

**Appendix i : : Proposed SBC response to Levelling-up and Regeneration Bill: reforms to national planning policy**

	<b>NPPF consultation question</b>	<b>Proposed Council response</b>
1.	Do you agree that local planning authorities should not have to continually demonstrate a deliverable five- year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than five years old?	<p>Agree.</p> <p>Housing delivery is complex and subject to a number of factors, many of which are beyond the control of the Council. The requirement to demonstrate a continual 5 year supply undermines a plan-led system, especially where plans are not ou-of-date. The proposed approach allows local plans to be delivered without the distraction of speculative development pressures, particularly in areas with difficult market conditions or where significant and early infrastructure delivery is needed. Local plans should not be undermined where there is a change in circumstances because this is beyond the control of the council.</p>
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)?	<p>Agree.</p> <p>The inclusion of a buffer further exacerbates a problem that is beyond the LPAs control. Councils should be better supported to deliver housing rather than penalised when unforeseen circumstances result in delivery below expected levels. Root cause and analysis of under- delivery should be explored before penalties are put in place.</p>
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?	<p>Yes, any approach for calculating 5YHLS should be able to take oversupply into account. Similarly, undersupply should also be considered over the plan period as there can be complex reasons for this. It would need to be set out clearly in local plan examination documents, explaining and justifying the housing trajectory with some flexibility to protect against changes in circumstances.</p>
4.	What should any planning guidance dealing with oversupply and undersupply say?	<p>Any guidance should ask LPAs to set out their vision for delivery of homes and the infrastructure required and ensure enough flexibility and/ or evidence to give confidence this can be achieved. It should be clear where oversupply or undersupply will be taken into account and how and why.</p> <p>Where no up-to-date plan is in place, penalties related to housing delivery can exacerbate delays to plan making because it dilutes the (political) incentive and diverts resources into other areas of work.</p>
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?	<p>Support consistency between neighbourhood plans and local plans. NP bodies should not have their plans undermined when they are up-to-date.</p> <p>Explore possibilities of extending the 5 year period given how long NPs take to deliver (from start to finish). This would avoid NPs being trumped by new LPs within a short timeframe.</p>

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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?	<p>Agree, but use of “sufficient” is too open to interpretation. Guidance on how to determine “sufficient” should be provided to ensure lengthy and expensive debates between LPAs and developers does not take place at the expense of housing delivery.</p> <p>Delete “can” and replace with “to provide”. “can” and “sufficient” waters down the last sentence.</p> <p>However, given the chronic shortage of housing supply nationally, the Framework should introduce policies to support a national plan and a strategic regional layer of planning.</p> <p>More details about how the government would support local planning authorities would also be welcomed.</p>
7.	What are your views on the implications these changes may have on plan-making and housing supply?	<p>Aligns the weight of a neighbourhood plan with a local plan, this is appropriate and proportionate and gives neighbourhood plans a chance to take control of delivering their own housing without being penalised if there is an out-of-date local plan for the wider area. This could encourage more local areas to prepare neighbourhood plans. Will not speed up or streamline. Not enough detail, too many unanswered questions. The removal of a buffer is supported as market absorption rates and viability issues determine delivery, not number of dwellings with planning permission.</p>
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?	<p>Yes.</p> <p>Set out the criteria, e.g. % of borough constrained (high-level constraints), settlement pattern and infrastructure constraints are critical factors to the character of an area and are under threat where housing delivery would result in these being further compromised.</p>
9.	Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?	<p>No, national Green Belt policy needs a full root and branch review. Where development is constrained in GB authorities, the development pressure usually filters out towards other areas that are then compromised, usually with just as much constraint. Much of the GB is in sustainable locations, particularly at the edges of London. Ideally, a national plan and strategic level regional planning would be introduced to address the housing shortage whilst delivering sustainable communities with the right range and quantum of supporting infrastructure and facilities.</p>

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		Past over-supply should only be taken into account where it falls within the current plan period.
10.	Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?	<p>LPAs would need to provide character and density assessment and should also provide information on natural and open space because intensification should not be allowed at the expense of open space. This is because the demand for open space will increase as a result of higher density development. There should also be evidence that the land available can accommodate infrastructure requirements. Higher density should not be at the expense of good place making.</p> <p>A national plan and strategic planning at the regional level would be a better way to deliver the homes needed. These would provide a strategic response to the housing crisis with settlements large enough to deliver all of the infrastructure needed and genuine placemaking and beauty.</p>
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?	<p>Local plan strategies SHOULD be justified and if this test is to be replaced. The need to justify is part of wider place making and explaining the ‘story’ for the development strategy and the proposed allocations for all uses.</p> <p>To remove the requirement is contradictory for good place making and is unfair on local communities who will want and need to understand that development strategies are justified.</p> <p>Anomaly to remove the requirement for adequate and proportional evidence.</p>
12.	Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?	Yes, they have been prepared with the current version of the NPPF in mind.
13.	Do you agree that we should make a change to the Framework on the application of the urban uplift?	<p>Different approach is needed as 30% uplift is arbitrary. Creates significant concern around what happens to any unmet need, particularly in light of NO review of GB.</p> <p>Unrealistic targets undermine and can result in poor urban environments because it supports speculative development and turns planning into a ‘numbers game’. Such significant uplifts require time to develop and undermines a plan-led system.</p>

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14.	What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?	Uplift does not apply to Swale or neighbours but does apply to London fringe authorities such as Bexley and Bromley. There needs to be a full review of national Green Belt policy and a national plan and strategic planning at regional level for addressing unmet needs.
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?	Does not apply to Swale or immediate neighbours. See response to q.14
16.	Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?	Yes. Over-supply should be taken into account but clear guidelines should be provided around the timescales local planning authorities can use to take this into consideration.
17.	Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?	Yes because it reflects the realities of the situation and LPAs should have the tools needed to deal with this asap. It means emerging local plans once adopted, will be consistent with the new NPPF and therefore more robust.
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?	Protection from speculative development supports a plan-led system and should be supported.
19.	Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?	No, it should be 100% - obligations are obligations! 100% figure is better aligned with proposals to remove buffers for the same purposes.
20.	Do you have views on a robust method for counting deliverable homes permissioned for these purposes?	A robust method will ensure consistent approach and negate the need for arguments between LPAs and developers. This should include ensuring no double counting. For the purposes of determining the % switch off figure, there should be no requirement to determine how 'deliverable' these permissioned homes are. This is against the spirit of

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		this proposal and will be resource intensive for LPAs and developers seeking to secure speculative development proposals. A more straightforward approach would be to remove duplicate applications and to apply a % reduction for lapsed permissions.
21.	What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?	HDT scores should use the figures in the adopted local plan, even if a plan is over 5 years old. Plans are made in good faith and the agreements at the time of adoption are that there are enough sites to meet the housing need figure in the local plan. Focus needs to be on root causes of under-delivery.
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?	<p>Agree. The needs for this tenure is most acute and as a housing product, needs to be fully integrated with wider development to ensure delivery of good placemaking.</p> <p>First Homes as an ‘affordable housing’ product should be reviewed because delivery issues in Swale are demonstrating that the national requirement of 25% of all “affordable housing” is to be First Homes is unviable and impacts negatively on the delivery of other affordable housing products.</p> <p>Robust and well evidenced policies that are based on full assessed need and placemaking/ design policies to ensure developments are ‘tenure blind’ are needed.</p>
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, but guidance should also be given in relation to how this can be delivered, i.e. in what circumstances allocations not suitable for open market housing could be suitable for specialist older people’s housing. Guidance needs to be provided to justify location and related to level of care. There are differentials between the needs of older people’s housing that impact their locational/ sustainability needs. Many of the specific housing needs of older people could be met if building standards to ‘lifetime homes’ was in place.
24.	Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?	<p>Need to find a way to give SME the flexibility they need without having to engage in the LP process – this does not work for their business model.</p> <p>Definition of SME would provide clarity in monitoring the effectiveness of delivery of small sites by this sector.</p>
25.	How, if at all, do you think the policy could be strengthened to encourage greater use of small sites,	The policy does not need to be strengthened to encourage greater use of small sites. Challenges associates with small site delivery relates to access, land contamination and viability in Swale.

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	especially those that will deliver high levels of affordable housing?	
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?	Affordable housing for rent from organisations that are not Registered Providers should be a separate class because of the need for regulation in this sector.
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?	Difficulties in bringing sites forward is related to site costs/ viability and not policy.
28.	Is there anything else that you think would help community groups in delivering affordable housing on exception sites?	Government funds should be made available to support community groups to purchase land and develop sites.
29.	Is there anything else national planning policy could do to support community-led developments?	Great policy support for identification and allocations of these sites but funding to purchase and deliver sites is the main issue
30.	Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making?	No.
31.	Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?	No, there are other ways to address slow build out rates e.g. expiry dates for planning permission.
32.	Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?	Proposed measures take away flexibility that is usually needed. Use of Statements of Common Ground would support greater collaboration and are more likely to support delivery going forward.  Proposals are unworkable and unhelpful, and have the potentially to disproportionately penalise SMEs.
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?	Agree and additional resources should be made available to support local planning authorities to achieve this.

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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.
35.	Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?	Unlikely to deliver greater compliance of conditions and is an issue of good practice. Design details set out in a planning permission are important but unlikely to be pertinent to the acceptability of the proposal. Enforcement action would seek to regularise what was there rather than insist on compliance with original drawings. Time consuming, resource intensive and could require lpas to take disproportionate action. The starting point of action is whether lpas can work with developers to regularise the issues and as such any action needs to be proportionate to the extent of the breach.
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?	Unnecessary as any airspace proposals would already need to take into consideration surrounding character and be of good design.
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?	BNG will be challenging to deliver and could be cover as part of the design code for an area.
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?	Food security often raised as an issue in consultations that would see the loss of agricultural land. Nation policy should simply to commit to preserving BMV agricultural land, giving it the same status as other high level constraints and designations in the NPPF.
39.	What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable	Benchmark assessment needed in the first instance and then aim is for betterment through the proposals put forwards.

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	carbon demand created from plan-making and planning decisions?	
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?	A national plan and strategic planning at a regional level would support a pattern of growth in fewer locations but of a more significant scale so that this is identified and agreed at the outset and delivered accordingly.
41.	Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?	Unsure as this is likely to be difficult to enforce through planning mechanisms
42.	Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?	This is what happens in practice already and the proposals are supported.
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?	Not clear what the changes proposed are to footnote 54 as looks the same in tracked version of NPPF.  Para 62 raises a considerable number of questions including how this would be done and by whom.
44.	Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?	Yes, but would obviously need to be weight up against harm, as already set out in the framework.
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?	Timeline should be extended by 6 months to allow some flex in the system for teething problems and address NDMPs and ensure no overlap, also taking into account LURB
46.	Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?	Yes, but it is likely more resources will be needed to deliver this. More detail should be provided.
47.	Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?	Yes, but more support needs to be made available for neighbourhood planning groups.



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48.	Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?	There should be enough flex in the system for LPAs to prepare and adopt supplementary plans and guidance as they see fit and meet the needs of their own areas, addressing local planning issues.
49.	Do you agree with the suggested scope and principles for guiding National Development Management Policies?	Topics quite broad. There needs to be consistency and the list SHOULD be exhaustive to provide the certainty needed. These NDMPs need to be robust yet flexible.
50.	What other principles, if any, do you believe should inform the scope of National Development Management Policies?	Residential space standards, air quality, heritage, ecology (including BNG but without reducing the ability of an area to increase the % minimum amount in response to local circumstances) and flood risk.
51.	Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?	No, consistency is needed. This goes too far as there is a need to be able to prepare local guidance where issues are a local concern
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.50
53.	What, if any, planning policies do you think could be included in a new framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?	A national plan and strategic planning at a regional level is essential to support the delivery of new homes and provide the jobs and infrastructure needed to support genuinely sustainable settlements.
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?	A national plan strategy with medium and long term growth so that growth is contained within the environmental capacity along the lines of the donut theory of economics.
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?	Not a policy issue – all the policies are already in place. It is a matter of viability and finance. Often grant-related funding relies on sites of significant size when smaller, more complex sites would deliver just as much betterment. Lower density suburban areas could possibly benefit more from “gentle densification” where it would result in the provision of additional services, facilities and infrastructure.
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?	Safety for all is needed and this should be addressed through good design standards. Police forces should be adequately resourced with the skill and expertise needed to work collaboratively with planning departments to ensure design delivers safe and inclusive environments.

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