitates diversification, rather than focussing narrowly on the inclusion of prescriptive targets for small sites in local plans.

In the West Dorset and Weymouth & Portland plan area, almost 40% of all new dwellings built over the last 6 years were on sites of 20 dwellings or less with a similar proportion being built on sites of more than 70 dwellings. In this area, small sites are clearly delivering and perhaps the provision of more sites in the 30 to 70 dwelling range would be more likely to facilitate market diversification. The situation will vary in different areas with different housing market characteristics highlighting the need for a more general requirement in national policy for local planning authorities to plan for a broad mix of housing sites.

It is unclear what 'at least 20% of the sites identified for housing in their plans' means. The explanation that the requirement relates to 'sites' rather than to 'housing numbers' is welcomed, however the meaning of 'identified site' and exactly to what the percentage relates, is unclear.

The identification of 20% of all sites in a local plan as small sites would require a significant amount of additional work for local planning authorities, slowing down local plan production. For West Dorset and Weymouth & Portland, there are approximately 470 sites with planning permission of varying sizes within the identified supply. Identifying 20% of these in a local plan as small sites would involve additional site evaluation and Sustainability Appraisal work for around 50 individual sites and could involve lengthy discussions at examination.

The preferred approach would be to move away from prescriptive requirements to a more general requirement. The requirement could be for local planning authorities to ensure their plans make provision for a range of sites to provide opportunities for small and medium sized home builders to bring greater competition into the market and to increase the delivery of homes. This would require an assessment of the profile of site sizes that make up supply and for any 'gaps' to be filled through site allocations.

If a detailed prescriptive approach is to be included in the final NPPF, it should take full account of the additional work that may be required. It is suggested that any prescriptive (20%) requirement should relate to the wider range of sites that may be attractive to small and medium-sized builders (for example sites of up to 70 dwellings). The definition of the terms 'identified' and 'allocated' in a local or neighbourhood plan in the practice guidance would be helpful, especially if it is intended that the two terms should have different meanings.

**Question 12: Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?**

**Response:** Section 5 of the draft revised NPPF establishes the principle of the Housing Delivery Test. For the majority of areas, the delivery of housing is in the hands of the commercial development industry rather than local authorities. Local authorities are therefore not responsible for delivery and have limited tools to influence the delivery on housing sites once permission is granted but are penalised for under delivery through the housing delivery test.

The application of the presumption in favour of sustainable development when delivery of housing falls to 75% of the target rate is not a proportionate response to a situation that is often out of the control of a local planning authority. In addition, the suggestion that New Homes Bonus could be linked to the Housing Delivery Test results would seem counter intuitive. Councils who are not managing to meet their targets are in need of additional resources to help deliver more homes. Removing finance will therefore restrict further their ability to influence the delivery of homes to meet the target.

It is accepted that it is good practice to produce an annual action plan to identify barriers to housing delivery and suggested actions to remove these barriers. The suggestion of actions that could be taken is helpful.

**Question 13: Do you agree with the new policy on exception sites for entry-level homes?**

**Response:** Paragraph 79 continues with the long established 'rural exception sites' for affordable housing. Paragraph 72 introduces Entry Level Exception Sites as a new type of rural housing site outside of settlements delivering homes for first time buyers. In addition paragraph 79 suggests that market housing on rural exception sites should be considered. Both of these measures undermine the efficacy of the long established rural exceptions policy by raising the expectations of land owners by offering increased receipts from development. This will reduce the proportion of truly affordable homes delivered for those in genuine affordable housing need and increase the cost of delivery overall.

**Question 14: Do you have any other comments on the text of Chapter 5?**

**Response:** Yes. A wide range of comments have been made in relation to a number of different issues in Chapter 5, as detailed below.

**Response: *Emphasis on Housing Delivery***

The whole emphasis of the draft revised NPPF has shifted greatly towards the delivery of additional housing at the expense of other planning considerations and the development plan. Currently, it can be very difficult to resist inappropriate development proposals, even where a local planning authority is able to demonstrate a five-year supply with a small margin.

It is accepted that measures can be and often are, taken to increase housing delivery, such as: amassing an increasing stock of planning permissions; commencing a review of the local plan immediately upon adoption; diversifying the range of sites available for development etc. However local planning authorities are not ultimately responsible for the delivery of houses. With the increasing emphasis being placed on delivery, the plan-led system is being undermined and the clarity offered by such a system (to both the public and the development industry) is being eroded. The balance should be placed back towards the plan-led system.

***Response: Local Housing Need***

Paragraph 61 of the draft revised NPPF indicates that the minimum number of homes required in an area should be based upon a local housing needs assessment plus needs not met by neighbouring areas unless exceptional circumstances suggest an alternative approach. However the accompanying guidance sets out what is meant by this 'minimum starting point' and gives examples of where an uplift may be applied. It should be made clear that the application of an uplift is discretionary upon the local planning authority to prevent lengthy discussions at examinations over the level of uplift that may be required to reflect the example situations cited in the guidance.

The introduction of a standard approach to calculating Local Housing Need is welcomed as it removes the need for a full SHMA to establish the Objectively Assessed Need and removes the lengthy discussion at local plan examinations. However the requirement to 'split' the Local Housing Need number into the needs of different groups in the community will still require a detailed analysis of the target figure. This is then likely to be the subject of significant debate during the examination of any local plan.

***Response: On / Off-Site Provision of Affordable Housing***

The support given in paragraph 63a to local plan policies that require on-site affordable housing provision by requiring robust justification for off-site affordable housing provision is welcomed. Similarly, support is given to the additional clarity in paragraph 64 enabling affordable housing to be delivered on sites for developments of more than 5 dwellings in designated rural areas.

***Response: Starter Homes as Affordable Housing***



The 10% of homes on major sites to be provided as affordable home ownership products in paragraph 65 is supported however there is concern if this 10% level is intended to include starter homes. If an individual can afford a starter home (at 80% of market value), then they are not generally considered priority for housing need. The requirement would therefore reduce the total number of homes available for those in genuine housing need. In a similar way, starter homes are not held at an affordable value in perpetuity further eroding the opportunities to meet genuine affordable housing need in the area.

***Response: Establishing the Five-year Land Supply Position***

The emphasis placed on five-year supply needs to be reduced. There is a need for the short term supply to be fixed for a longer period of time especially as local plans are subject to review every five years. The draft revised NPPF suggests three routes to assessing five-year supply:

- Fixed through Local Plan Examination (10% buffer to supply requirement): This route is the most robust with the five-year supply being examined by a Planning Inspector in public. At this point the five-year supply should be fixed and not challengeable for a longer period (even up to five years). For this five-year period, the presumption in favour of sustainable development should not apply unless housing delivery falls significantly below the target rate as assessed by the proposed housing delivery test.
- Fixed through an Annual Position Statement (10% buffer to supply requirement): The supply would first need to be assessed through a local plan examination to enable an annual position statement to be produced. However the amount of work required establishing on an annual basis, that a five-year supply could be demonstrated is overly onerous. Within West Dorset and Weymouth & Portland, there are over 470 individual sites within the supply. For each of these, discussions would be necessary to establish deliverability and this information would need to be included within the annual position statement. Once the annual position statement has been produced and fixed by the Planning Inspectorate, new information on supply and delivery would be a material consideration in planning decisions effectively undermining this 'fixed' supply assessment. This would result in the fixed supply lasting for approximately 5 months rather than the suggested 12 month period.
- Not fixed (5% buffer to supply requirement): It is not clear how this approach would work. Further detail is needed to explain how a supply would be taken into account in planning decisions which were contrary to the development plan. Having regard to the draft guidance, it is suggested that the appeal process is not as robust as an examination

and therefore is it of sufficient robustness for a conclusion to be drawn on the five-year supply.

***Response: Counting Student / Older People's Accommodation in the Housing Supply***

When counting student accommodation and older people's accommodation the guidance suggests that 'published ratios' are used to assess contribution to meeting housing needs. As these ratios are not available, it is not possible to comment on their appropriateness to the local situation.

***Response: Over Delivery***

Where an area over delivers against plan or local housing need targets in any one year, the guidance suggests that this oversupply can only be used to reduce the shortfall from previous years. Any over delivery should also count towards reducing subsequent years' requirements and this should be mentioned within the guidance.

***Response: Neighbourhood Plan Housing Figures***

Assigning housing figures to designated neighbourhood areas would be of little value due to the difference in timeframes for local plan and neighbourhood plan production. If a neighbourhood plan is made, and a higher or longer term housing number is subsequently assigned to that neighbourhood area in a local plan (or local plan review), the neighbourhood plan would immediately be out of date and in need of review.

It may not be appropriate or desirable to encourage housing growth in certain areas (for example, areas that are very rural or subject to significant environmental constraints) other than to meet an identified local need. In such areas, it would be more appropriate for any local need to be derived from a 'bottom up' process, rather than handed down through a local plan.

It is likely that the housing figures identified for neighbourhood areas in a local plan would be set out in a strategic policy, which neighbourhood plans would then need to be in general conformity with in order to meet the basic conditions. This could be a serious problem if a neighbourhood plan wished to promote a higher level of housing development than set out in a strategic policy.

Where a housing number is assigned to a neighbourhood plan area, there is no certainty of delivery because neighbourhood plan production is optional. This could be a particular problem if a local plan assigns a housing figure to a designated neighbourhood area, but the neighbourhood plan does not then come forward. This could potentially result in a Local Housing Need target not

being met, especially if the neighbourhood plan related to one of the larger settlements in the local plan area.

***Response: Glossary Definition of 'Deliverable'***

In relation to the deliverability of sites for inclusion in the housing supply, sites with detailed planning permission and small sites are considered to be 'deliverable'. However sites with outline permission, permission in principle and allocated sites are considered to be less 'deliverable'. Under this approach it appears that national policy would consider a small site without planning permission to be more deliverable than a site with outline permission or a local plan allocation. In housing land supply calculations, outline permissions and allocations should be considered deliverable, alongside detailed permissions.

***Response: Discounting in Five-Year Housing Land Supply Calculations***

For all sites within the supply, realistic and robust assumptions should be made about the number of units that can be delivered within the five year period and these realistic assumptions should then not be subject to discounting.

***Response: Commencement Conditions***

Although the use of conditions to require commencement on a development site within a short timeframe would help to deliver additional housing on some sites, caution is needed as the withdrawal of planning permission would not help to deliver additional homes. Such an approach would also require robust enforcement if it were to make a difference.

***Response: Windfall Allowances***

It is often not possible to identify all individual small sites that will contribute to housing supply over a plan period and it would be overly onerous to have to do so. However such sites deliver a significant proportion of additional housing within an area. The support for the inclusion of a windfall allowance is therefore welcomed.

***Response: New Green Belts***

Large scale developments do make a significant contribution to meeting housing need. They are often in areas where planning constraints are limited and where development opportunities are greatest. Establishing new Green Belt around new development of significant size as suggested in paragraph 73 will restrict the delivery of housing in the longer term shifting pressure to land that is often of greater environmental value. New Green Belt would then be a barrier to meeting housing need and therefore to the timely review of local plans.

## **Chapter 6: Building a strong, competitive economy**

**Question 15: Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?**

**Response:** Paragraph 85 makes the case for local business and community needs in rural areas outside of settlements. This need is recognised however, such uses should be focused towards existing settlements or allocated sites in rural areas unless there is clear justification why a rural location is necessary and it can be clearly demonstrated that preferable locations (in accordance with an up-to-date local plan) are not suitable or available. The approach currently advocated in the draft revised NPPF does little to help and support planning decisions in accordance with Chapter 9 of the draft revised NPPF.

**Question 16: Do you have any other comments on the text of chapter 6?**

**Response:** Paragraph 82 states that 'Significant weight should be placed on the need to support economic growth and productivity'. This should not be at the expense of the natural environment which is often a contributor to economic success of an area. This paragraph should be amended to recognise the importance of the natural environment to economic prosperity.

Paragraph 83 mentions the need for policies to seek to address barriers to investment such as inadequate infrastructure. Although contributions can be secured from developments to address infrastructure requirements arising from a scheme, it is difficult for local planning authorities to address infrastructure barriers to development without significant external funding.

## **Chapter 7: Ensuring the Vitality of Town Centres**

**Question 17: Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?**

**Response:** Yes, these policy changes are broadly supported subject to the points made below in relation to:

- planning to meet retail needs;
- town centre boundaries;
- town centres in decline;
- the sequential approach; and
- the retail impact test.

**Response: *Planning to Meet Retail Needs***

The Government's intention to clarify the site allocation requirements to meet the need for town centre uses (paragraph 86d) is welcomed, provided that this means that the requirement in paragraph 23 of the current NPPF to meet the needs for retail, leisure, office and other town centre uses 'in full' is removed.

It is recognised that the long term forecasting of retail trends is uncertain even beyond five years and that this uncertainty could potentially result in an over allocation of town centre sites for a retail need that may never materialise over the longer term as a result of factors such as the growth in on-line sales. The option to plan for needs at least ten years ahead rather than for 15 years, as promoted in paragraph 157 of the current NPPF is preferred as it will allow local planning authorities greater flexibility to plan for the needs of their town centres through the five-yearly review of local plans.

***Response: Town Centre Boundaries***

The proposed wording in Paragraph 86d to keep town centre boundaries under regular review is supported.

***Response: Town Centres in Decline***

The expanded text in Paragraph 86(g) explaining what to do in circumstances where town centres are in decline is supported. Many town centres are under threat and supporting a diversification of uses may go some way in maintaining the service offer in town centres. The Council considers this issue to be particularly important for medium-sized towns in places like Dorset and is keen to see the Government undertake further research to understand the current and future threats to town centres and to develop a wider range of measures to protect the vitality and viability of our town centres, which are the focus of many local communities.

***Response: Sequential Approach and the Availability of Sites***

The Government's proposal to amend the 'sequential approach' to consider sites that may not be immediately available (Paragraph 87) is supported. This change is considered helpful in offering local planning authorities greater flexibility to refuse sequentially unfavourable applications when town centre or edge of centre sites maybe shortly made available. Further clarification through planning practice guidance on the length of time considered appropriate would be welcomed.

It is however noted that the proposed wording of Paragraph 87 reads that sites 'expected to become available within a reasonable period' should be considered unavailable and consequently sites imminently available justify out of centre provision. It is not thought this is the intention of national policy. The

wording used to explain the revision in the 'consultation proposals' is considered clearer.

***Response: Impact Test***

The Council agree that office development should be removed from the impact test (as reflected in Paragraph 90 of the draft revised NPPF), due to the lack of an accepted method for assessing office impact. However, office development should still remain subject to the sequential test.

**Question 18: Do you have any other comments on the text of Chapter 7?**

**Response:** Yes, in relation to the issues of:

- whether national retail policy remains fit for purpose;
- the role and function of Primary Shopping Areas: and
- the need for national guidance on the preparation of retail and leisure assessments.

***Response: Does National Retail Policy Remain Fit for Purpose?***

The recent 'Joint Retail and Commercial Leisure Study' for North Dorset, West Dorset and Weymouth & Portland indicates that the retail sector has experienced unprecedented changes over the last decade and that further change is set to continue at an unparalleled rate. The economic downturn, the growth in internet shopping and the continued demand for out-of-centre shopping has resulted in national retailers reviewing and rapidly adapting their business strategies, requirements and store formats to keep pace with the dynamic changes in the sector and consumer demand.

The Council fears that medium-sized towns, such as those in Dorset, that occupy the 'middle ground' are increasingly being squeezed by the dynamic shifts in retailer demand and investment. Historically, such towns have had a reasonably large comparison shopping function, but this is beginning to shrink back because the demand from multiples is slowing and the space offered is often of the wrong size and configuration, and in the wrong location to meet today's retailer requirements. The challenge for local planning authorities will therefore be how to revitalise and regenerate these centres, looking beyond retail as a key driver for growth.

With this in mind, it is considered that the Government should undertake a national review of retail trends to inform a radical new approach to national retail policy, which is increasingly becoming out-of-date. For example, within the Dorset Councils Partnership area, there will be a need to build in resilience to the changes in shopping habits, which are likely to move away from solely being retail-led locations to those which offer a wider range of

retail, leisure, cultural and other amenities. This is to encourage increased dwell times and to create more purpose in frequenting centres.

***Response: Primary Shopping Areas***

Paragraph 87 of the draft revised NPPF should include specific reference to the role and function of Primary Shopping Areas through the application of the sequential test of retail development reflecting the glossary of terms for 'town centres' and 'edge of centres'. The direction of retail development towards primary shopping areas is a regularly used approach in the assessment of retail planning applications and if national policy was more explicit, it would be helpful in decision making and for the wider public who may not read the glossary.

***Response: Planning Practice Guidance***

Retail planners are routinely relying on (the cancelled) Planning Policy Statement 4: Planning for Sustainable Economic Growth and its companion guide in the preparation of retail and leisure assessments to clarify key retail terms not defined in the current NPPF's glossary or in national planning practice guidance. The planning practice guidance should be expanded to provide guidance on the preparation of retail and leisure assessments and to define commonly used terms including: district centre; local centre; small parade of shops; convenience goods; and comparison goods.

## **Chapter 8: Promoting healthy and safe communities**

**Question 19: Do you have any comments on the new policies in Chapter 8 that have not already been consulted?**

**Response:** The aim of achieving healthy places which enable and support healthy lifestyles, including access to healthier food, is supported. However, national policy should also recognise that it may also be appropriate to restrict access to less healthy foods (such as A5 hot food takeaways).

**Question 20: Do you have any other comments the text of Chapter 8?**

**Response:** It is felt that a stronger emphasis of the role of the planning system in tackling obesity (particularly childhood obesity) through restricting access to less healthy foods (such as A5 hot food takeaways) would be helpful.

## **Chapter 9: Promoting sustainable transport**

**Question 21: Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?**

**Response:** It is concerning that (as set out in para 109) only a 'severe' road safety issue would be a reason for refusing a planning application. The approach seems to suggest that a worsening of road safety would be an acceptable consequence of development, which should not be the case.

It would be useful if the degree of severity of residual cumulative impacts could be qualified with examples or further explanation in the glossary.

**Question 22: Do you agree with the policy change that recognises the importance of general aviation facilities?**

**Response:** No comment

**Question 23: Do you have any other comments on the text of Chapter 9?**

**Response:** No comment

## **Chapter 10: Supporting high quality communications**

**Question 24: Do you have any comments on the text of Chapter 10?**

**Response:** No comment

## **Chapter 11: Making Effective Use of Land**

**Question 25: Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?**

**Response:** The Council is broadly supportive of the proposed approach in respect of under-utilised land. However, it has concerns regarding the approach to reallocating land for other uses and making it easier to convert land which is in existing use.

Paragraph 120 concerns reallocating land for other uses. It outlines that 'Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:' it should (a) reallocate the land for a more deliverable use (or, if appropriate,



deallocate a site which is undeveloped); and (b) in the interim, prior to reviewing the plan, it should support applications for alternative uses on the land where the proposed use would contribute to meeting an unmet need for development in the area.'

The likelihood of an application coming forward for a particular use is often dependent on the intentions of the landowner. For example, in North Dorset there is an area of land allocated for employment use which is currently owned by a national housebuilder. Although the land is ideally suited for employment uses, and it is the only employment allocation at this particular main town within the District, the landowner has no intention of submitting an application for employment uses.

Consequently, it is considered that the first part of paragraph 120 should be amended as follows: 'Where the local planning authority considers there to be no reasonable prospect of an application that the land could be developed coming forward for the use allocated in a plan:'

With regards to paragraph 121, and in particular part (a), which concerns converting land which is in existing use, it is considered that an unintended consequence of the proposed changes is that it could result in the loss of important areas of retail and employment land. This could have significant implications in terms of the vitality and viability of town centres and it could also undermine key economic sectors or sites. Therefore, it is considered that stronger safeguards need to be put in place to prevent the loss of retail and employment land. Consequently, the wording of part (a) of paragraph 121 should be amended so that it also refers to the fact that retail and employment land should only be lost if it can be demonstrated, through detailed marketing evidence (covering a minimum period of 12 months), that there is no demand for the existing use(s).

**Question 26: Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?**

**Response:** The Council agrees that it is important to optimise the use of previously developed and well situated sites in the most sustainable locations, but building at high density can have negative impacts on the character and appearance of areas, as well as on local infrastructure. Open space within developments is also important to local character, amenity and recreation and this needs to be recognised. Therefore, any change in national policy should retain flexibility to reflect local circumstances.

It is considered that paragraph 124a of the revised draft NPPF, which refers to the use of minimum density standards for city and town centres and other locations that are well served by public transport, is currently inflexible as it sets out that the minimum standards should 'seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;'. As a result, based on the revised draft NPPF a significant uplift in density would be allowed in town centres and other locations well served by public transport, within the Council's administrative area, unless the Council is able to demonstrate and evidence strong reasons why this would be inappropriate.

Finally, no information is provided regarding what could be considered a 'strong reason'. Therefore, if the Government does not change the wording of paragraph 124a to make it more flexible as suggested above, it should clarify what is meant by 'strong reasons' by providing examples of what it considers would constitute 'strong reasons'.

**Question 27: Do you have any other comments on the text of Chapter 11?**

**Response:** No comment

## **Chapter 12: Achieving Well-designed Places**

**Question 28: Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?**

**Response:** Paragraph 124 of the draft revised NPPF sets out the expectation that 'design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics.' In terms of a local planning authority producing a local plan, the draft revised NPPF should provide more detail regarding what local planning authorities should do to meet this expectation. E.g. What level of engagement should take place with local communities? How should this engagement take place?

**Question 29: Do you have any other comments on the text of Chapter 12?**

**Response:** The suggestion, in paragraph 129, that design should not be a valid reason to object to development where it accords with the design expectations set out in a statutory plan has some merit, but may be difficult to operate in practice unless the design expectations were very prescriptive.

## **Chapter 13: Protecting the Green Belt**

**Question 30: Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?**

**Response:** National policy seeks to protect the Green Belt from inappropriate development, including the construction of new buildings, subject to certain exceptions. In the draft revised NPPF the list of exceptions has been amended so that affordable housing developments on brownfield land, which would not cause substantial harm to openness and would meet an identified local need, would not be considered inappropriate development. This is a change to the previous proposal, which referred to starter homes only.

This proposal is welcomed as it should better enable communities in Green Belts to meet their local affordable housing needs.

**Question 31: Do you have any other comments on the text of Chapter 13?**

**Response:** Once a Green Belt has been established, current national policy indicates that it should only be amended in exceptional circumstances. When local plans are reviewed one way of meeting future housing need can be to amend the Green Belt boundary, often on the edge of large conurbations, to accommodate housing growth. Such boundary reviews have been undertaken recently in parts of South East Dorset to accommodate housing growth, most notably in the adopted Christchurch and East Dorset Local Plan and in the review of the Poole Local Plan, which is currently at examination.

The draft revised NPPF appears to tighten current national policy to make it more difficult to justify the amendment of Green Belt boundaries. It states that before a local planning authority concludes that 'exceptional circumstances' justify the amendment of Green Belt boundaries, it should have examined fully all other reasonable options for meeting its identified need for development. 'Reasonable options' include consideration of: whether as much use as possible is being made of suitable brownfield sites and underutilised land; whether the density of development in urban areas has been maximised; and whether there is any potential for neighbouring authorities to meet any unmet housing needs, which should be established through a Duty to Co-operate statement of common ground.

The draft revised NPPF indicates that when 'exceptional circumstances' to amend Green Belt boundaries can be demonstrated, local plans should firstly consider releasing brownfield land and / or land which is well-served by public transport, whilst also considering offsetting measures to improve the environmental quality and accessibility of remaining Green Belt land.

Although the need to promote sustainable patterns of development is a matter that the draft revised NPPF says should still be taken into account, this seems to be a less important consideration, in the light of draft revisions to national policy which effectively make the spatial option of amending Green Belt boundaries a 'last resort'.

If this proposed change to national policy has the effect of directing development to locations beyond outer Green Belt boundaries, rather than to sites on the edge of major conurbations, there may be adverse effects. Housing sites beyond Green Belts may be less sustainable both in terms of the facilities to serve them and in terms of transport links. They may also be less attractive to developers, particularly if they are in areas of lower housing demand. This is certainly the case in Dorset, where locations beyond the outer boundary of the South East Dorset Green Belt, such as Blandford Forum, Wool and Crossways, are less sustainable and have lower housing demand than locations on the edges of the Bournemouth / Poole conurbation.

Revised national policy should not effectively make the approach of amending Green Belt boundaries to accommodate growth a 'last resort'. A more balanced approach is required in relation to the amendment of Green Belt boundaries through the revision of local plans, where the promotion of sustainable patterns of development and the deliverability of housing should be more important considerations.

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

**Question 32: Do you have any comments on the text of Chapter 14: Meeting the challenge of climate change, flooding and coastal change?**

**Response:** The section of the current NPPF on climate change, flooding and coastal change has been extensively re-ordered, but there are few changes to the content. It makes clear that planning policies should support measures to ensure the future resilience of communities and infrastructure to climate change. It also incorporates a Written Ministerial Statement which indicates that proposals for wind energy developments would only be acceptable if they are in an area identified as being suitable in a development plan and if,

following consultation with the local community, the scheme has their backing. Other changes relate to how national policy on flooding should be applied setting out that regard should be had to the cumulative impacts of flood risk in decision-making.

The incorporation of the Written Ministerial Statement on wind energy developments into the NPPF, which should ensure that any such scheme has the backing of the local community affected by it, is welcomed.

**Question 33: Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from building?**

**Response:** Paragraph 149b states that any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. This is set out in national practice guidance and allows a very limited range of (nationally prescribed) higher standards to be set locally, if justified by local evidence.

The Clean Growth Strategy sets out the Government's ambition to reduce emissions from both commercial and residential buildings. It intends to do this by strengthening energy performance standards for commercial buildings and homes through Building Regulations and will consult on this once the current independent review of Building Regulations and fire safety has reported.

Further amendment to Paragraph 149b of the draft revised NPPF is not required, since it is likely that the Government's ambition to reduce emissions from buildings will be delivered primarily through Building Regulations, rather than through planning policy.

## **Chapter 15: Conserving and enhancing the natural environment**

**Question 34: Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?**

**Response:** The draft revised NPPF proposes a higher level of protection for irreplaceable habitats, including ancient woodlands and veteran trees on ancient woodland sites. Previously national policy sought to resist development affecting such sites, unless the need for, and benefits of, the

development clearly outweighed the loss. It is now proposed to resist development on such sites unless there are wholly exceptional reasons and a suitable mitigation strategy exists.

This proposal is welcomed as it would give greater protection to irreplaceable habitats, including ancient woodlands and veteran trees on ancient woodland sites.

**Question 35: Do you have any other comments on the text of Chapter 15?**

**Response:** Yes, in relation to three issues, which are:

- Development, including major development, within AONBs;
- Development affecting the setting of AONBs;
- Development, including major development, within Heritage Coasts.

***Response: Development within AONBs***

The draft revised NPPF includes new text stating that ‘the scale and extent of development within’ AONBs (and National Parks) should be limited. The text indicating that major development should only be permitted within AONBs in exceptional circumstances and where it can be demonstrated to be in the public interest, has been retained. The glossary also includes, for the first time, a definition of major development, which is the standard development management definition (i.e. 10 or more homes, or sites of 0.5 hectares or more etc.).

As a result of the current NPPF not including a definition of ‘major development’, it has been established through case law that within AONBs, the phrase does not have the standard development management meaning. Instead case law establishes that the meaning of ‘major development’ within AONBs is a ‘matter of planning judgement’, which should be based on the ‘natural meaning in the English language’ of ‘major’, which is ‘not one that is precise’.

In practice, this means that local planning authorities have to make a judgement whether any development proposed in an AONB is ‘major’ and that judgement is likely to be heavily influenced by the context. For example, it might be appropriate to judge that a scheme for 50 dwellings on the edge of a town in an AONB was not major development, but it might be appropriate to judge that a similar scheme adjacent to a small village in the AONB was major development, due to the impacts in that location.

As a result of the proposed change, it appears that ‘major development’ within AONBs would mean all sites of 10 or more homes, or sites of 0.5 hectares or

more etc. This change, together with the inclusion of the statement that the scale and extent of development within AONBs should be limited, seems to suggest a tightening up of policy in relation to development within AONBs, but this is not entirely clear.

The Government needs to clarify whether the proposed changes to the NPPF mean that 'major development' within AONBs means sites of 10 or more homes, or sites of 0.5 hectares or more etc. or whether the meaning established in current case law should continue to be used.

National guidance is required on how the statement that 'the scale and extent of development within AONBs should be limited', should be applied. Firstly, this could be interpreted as meaning that the scale and extent of development should be limited to that which would not harm the landscape and scenic beauty of the AONB. Secondly, it could be interpreted to have a stricter meaning (i.e. that the scale and extent of development should be limited as a general principle, irrespective of the implications for the landscape and scenic beauty of the AONB). Thirdly, it could be interpreted as an introductory sentence to the subsequent text relating to major development (i.e. that national policy on major development effectively limits the scale and extent of development in AONBs). Clarification on this key point is required.

***Response: Development Affecting the Setting of AONBs***

Paragraph 113 of the current NPPF states that local planning authorities should set criteria-based policies against which proposals for any development 'on or affecting' protected landscape areas will be judged. This paragraph provides a national policy basis for seeking to protect the setting of AONBs in local plans. However, it is omitted from the draft revised NPPF.

The draft revised NPPF should be amended to retain the national policy basis for the protection of the setting of AONBs.

***Response: Development within Heritage Coasts***

The draft revised NPPF provides clearer policy guidance on how proposals for development within heritage coasts should be assessed. It states 'within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 170), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character'. This proposed change to national policy is supported.

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

**Question 36: Do you have any comments on the text of Chapter 16?**

**Response:** No. The approach to conserving and enhancing the historic environment is unchanged apart from minor amendments to improve clarity and some additional text to explain the importance of World Heritage Sites.

## **Chapter 17: Facilitating the sustainable use of minerals**

**Question 37: Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this chapter?**

**Response:** No comment

**Question 38: Do you think that planning policy in minerals would be better contained in a separate document?**

**Response:** No comment

**Question 39: Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?**

**Response:** No comment

## **Transitional arrangements and consequential changes**

**Question 40: Do you agree with the proposed transitional arrangements?**

**Response:** The transitional arrangements are set out in Annex 1 of the draft revised NPPF and deal with:

- How the new NPPF should be taken into account in local plans at or close to examination; and
- How the Housing Delivery Test will be applied initially in years 2018 to 2020 before taking full effect.

Any local plan submitted within six months of the final publication of the revised NPPF will not be required to take it into account during the subsequent examination. This arrangement is welcomed although it is unlikely to apply in West Dorset / Weymouth & Portland on the assumption that the



revised NPPF is published in summer 2018. In any event the joint local plan review is being prepared to take account of the draft NPPF.

Once the Housing Delivery Test takes full effect, the presumption in favour of sustainable development will be engaged if the delivery of housing falls below 75% of a local planning authority's housing requirement over the previous three years. However, for the first two years of operation 'the presumption' will only be engaged if the delivery of housing falls below 25% of the requirement as calculated in November 2018 and 45% of the requirement as calculated in November 2019. This arrangement is welcomed as it will give local planning authorities time to adjust to the new test.

**Question 41: Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?**

**Response:** No. The Planning Policy for Traveller Sites changed the definition of Travellers, resulting in a need for new accommodation need assessments to be carried out across the country. The need to do this work inevitably delayed the taking forward of planning policy at the district level for the provision and allocation of sites. It would be more helpful to leave national policy unchanged to avoid the need for further assessments, undermining the work currently being undertaken at the district level to allocate sites.

**Question 42: Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?**

**Response:** No comment

## **Glossary**

**Question 43: Do you have any comments on the glossary?**

**Response:** Yes. Starter homes should be excluded from the definition of affordable housing for two main reasons.

Firstly, starter homes only remain as affordable housing for a limited period of time, after which they can be sold, effectively becoming open market homes. This is different to most other forms of affordable housing which either remain as affordable, or if sold, have any grant-funding or the capital recycled.

Secondly, if defined as affordable housing, starter homes (where eligibility to purchase is having a household income of £80,000 or less), could potentially be proposed on rural (or entry level) exception sites. In rural areas, it is very unlikely that such homes would address local housing needs, as households with that level of income would be able to participate in the local housing market. Consequently, rural (or entry level) exception sites including starter homes are unlikely to be supported by local communities.