

To all members of Planning & Highways Committee

Notice is hereby given and you are summoned to attend a meeting of the Planning and Highways Committee on Thursday 9th February 2023, at the School Green Centre, RG2 9EH, commencing 19.30



Bruce Winton
3rd February 2023

Members: Cllrs. N. Boyer, P. Emmet, A. Grimes, P. Jahromi, L. James, M Jones, D. Lias,
N Masseron, D. Peer (Chair), R Tatla

Agenda

1. Public Questions

- 1.1 To **RECEIVE** and **CONSIDER** public questions

2. Presentation from Harry Williamson, WBC Emergency Planning Manager

- 2.1 To **RECEIVE** and **CONSIDER** approval of apologies for absence

3. Apologies and declaration of members' interests

- 3.1 To **RECEIVE** and **CONSIDER** approval of apologies for absence
- 3.2 To **RECEIVE** members' declarations of interest

4. Minutes of the previous meeting

- 4.1 To **RECEIVE** and **APPROVE** the minutes of 12th January 2023 as a correct record of the meeting and to authorize the Chairman to sign the same *
- 4.2 To **CONSIDER** matters arising from the minutes

5. Schedule of Deposited Plans

- 5.1 Planning applications are being reviewed weekly. Plans deposited following the most recent Thursday planning email which require urgent attention will be forwarded as received

6. Appeals

- 6.1 To **RECEIVE** and **CONSIDER** planning inspectorate appeals relating to Shinfield Parish (<https://acp.planninginspectorate.gov.uk/CaseSearch.aspx>)
- 6.2 To **RECEIVE** and **CONSIDER** the results of the planning appeal in respect of land west of Kingfisher Grove*

7. Enforcement Notices

- 7.1 To **RECEIVE** and **NOTE** the Closed Enforcements table* (for information only)
- 7.2 To **RECEIVE** and **NOTE** the Outstanding Enforcements table* (for information only)
- 7.3 To **RECEIVE** and **NOTE** the information from Wokingham Borough Council on Enforcement Notices*

8. Highways, Street Lighting and Footpath Matters

- 8.1 To **RECEIVE** and **CONSIDER** a verbal update on Highways, Street Lighting and Footpath Matter
- 8.3 To **RECEIVE** and **CONSIDER** a further report from the Clerk on reducing the hours of operation of council street lighting**

9. National Planning Policy Consultation

- 9.1 To **RECEIVE** and **CONSIDER** the Council's response to the National Planning Policy Consultation*

10. Road Traffic

- 10.1 To **RECEIVE** and **CONSIDER** a verbal update regarding the Traffic Working Party including initial feedback from Traffic Consultation on Saturday 28th January

11. Correspondence

- 11.1 To **RECEIVE** and **CONSIDER** possible suitable locations for Gypsy and Travellers Sites*
- 11.2 To **RECEIVE** and **CONSIDER** the West Berkshire Council Local Plan Review*

12. Future Meetings

- 12.1 The next Planning & Highways Committee meeting will be
Thursday 9th March 2023

*** indicates papers attached**

**** indicates papers to follow**

Minutes of a meeting of
Planning & Highways Committee
Held on Thursday 12th January 2023
At School Green Centre commencing at 19.30

Present: Cllrs N Boyer, P Emmment, A Grimes, P Jahromi, L James, M Jones,
N Masseron, D Peer (Chair)

Attending: Bruce Winton (Clerk), Sally Herring (Deputy Clerk)

23/PC/1 Public Questions

- 1.1 No public questions had been received

23/PC/2 Apologies and declarations of Members' Interest

- 2.1 Apologies had been received from Cllrs Lias and Tatla
- 2.2 There were no declarations of members' interests.

23/PC/3 Minutes of the Previous Meeting

- 3.1 The minutes of the committee meeting of 1st December 2022 were approved as a correct record and signed as such by Cllr Peer.

Cllr Peer thanked Cllr Lias for deputising during her absence.

Proposed: Cllr Boyer
Seconded: Cllr Emmment
Approved: Unanimously

3.2 **Actions and Matters Arising**

22/PC/
106.5 Clerk to chase the University of Reading regarding the condition of Footpath 17 in relation to the narrowing of the entrance at the bottom part of the field and the barbwire fences on either side

The Clerk had written to Nigel Frankland at University of Reading on 19th November and NF had indicated he would look to have scalplings laid as an interim measure. The Clerk has since chased and will be seeing Mr Frankland on Friday 13th January on another matter and will follow up with him then.

CLlr James asked that the Clerk also follow with Mr Frankland regarding trees to be planted to the rear of the properties in Church Lane

ACTION – Clerk to follow up with Nigel Frankland

22/PC/
102.1 Clerk to contact John Russell regarding the travel plan for Crosfields School

The Clerk had been informed by John Russell at Motion that WBC had discharged the travel condition on Crosfields School. The detailed explanation was not available online via the planning portal and John Russell had asked WBC to provide him with a copy. As yet John Russell has been unable to obtain this.

ACTION – Clerk to have one last attempt at following up with John Russell

22/PC/
117.1 Clerk to respond to the application in support of the residents concerns regarding Planning Application 223897

The Clerk had written to WBC Planning Department on this subject

Clerk to arrange a meeting with Nigel Frankland to discuss the proposal from AWE regarding the relocation of the primary school to outside the DEPZ

The Clerk has written to Nigel Frankland to see if there have been any discussions with the University of Reading on this matter.

ACTION – Clerk to follow up with Nigel Frankland

22/PC/
118.2 Clerk to seek clarification regarding evacuation arrangements from the
DEPZ

The Clerk has written to Harry Williamson, Emergency Planning Manager for WBC asking what the arrangements are within WBC for any evacuation. Mr Williamson had responded to say he would be happy to meet to discuss arrangements further. The Clerk was asked to invite Mr Williamson to the next Planning & Highways meeting and to also include Cllr Montgomery.

ACTION – Clerk to arrange Mr Williamson’s attendance at the next Planning & Highways meeting

22/PC/
119.1 Closed Enforcement Notices

These had been circulated

22/PC/
119.2 Live Enforcement Notices

These had been circulated

22/PC/
119.3 Carney’s Yard Church Lane

Helen Maynard from WBC advised that a planning application had been submitted late in December. Cllrs reported that they appear to have increased the size of their plot and the doors were open for extended hours each day.

ACTION – Clerk to provide this additional information to Helen Maynard

22/PC/
120.1 Clerk to write to Taylor Wimpey regarding Health & Safety concerns in respect of Footpath 20

Jo Murphy from Taylor Wimpey has advised that she was not aware of any safety issues who would make a site visit and report back to the Clerk.

ACTION – Clerk to follow up with Taylor Wimpey

22/PC/
120.2 Street Lighting

This was on the agenda at Item 7.3

22/PC/
121.2 Traffic Working Party

This was on the agenda at Item 8.1

22/PC/
122.1 Clerk to write to Clarke Telecom regarding the positioning of the mast at Three Mile Cross

The Clerk had written to Clarke Telecom but in the meantime planning permission had been granted for the mast in their originally requested location

23/PC/4 Schedule of Deposited Plans

4.1 None Received

23/PC/5 Appeals

5.1 Planning Inspectorate Appeals

It was **NOTED** that there were 9 planning inspectorate appeals currently as “in progress” in the parish.

23/PC/6 Enforcement Update

6.1 Closed Enforcement Notices

The Clerk was asked to follow up with WBC as to the reasoning behind how enforcement notices are deemed to be closed.

ACTION – Clerk to write to WBC regarding how enforcement notices are deemed to be closed

6.2 Live Enforcement Notices

It was noted that the item designated as Pulleyn Transport was actually Carney’s

23/PC/7 Highways, Street Lighting and Footpath Matters

7.1 **Verbal Update on Highways, Street Lighting and Footpath Matters**

There was no update on this topic.

7.2 **Footpath on Fullbrook Avenue**

The footpath that ends on Fullbrook Avenue is incomplete. Taylor Wimpey had apparently offered to complete the footpath if WBC would cover a mutually agreed cost. WBC have declined this proposal.

It was felt that this should be referred to Borough Councillors to assist in finding a resolution.

The Clerk was asked to establish how much S106 funding had been received from work in the parish and how much of it had actually been spent on work in the parish (or was proposed to be spent)

ACTION – Clerk to ask WBC for information on CIL and S106 funds received by them in respect of developments within the parish.

7.3 **Street Lighting**

The Clerk apologised for not sending out a formal report for this meeting. He has been working on mapping all SPC streetlamps in order that they can be compared against WBC provision in the relevant areas as this might provide guidance on what the best approach would be. For example switching off SPC lights in an area where WBC remained on might be inappropriate.

The Clerk took members through a presentation on what streetlamps SPC had and where they were located.

The Clerk was asked to circulate the maps of streetlamps so that members had an opportunity to consider further before the next meeting.

ACTION – Clerk to circulate the streetlamp plans to committee members

ACTION – Clerk to add Street lamps to the next agenda

In discussions at last Highways Meeting, Martin Heath (WBC) had said that he was surprised WBC were not responsible for lighting on Hyde End Road.

ACTION – Clerk to ask Martin Heath if it was possible to take on the streetlamps on Hyde End Road.

23/PC/8

Road Traffic

8.1 Traffic Working Party

The intention had been to arrange a wider meeting including Swallowfield, but this had proven impossible before Christmas. The focus has therefore been on arranging a meeting with WBC Highways to share our thoughts with them.

This was now arranged for Wednesday 18th at 11.00 with Abdul Karim.

The Clerk was arranging to improve the quality of the imagery to be used at the consultation workshop, but this would be based on the latest iteration of the proposals.

ACTION – Clerk to feedback to Working Party meeting on 24th January

Cllr Jahromi left the meeting

23/PC/9

Correspondence

9.1 West Berkshire Council Local Plan Review

West Berkshire Council were reviewing their local plan and members were asked to consider what kind of input SPC should have to that process. There was strong agreement that there should be no new residential building within the DEPZ. Members were asked to review the proposals ahead of the February Meeting where it would be discussed further to allow a submission to be made before the end of the consultation period on 3 March.

ACTION – to be reviewed at next committee meeting

9.2 Wokingham Today article by Borough Councillor Ferris

Members were very interested in the content of this article and made reference to a letter sent by SPC to WBC in 2017 setting out the parish's infrastructure needs. It was proposed that the Clerk draft a letter from the Chairman of the committee to BCllr Ferris inviting him to visit the parish.

ACTION – Clerk to draft a letter from Cllr Peer

- 9.3 Email from Paul Fishwick to BCllr Frewin regarding car parking charges for School Green Car Park

It was **NOTED** that there was no intention of charging for School Green Car Park.

- 9.4 Wokingham Borough Council Call for Gypsy and Traveller Sites

It was agreed that members would be asked to consider sites within the parish that may be suitable for use as a Gypsy and Traveller Site

ACTION – Members to consider possible options for sites

- 9.5 Updates from Cllr Lias

Members NOTED the following update from the Clerk on behalf of Cllr Lias

Deer Leap Park

Area has been strimmed back and installation of playground begun
Footpaths North, South and East are under Taylor Wimpey and FP20 under WBC

Handover arrangements still to be determined

Coronation Garden will be re-established – To be determined at completion of junction work

No update on the junction works

Orchard Rise

ROSPA inspection of MUGA to be completed

Dobbies

The Dobbies redevelopment is now reportedly on hold for 2 years as another store is more in need

Nullis Farm

Cllr Lias had sent the Clerk a copy of the S106 agreement from 2014.

- 9.6 Proposed Diversion of Footpath 3

Members had no objection to the proposal to divert the Footpath as set out in the papers from WBC. This proposal had been discussed a year ago.

ACTION – Clerk to respond to the consultation accordingly

9.7 National Planning Policy consultation

Responses were due to the consultation by 5th March 2023. The Clerk was asked to include on the agenda for a full discussion at the February meeting. This would include considering whether we wished ET Planning to make a response on our behalf.

ACTION – Clerk to add National Planning Policy Consultation to the agenda for February

9.8 Beke Avenue Bus Gate

Members consider the response from Paul Fishwick, WBC regarding the reasons for the removal of the Bus gate proposed for Beke Avenue. Members felt that the response justified the decision on the basis of traffic modelling but did not take into account any of SPC's concerns regarding public safety.

The Clerk was asked to draft a response to this to come from the Chairman of Planning & Highways

ACTION – Clerk to draft a response on the justification for the removal of the bus gate

23/PC/10

Project Schedule

- 10.1 It was agreed that the various items on the project schedule were now completed, dormant or being considered elsewhere on the agenda. Therefore the Clerk was advised that there was no need to continue with this as an agenda item

ACTION – Clerk to remove Project Schedule as an agenda item

The meeting ended at 21.20

The next meeting is Thursday 9th February 2023

List of Actions TO BE COMPLETED

22/PC/106.5	Clerk to follow up provision of scalplings on Footpath 17 with Nigel Frankland from University of Reading	Clerk
22/PC/102.1	Clerk to have one last attempt with John Russell to confirm the reasons for the discharge of the travel condition on Crosfields School	Clerk
22/PC/117.1	Clerk to follow up with Nigel Frankland regarding the relocation of new primary school to outside DEPZ	Clerk
22/PC/118.2	Clerk to arrange Harry Williamson from WBC Emergency Planning to attend next Planning & Highways meeting	Clerk
22/PC/119.3	Clerk to provide additional information to Helen Maynard at WBC regarding Carney's yard	Clerk
22/PC/120.1	Clerk to follow up on the safety of Footpath 20 with Taylor Wimpey	Clerk
23/PC/6.1	Clerk to write to WBC regarding how enforcement notices are deemed to be closed	Clerk
23/PC/7.2	Clerk to ask WBC for information on CIL and S106 funds received by them in respect of developments within the parish	Clerk
23/PC/7.3a	Clerk to circulate streetlamp plan to committee members	Clerk
23/PC/7.3b	Streetlamps to be on agenda for next meeting	Clerk
23/PC/7.3c	Clerk to ask Martin Heath if it was possible for WBC to take on the streetlamps on Hyde End Road	Clerk
23/PC/8.1	Clerk to feedback on meeting with Abdul Karim, WBC to Traffic Working Party on 24 th January	Clerk
23/PC/9.1	Review of the West Berkshire Council Local Plan to be on next agenda	Clerk
23/PC/9.2	Clerk to draft letter from Cllr Peer to BCllr Ferris regarding article in Wokingham Today	Clerk

23/PC/9.4	Members asked to consider possible options for Gypsy and Travellers Sites for discussion at next meeting	Committee Members
23/PC/9.6	Clerk to respond to consultation on diversion of Footpath 3	Clerk
23/PC/9.7	Clerk to add National Planning Policy Consultation to the agenda for February meeting	Clerk
23/PC/9.8	Clerk to draft a response on the justification for the removal of the bus gate	Clerk
23/PC/10.1	Clerk to remove Project Schedule as an agenda item	Clerk



Appeal Decision

Inquiry held on 15-18, 22 and 24 November 2022

Site visit made on 17 November 2022

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2023

Appeal Ref: APP/X0360/W/22/3304042

Land west of Kingfisher Grove, Three Mile Cross, Reading, Berkshire, RG7 1LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by JPP Land Ltd against Wokingham Borough Council.
 - The application, Ref: 201002, is dated 23 April 2020.
 - The development proposed is an outline planning application for the proposed erection of 49 affordable dwellings, with new publicly accessible open space and access (access to be considered).
-

Decision

1. The appeal is allowed and planning permission is granted for outline planning application for the proposed erection of 49 affordable dwellings with new publicly accessible open space and access, at land west of Kingfisher Grove, Reading, RG7 1LZ in accordance with the terms of the application, Ref 201002, dated 23 April 2020, subject to the schedule of conditions in Annex A of this decision.

Preliminary Matters

Change of development description

2. Prior to the Council's decision, the appellant requested a change to the description of development, altering the number of proposed affordable homes. The original description of development was: "Outline application for the proposed erection of 49 dwellings, including 22 units of affordable housing, with new publicly accessible open space and access from Grazeley Road." Prior to the Inquiry, the appellant consulted interested parties on the intended description, with three submissions received, which I have taken into account together with all other correspondence. The Council agreed to the change.
3. Having considered this issue at the Case Management Conference held on 6 October 2022, I advised in the note of the proceedings that the change to the description of development does not raise any new issues, that it would not prejudice any party, and that sufficient consultation on the change has been undertaken. As such, it is reflected in the description of development in this decision.

Other matters and appeal background

4. The appeal is submitted in outline form will all matters except access reserved for more detailed consideration at a later time. Parameter plans were submitted which are incorporated in the conditions at Annex A.
5. The development plan for the area includes the Council's *Adopted Core Strategy Development Plan Document* (2010)¹ (the Core Strategy) and the *Adopted Managing Development Delivery Local Plan* (2014)² (MDD), together with the *Shinfield Parish Neighbourhood Plan* (2017)³ (the Neighbourhood Plan). The Council's Local Plan review is at an early stage and is subject to further consultation and revision. I therefore accord it only minimal weight in my decision.
6. In its statement of case, the Council stated that had it decided the application, it would have been refused for several reasons. Several of these inform the main issues set out below. Others are addressed by the completed and signed Planning Agreement (s106 Agreement)⁴, which was submitted during the Inquiry. A highways-based reason for refusal was latterly the subject of discussions between the appellant and the Council, during which the parties achieved common ground, and was not subject to examination at the Inquiry.

Main Issues

7. The main issues are:
 - Whether the proposed development can be safely accommodated with regard to the proximity of the Atomic Weapons Establishment (AWE) site at Burghfield;
 - The effect of the proposal on the landscape character and appearance of the area; and
 - Whether the proposed development would provide appropriate accessibility for future occupiers.

Reasons

AWE Burghfield site

8. The appeal site is around 2.8 kilometres to the east/northeast of the AWE Burghfield site, which is subject to the *Radiation (Emergency Preparedness and Public Information) Regulations 2019* (REPPIR)⁵. An urgent protective area (UPA) with a radius of around 3.16km has been established around the AWE site, and the appeal site is within this. The UPA is wholly within a detailed emergency planning zone (DEPZ), The *AWE Off-site Emergency Plan* (2022)⁶ (the REPPIR plan) has been established for the DEPZ by West Berkshire District Council (WBDC). Should an incident occur, Wokingham Borough Council would have a role in managing and executing any emergency response.

¹ CD 5.1.

² CD 5.3.

³ CD 5.5.

⁴ ID 07.

⁵ CD 11.20.

⁶ CD 11.5.

9. MDD Policy TB04 states that development will only be permitted when the applicant demonstrates that the increase in the number of people living, working, shopping and/or visiting the proposal can be safely accommodated having regard to the needs of “blue light” services and the emergency off-site plan for the AWE site. It was agreed at the Inquiry that blue light services includes emergency services, such as ambulances, that would be required for the operation of the REPPIR plan in the event of an AWE site incident. *National Planning Policy Framework* (2021) (the Framework) paragraph 95 suggests, amongst other considerations, that operational sites for defence and security purposes should not be affected adversely by the impact of other development.
10. The AWE Burghfield site has a role in maintaining national security that includes manufacture and disposal services. Despite the small risk of any accident occurring, emergency planning must be in place. One of the risks is a serious event in which radioactive material could be released into the atmosphere and which would most likely take the form of a plume that would be carried along the atmosphere according to wind direction, eventually dispersing. The type of activity taking place at AWE Burghfield means that any release of material would not be sustained, and thus any event would likely happen over hours or a small number of days.
11. Were an incident to occur, the most likely composition of a plume would be plutonium particulates. The type of activity carried out at the AWE Burghfield site together with the distance of the appeal site from the former means that although there are additional risks of different material release or various possible types of exposure, the greatest risk would be from inhalation. For example, larger particulates would be likely to drop from the atmosphere after being carried and settle on the ground before the plume were to pass over a 2.8km radius from the site.
12. The Council and the appellant agree that such a risk, or the risk of an incident occurring, is very small. The appellant carried out an exercise that considered potential risk factors of previously calculated event frequencies and the AWE Burghfield on-site fault sequences that could trigger an event, concluding that such an event could occur on a 1 in 10,000-year basis. The consideration of additional factors such as meteorological and wind conditions and adherence to the REPPIR plan reduces the risk of a person on the appeal site being harmed by such an incident to a single event in many more thousands or millions of years.
13. The REPPIR plan recommends sheltering within buildings during an event as the primary method of protection to human health. The barrier of a building (with closed doors and windows) would afford the greatest and most immediate and accessible type of protection in the event of the type described above. The REPPIR plan also sets out measures for potential evacuation either during or after the event, but it is unlikely that this would be required for the appeal site should the shelter-in-place recommendation be followed. The same low risk factors mean that the requirement to shelter would be over a short period of no more than two days.
14. The consideration of risk was relevant to the Secretary of State’s agreement to allow 115 dwellings at Boundary Hall⁷ close to the AWE Aldermaston site, which performs similar work to that of AWE Burghfield and is also covered by the

⁷ CD 6.8.

REPPIR plan. The minimum distance between Boundary Hall and AWE Aldermaston was agreed to be 740 metres. He concluded in that case that the “extremely remote possibility” of an incident did not outweigh the other factors that led to him allowing the application.

15. The Council’s duties under the REPPIR plan include the protection of the public and the organisation of emergency services. Its concerns are predominantly based on the ability of the plan to be carried out should the appeal development occur. Although only 49 properties and around 117 people, this would add to the number already within the DEPZ and UPA. The surroundings of the AWE site are predominantly rural, but other parts of the area have also been developed, and these include Burghfield Common, a larger residential settlement than Three Mile Cross, and Green Park, a mixed-use business area. These are to the west/southwest and north/northeast, respectively, of the AWE site. Although low in risk, I acknowledge that an incident would have a high impact as set out in the Crest Nicholson judgement⁸.
16. The unidirectional nature of wind means that if a plume was to occur then it would disperse in a singular direction. This would be dependent on specific weather conditions and wind speeds, which are factors that inform the low risk of a plume passing over the appeal site. The REPPIR plan sectorises the DEPZ radially from the AWE site. The plan seeks to prioritise assistance within the sectors over which the plume would pass. Although I heard at the Inquiry that blue light and other relevant services would be working at capacity should an event occur, these are planned to address all areas within the DEPZ. The settlements elsewhere within the area that are larger than those in the appeal site sector (or a sector area comprising the sector and its neighbouring sectors) are in different directions. Given that the plan has the capacity to cover an incident in those sector areas, and that service resources would be predominantly focused on only one sector area, I consider that the addition of the proposed dwellings on the appeal site would not compromise the delivery of the plan.
17. Other implications for the safety of appeal site residents were presented to the Inquiry, including responses from WBDC and other agencies. In particular, the safety of home care workers entering the DEPZ during an incident was in issue, and it was mentioned that the potential for affordable housing to accommodate those with home care meant that this could occur. The Council would not send staff into the DEPZ in an emergency without being confident that staff would not be at risk.
18. Based on the appellant’s modelling, were an incident to occur, a person at the appeal site who was not sheltering might be exposed to a radiation dose of 1.5 milliSieverts (mSv). Advice from the Health and Safety Executive categorises the risk impact of such a dose to “minor”⁹. By comparison, WBDC’s public advice¹⁰ provides example levels of 0.02 mSv from a single chest X-ray, 1 mSv as the average annual dose in the UK from naturally occurring radon in homes and 2 mSv as the average total annual dose in the UK from natural radiation sources, 8 mSv as the average annual dose from all sources of radiation in Cornwall, and 500 mSv as the threshold for nausea and reduction in white blood cells. 20 mSv is listed as the annual legal worker dose limit.

⁸ CD 7.4.

⁹ CD 11.12 (appendix 2).

¹⁰ CD 11.21.

19. The effective dose received by anyone within the zone within the conditions set out previously would therefore be low, and lessened if REPPIR advice is followed. Although fear of contamination may prevent workers from entering the DEPZ, this could be disproportionate to the actual risk. Even in the event of plume particles settling on the ground in the appeal site, the risk from a dose following an incident would be lower than those occurring from the alternative sources set out above.
20. Should the REPPIR shelter-in-place advice be followed by those in the DEPZ, road traffic levels are unlikely to be greater than normal and the ability of services to access the zone would not be adversely affected. The possibility of self-evacuation by those within the zone was also raised as a potential safety issue, but this is addressed within the REPPIR plan and discouraged through the dissemination of public information. Other safety barriers such as being elsewhere on the appeal site away from shelter, travelling into the DEPZ, or not having access to a telephone landline (in the event of a safety announcement) are partly covered within the REPPIR plan. Alternatively, they are situations in which sufficient time would be available between the incident occurring and the plume passing over the site for people to become aware of the situation and gain access to shelter or other safety.
21. I have been made aware of other appeal decisions in which siting within the DEPZ have been factors in their dismissal¹¹. In each of these cases the evidence was considered by way of written representations. The Inspector in the Diana Close appeal adopted a precautionary approach in the absence of detailed evidence. In comparison, the evidence presented to me in this appeal has been examined and tested. Given its bespoke circumstances, I do not consider that it would result in the creation of a precedent for allowing other development in the DEPZ that in any case must be assessed on its own merit.
22. I therefore conclude that the proposal would not present a barrier to the ability of blue light services to safely carry out their duties, and nor would it affect the Council's ability to execute and manage its obligations under the REPPIR plan. Furthermore, people living in or using the appeal site could be safely accommodated. Together, these considerations form the thrust of MDD Policy TB04 and, as such, I find no conflict with this policy. Additionally, the development would not adversely affect the continued operation of the AWE site, and there would be no conflict with the NPPF.

Landscape character and appearance

23. The site is to the west of the existing built-up area of Three Mile Cross, and to the east of the A33. Its sole road access is at its northernmost point, from the junction of Grazeley Road and Kingfisher Grove. The land slopes downward generally from a ridge close to the eastern boundary, and apart from a shed and some vehicles close to the entrance, is vacant, having been used for agriculture. It currently has a grassland appearance dotted with trees, particularly along ditches close to the western edge and on the southern portion of the site.
24. At least the southern part of the site is historically associated with a former stately home and this also adjoins an area of open grassland (known as a suitable alternative natural greenspace, or SANG, area). A footpath (known as

¹¹ CD 6.7, CD 6.20, CD 6.21.

a byway open to all traffic, or BOAT) runs along the length of the site's eastern boundary. Beyond this is the A33. I visited the site in late Autumn, when deciduous trees were not in leaf, and there was intervisibility between the site and the SANG and BOAT areas, although views were limited to glimpses. In both cases there were areas with no or very limited intervisibility due to vegetation, which would be exacerbated in the months when deciduous trees are in leaf. More distant views are gained beyond the A33 to the west, in which the uppermost part of the site is visible.

25. Of relevance to the consideration of landscape character are Core Strategy policies CP1, CP3 and CP11, which together seek sustainable development that maintains or enhances the high quality of the environment, has no detrimental impact on landscape features, and seeks to maintain development limits, amongst other considerations. MDD policies CC01, CC02, CC03 and TB21 are also relevant. These add the requirement to respect adopted development limits, green infrastructure and landscape character, amongst other considerations, with Neighbourhood Plan Policies 1 and 2 reflecting the boroughwide policies.
26. The Council has also referred to its *Wokingham Borough Landscape Character Assessment*¹² (2019) (the LCA), which characterises the borough into landscape zones sharing particular characteristics. The 'J3' categorisation into which the site falls identifies its undulating landscape of large fields, with changes to its character through settlement and urbanising influence of its proximity to Reading. Other relevant characteristics include remnant parkland and an intact hedgerow network. Issues for the area include pressure to develop the ridgelines and the encroachment of residential development changing the landscape character and increasing demand for associated infrastructure.
27. Although outside of the Council's defined development limit, the development would adjoin existing residential development within the limit. The proposed 49 homes would be concentrated in a group form running roughly parallel with the BOAT, with the remainder of the site as managed grassland to be used as open space.
28. The topography of the site as well as its surrounding vegetation limits unhindered views into the site. The site itself is in private ownership with restricted public access, and public views are therefore limited to the BOAT and the area around the Kingfisher Grove access, together with the SANG and areas beyond the A33 in which distant views are possible. Private views are possible from within the site itself and other surrounding land, such as the dwellings on Kingfisher Grove. New development would be visible to varying degrees in most of these views, but although direct views would be largely filtered by vegetation, viewers would be in no doubt that there were buildings on the site. This would be particularly noticeable in dynamic views in the context of a journey along the BOAT, in which (despite the existing heavy understorey of vegetation) they would appear closer and more distinct than existing development, and would periodically appear through vegetation gaps. I also that the verified views in the appellant's *Landscape and Visual Impact Assessment*¹³ (LIVIA) demonstrate that visibility of the proposal would be reduced over time as screening vegetation matures.

¹² CD 12.1A/B.

¹³ CD 1.6.

29. Viewers on MereOak Lane would notice buildings on the lower portion of the existing visible green swath of the site. This viewpoint is identified within the LIVIA as a low-value receptor and views from here are generally experienced in the context of a journey. Although building heights would be limited by the parameter plan and the line of the ridge would not be broken, there would still be visible signs of development. This is a form of urbanising development discouraged by the LCA.
30. Overall, despite the largely screened nature of the site, there would be a shift in some views from a rural to a partly suburban character. This would result in minor harm to the landscape character of the area.
31. However, there are measures within the proposal that seek to mitigate this harm. The area to be developed immediately adjoins existing development and enables retention of the green space in more than half of the site, allowing for open zones around its other edges in which structural planting would filter outside views. The development would also enable the green space around the proposed built-up zone to be maintained as a recreational parkland and biodiverse resource, together with the formal management of three identified veteran trees, of which at least one is at risk of failure without intervention.
32. Concern was expressed from various parties that the development would close the existing strategic gap between Three Mile Cross and Spencers Wood. I do not consider that this would be the case. The development would enable the retention of a substantial amount of green space between the settlements, including land both on the appeal site and the existing land outside. I saw that there was a significantly narrower gap between the settlements on Basingstoke Road where the provision of a relatively narrow strip of green space between built-up areas was sufficient separation to ensure retention of both settlements' identities. The lack of direct access between the site and Spencers Wood, together with there being no intervisibility of the proposed buildings to or from Spencers Wood, as well as the existing topography and the existing and proposed vegetation, would not exacerbate any physical or perceived coalescence of the settlements.
33. Despite the minor level of harm, there would nonetheless be harm to the landscape character of the area. This would conflict Core Strategy policies CP1, CP3 and CP11, MDD policies CC01, CC02, CC03 and TB21 and Neighbourhood Plan Policies 1 and 2, for the reasons set out above.

Accessibility

34. The Council's putative reason for refusal on this issue expresses a concern that as a development outside settlement limits, with perceived poor accessibility to local facilities and services, a lack of good public transport links and poor quality of the walking and cycling environment, it would not encourage a shift towards sustainable modes of transport. These themes are reflected in Core Strategy Policies CP1, CP2, CP3, CP6 and CP11, MDD Policies CC01 and CC02 and Policy 4 of the Shinfield Neighbourhood Plan.
35. Both the Council's and appellant's evidence referred to an 800-metre distance being an indicator of whether a neighbourhood is 'walkable', this being a comfortable ten-minute walking time for most people to be able to access a

range of services¹⁴. This is not an upper limit and I heard that there may be factors that influence people to consider a longer walking distance to acceptable, such as the physical quality of the walking route. The supporting text to Core Strategy Policy CP6 states that the borough has one of the highest car ownership rates of any English local authority, and thus, in accordance with this policy, local conditions should offer choices through the provision of sustainable forms of transport.

36. The closest facilities and services to the site are concentrated on Basingstoke Road in Three Mile Cross. These include convenience stores, leisure facilities, schools and a post office counter within a range of 800m to two kilometres (a 25-minute walk)¹⁵. Other facilities including a wider range of employment are further afield. The *Manual for Streets* (MfS) recognises that walking trips under 2km offer the greatest potential to replace short car trips and whilst the walking time to all these facilities would be longer than the comfortable 10-minute walking time, I acknowledge the possibility that people could be encouraged to walk greater distances if the range of services was appropriately enticing, as set out in a previous appeal decision¹⁶.
37. The main walking route between the site and the concentration of facilities and services on Basingstoke Road is along Grazeley Road. I saw that although the route is legible along its full length, in many places the footpath is narrower than the MfS suggested accessible width of two metres and also is not overlooked for a short length close to Kingfisher Grove. As indicators of route quality, the absence of an appropriate width and passive surveillance from dwellings along sections of the route result in a substandard walking experience. The alternative available walking route using Tabby Drive is longer and as such, Grazeley Road is more likely to be used. Additionally, the Tabby Drive route uses part of Grazeley Road and does not wholly avoid substandard sections. Although improvements to junctions along Grazeley Road are planned, these would not alleviate the substandard sections.
38. Beyond the aforementioned closest services, walking routes to other destinations such as local schools are variable, including areas with no passive surveillance or lighting. Such conditions would discourage users from walking longer distances.
39. Cycling options would be improved with the proposed paving of the section of BOAT north of Grazeley Road. This would offer a route to the employment centres beyond Three Mile Cross. Although there is a good range of facilities and services within a 20-minute cycling distance from the site, are other few dedicated cycling facilities or lanes within the vicinity of Three Mile Cross, thereby affecting the attractiveness of cycling as a realistic travel mode choice.
40. A bus service operates to Reading along Basingstoke Road on a good frequency, with services into the evening. However, the absence of a Sunday service would reduce the attractiveness of the proposed housing for those who would rely on public transport, as would the absence of convenient links to alternative destinations, such as the borough centre at Wokingham. Access to the bus stops would be along the Grazeley Road route which, given my

¹⁴ As set out in *Manual for Streets* section 4.4 (CD 12.3) and the *National Design Guide* (CD 12.21).

¹⁵ Distances are calculated from the approximate centre of the proposed residential component of the appeal site and are as set out in the parties' proofs of evidence.

¹⁶ CD 6.15.

considerations set out above, would affect the attractiveness of public transport as a transport mode choice.

41. In conclusion on this main issue, despite some positive components, accessibility to and from the site when considered as a whole, would be poor. As such, future occupiers of the proposed development would not benefit from appropriate accessibility and there would be conflict with Core Strategy Policies CP1, CP2, CP3, CP6 and CP11, MDD Policies CC01 and CC02 and Policy 4 of the Shinfield Neighbourhood Plan, for the reasons set out above.

Other Matters

Housing supply

42. It is agreed between the appellant and the Council that the latter is not able to demonstrate that it has a deliverable five-year housing land supply. There is disagreement on the scale of the shortfall, with the appellant and Council claiming a supply of 4.66 and 4.83 years, respectively. I heard evidence at the Inquiry as to the varying methods resulting in the different outcomes but consider the difference to be so small as to be of minimal relevance. In any case, the housing land supply shortfall is minor. Although other factors raised in the evidence include local affordability and the previous supply/delivery of homes against the housing need, I have no need to refer to these in detail.
43. The calculation variances result in annual housing need figures, with a 5% buffer applied, of about 806 (Council's figure) or 835 (appellant's figure) dwellings. The development would provide approximately 6% of the Council's annual supply of homes, which I consider to be a sizeable proportion. Although the Housing Delivery Test indicates that the Council has delivered more homes than its targets in recent years, there is nonetheless a shortfall in the future five-year supply.

Affordable housing

44. The development would wholly comprise affordable dwellings, with the tenure split agreed by the Council. The relevant Strategic Housing Market Assessment¹⁷ (SHMA) estimates the borough's per annum affordable housing need as 441 dwellings with the Council's more recent Local Housing Needs Assessment¹⁸ (LHNA) stating a requirement for 407 affordable dwellings per annum.
45. The recent delivery of affordable housing, of around 1,700 homes over the past five years, has been stronger in some years but delivery in most has fallen short of the per annum requirement. The Council considers that the likely delivery of dwellings over the next five years (estimated to be at least 1,249 homes) would meet the housing requirement for those on the local Housing Needs Register with the most acute need and that this would include meeting around 87% of the local need within Shinfield. The fact that the site's proximity to employment sources could result in a high local need but this is tempered by the Council's assertion that the types of jobs to be created would not be those that would appeal to those residing in affordable housing. Nonetheless there are links between the site and the wider employment catchment area incorporating Reading.

¹⁷ CD 10.2.

¹⁸ CD 10.3.

46. No targeted local affordable housing needs surveys have been undertaken in Shinfield, although local housing register demand is strong. I am reticent to the rely on this source as an indication of local affordable housing need, given the potential for 'double counting' in demand for Shinfield and neighbouring borough areas. Nonetheless the SHMA and LHNA indicate strong demand for affordable housing within the borough, and despite the expected forthcoming local delivery of dwellings, unmet demand will remain in Shinfield and the wider borough area.

Rural exception site

47. Core Strategy Policy CP9 refers to the provision of affordable housing on rural exception sites. These are sites outside development limits, and the policy enables the provision of affordable housing adjoining the limits in specific instances, where a need is demonstrated for residents, workers or other people with family connections within the Parish Council's area. A rural exception site is defined in the Framework as a small site used for affordable housing in a site that would not normally be used for housing, which seeks to address the needs of the local community.
48. The Framework does not define what constitutes a small site. At 5.82 hectares with a development area of 1.63ha providing 49 dwellings, there is disagreement between the appellant and the Council that this is a small site. Without a definition, this becomes a matter of planning judgement. In comparison with the Council's Local Housing need for 2020/21 of 789 homes, 49 homes represents about 6% of the Council's annual need, which as I noted above would represent sizeable proportion to the borough's housing supply and therefore not small in this sense. Elsewhere in the Core Strategy (at appendix 3) small sites are defined as those less than 1ha with up to 9 dwellings. Although this is not a direct comparison to the absence of a definition with regard to rural exception sites, the Council's intention in describing small sites in regard to housing delivery is clear. Taking all these matters into consideration, I do not consider the appeal site to be a rural exception site.

Biodiversity

49. Core Strategy Policy CP8 requires development which alone or in combination is likely to have a significant effect on the Thames Basin Heaths Special Protection Area (the SPA) to demonstrate that adequate measures to avoid and mitigate any potential impacts are delivered. Thresholds for mitigation requirements are set out in the accompanying text. As a development of fewer than 50 dwellings and one between five and seven kilometres of the SPA, mitigation is not required.
50. Implementation of the appeal scheme would result in biodiversity net gain of 114% for habitats, 11% for hedgerows and 35% for ditches. Further benefits would be gained from additional planting and habitat management over the longer term. Phase 1 and Phase 2 surveys have been undertaken to protected species, with evidence of dormice in the hedgerow boundaries. The site was also found to be of value to foraging and commuting bats, with trees on the site of potential value to roosting. Paragraph 180 of the Framework encourages avoidance of significant harm to biodiversity. Together with the implementation of the features that would result in biodiversity net gain and the creation of new invertebrate habitats, as well as the suitable management of the site, I am satisfied that the development would avoid significant harm.

Highways

51. Whilst the Council initially presented a putative reason for refusal relating to access to the site and its potential effects on highway safety, discussions between the appellant and Council prior to the Inquiry resolved matters of difference. A theme within the objections from interested parties was the potential effects of traffic congestion on the local road network resulting from the additional vehicle trips generated by the development. The junction of Grazeley Road and Basingstoke Road was identified as a particularly congested spot. Forthcoming improvements to the junction have already been resourced and from the evidence provided it appears that this junction will provide for increased traffic levels resulting from the various developments in and around Three Mile Cross.

S106 Agreement

52. The heads of terms of the s106 Agreement were agreed between the main parties prior to the Inquiry. Given that an obligation may constitute a reason for granting planning permission only if it meets the tests set out in Regulation 122 of the *Community Infrastructure Regulations 2010* and paragraph 57 of the Framework, it falls to me to reach a finding on its acceptability.
53. Provision for affordable housing comprising 70% social rented and 30% shared ownership tenures is incorporated, with a nomination agreement for prospective residents. This is an appropriate method for ensuring fair placement according to local need. The proposal complies with Core Strategy Policy CP5 in that it contributes to mixed and balanced developments within the borough, and I am satisfied that it would meet a need for such accommodation.
54. The development/employment skills contribution would take the form of either a plan or a monetary contribution. I recognise that the Council's preference is for a plan but acknowledge that the agreement offers suitable choice in the event of a housing provider managing the scheme in the future. Based on benchmarked values, the contribution or plan would target the Council's identified shortfall of skills training in the area local to the application site and is therefore necessary.
55. The proposed transport-related contributions of a 'My Journey' travel plan payment and a contribution for upgrading the surface of Woodcock Lane would promote sustainable travel choices and improve local access. I am satisfied that these are required to make the development acceptable.
56. Open space on the site would be made available for use by residents, and although the agreement contains various closure clauses I am content that these would only be used as necessary and for reasonable purposes. Management of the space is necessary, particularly in relation to the veteran trees and to comply with Core Strategy Policy CP2 and MDD Policy TB08 with regard to meeting the needs of residents and providing appropriate spaces for recreation.
57. Monitoring fees are specified within the agreement and I am satisfied that due to the nature of the development, particularly with regard to the level of affordable housing and open space proposed, their inclusion makes the development acceptable in planning terms.

58. The various sums within the obligation are necessary and justified and I am satisfied that the Council could rely on the document to secure the contributions. Moreover, I am content that the obligations meet the requirements of the statutory and acceptability tests.

Planning balance

Policy and Framework considerations

59. Framework paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11d suggests that where the policies which are the most important for determining an application are out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. There is no five-year housing land supply in Wokingham and therefore paragraph 11d is applicable to this appeal, and the policies that are the most important for determining this appeal are deemed to be out of date. I have no discretion within this purpose to consider whether specific policies are out of date. However, I must consider the weight to be given to policies including whether they are out of date in the context of the issues in this appeal.
60. Previous appeal decisions that have been brought to my attention¹⁹ have noted that in specific cases, although some of the Council's policies were considered to be out of date, the overall 'basket' of policies considered most important for determining the appeal was not out of date. In these cases, the Council was able to demonstrate that it had a suitable housing land supply at that time. This is not the case in this instance, where both the Council and the appellant agree that the 'tilted balance' is engaged. A further example²⁰ found the basket to be out of date in that specific instance, when the Council could not demonstrate a five-year housing land supply.
61. Core Strategy Policies CP1, CP2 and CP3 set the overall approach to sustainable and inclusive development in the borough and are broadly consistent with the Framework. Similarly, Policy CP6 which promotes sustainable travel choices and does not conflict with the Framework. These policies do conflict with the appeal proposal in terms of landscape and accessibility. My weighting on these issues is set out in the next section.
62. Policy CP5 sets the requirements for affordable housing provision by development scale and location but is not consistent with the Framework in that it seeks affordable housing on developments from five or more dwellings in urban areas, whereas paragraph 64 of the Framework states that provision should be sought only on such development of ten or more dwellings. However, there is no conflict with the appeal proposal and I have afforded only minimal weight to this consideration.
63. Core Strategy Policy CP7 requires conservation of biodiversity, veteran trees or features of the landscape that are important for flora and fauna, and MDD Policy TB21 requires proposals to address the requirements of the Council's Landscape Character Assessment, amongst other considerations. There are no conflicts with the Framework or the appeal scheme and thus no weight is allocated.

¹⁹ Including CDs 6.7 and 6.15.

²⁰ CD 6.1.

64. Core Strategy Policy CP17 provides housing figures based on the South East Plan which is no longer in force. Accordingly, Core Strategy policies CP9 and CP11, MDD Policy CC02, and Neighbourhood Plan Policy 1, which apply development limits throughout the borough, are out of date because these are based on out-of-date housing numbers, to which I give significant weight. A further out-of-date policy is MDD Policy TB04 which deals with development around the AWE Burghfield Site, due to the use of superseded measurements for the DEPZ radius, but as the general principles still apply only minimal weight is apportioned to this conflict.
65. MDD Policy CC01 which sets a presumption in favour of sustainable development is broadly comparable with the similar Framework presumption and does not conflict. Likewise, MDD Policies CC03 sets the Council's approach to developing and managing green areas and assets and does not conflict with the Framework, and MDD Policy TB08 which sets out the Council's approach to recreational facility provision is also generally in line with the Framework, despite the superseded reference to a previous version. The former policies conflict with the appeal scheme in the areas of landscape and accessibility, with weighting set out below.
66. Summarising the above, the Framework's tilted balance is applied as the Council cannot demonstrate a five-year housing land supply. The issues in which there are conflicts between out of date policies are AWE Burghfield, with the conflict attracting minimal weight, affordable housing provision in which the conflict attracts minimal weight, and conflict with the policies for the supply of housing more generally attracting significant weight.

Applying the balance

67. With regard to the main issues, the proposal demonstrates poor accessibility and this weighs heavily against the proposal, attracting significant weight. Landscape harm would be minor, but still conflicts with policy, and therefore this attracts moderate weight. I have found that there would be no harm with regard to the proximity of the AWE Burghfield site, which is a neutral factor in the balance.
68. Housing and affordable housing provision aside, other benefits of the scheme would include provision of new open space, net biodiversity gain, ongoing management of at-risk veteran trees, and local transport improvements. These would benefit those outside the site, and I give these considerations moderate weight. Other section 106 provisions are needed to make the development acceptable only and attract minimal weight, although there would be a wider benefit in regard to the improvement of Woodcock Lane and employment skills provisions, which attracts moderate weight.
69. The provision of new homes comprising 6% of the borough's annual supply attracts moderate weight. The provision of affordable housing that would assist the Council in meeting its shortfall in provision is significant, as is the presumption in favour of sustainable development triggered by the application of Framework paragraph 11.
70. The development plan policies that are the most important for the supply of housing are out of date, but those with which I have found conflict in this decision are not out of date and are generally consistent with the Framework.

The development would result in landscape harm and have poor accessibility. I find that the proposal conflicts with the development plan as a whole.

71. However, the weighting of the above factors is in favour of the scheme proceeding. I find that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The development proposal benefits from the Framework's presumption in favour of sustainable development.
72. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding the conflict with the development plan, I have found that the development would deliver significant and demonstrative benefits. These are material considerations that lead me to the decision that planning permission should be granted, and the appeal should succeed.

Conditions

73. I have assessed the list of conditions proposed by the parties against the tests set out in the Planning Practice Guidance (PPG)²¹. These were discussed at the Inquiry and subsequently refined, and are included at Annex A. I have made minor changes for clarity. In accordance with section 100ZA(5) of the Act, the Appellant has agreed to those conditions which would be pre-commencement conditions.
74. Conditions 1 through 5 are applied for the absence of doubt, with conditions 3 and 5 also applied to ensure that the development proceeds in accordance with the outline plans. Conditions 6, 7, 8 and 18 are applied in the interests of satisfactory access and highway safety. Conditions 9, 10 and 17 are to preserve the living conditions of surrounding occupiers and minimise the effects of construction. Condition 11 is to ensure sustainable drainage is incorporated within the development, and 12 is applied to investigate and if necessary preserve the archaeological heritage of the appeal site. Conditions 13 and 14 are included to ensure the protection, conservation and management of landscape features. Conditions 15 and 16 are to preserve and improve the biodiversity of the appeal site, and conditions 19 and 20 are included to ensure the landscape character and appearance of the site is preserved.

Conclusion

75. For the reasons given above I conclude that the appeal should be allowed.

G Rollings

INSPECTOR

²¹ PPG reference ID: 21a-003-20190723; revision date: 23 07 2019.

ANNEX A: SCHEDULE OF CONDITIONS

- 1) Approval of the details of the siting, design and external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The number of dwellings hereby permitted shall not exceed 49.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan in A2 (D2871_430 Rev A); Parameter Plan (D2871_423_Rev B); Site Access Arrangement (ITB15490-GA-002 Rev E).
- 6) No building shall be occupied until the accesses (pedestrian and vehicle) have been constructed in accordance with details to plan no. ITB15490-GA-002 Rev E.
- 7) Prior to the commencement of development, full details of the construction of the access, including levels, widths, construction materials, depths of construction, surface water drainage, boundary treatment, landscaping and lighting shall be submitted to and approved in writing by the local planning authority. Each dwelling shall not be occupied until the vehicle access to serve that dwelling has been constructed in accordance with the approved details to road base level and the final wearing course will be provided within 3 months of occupation, unless otherwise agreed in writing by the local planning authority.
- 8) No occupation of the development shall take place until:
 - (a) the approval by the local planning authority of a scheme that provides for the visibility splays shown on plan no. ITB15490-GA-002 Rev E (to include also the removal of any obstruction above a height of 0.6 metres) and the maintenance of the same over the lifetime of the development; and,
 - (b) the full implementation of the aforementioned approved scheme.
- 9) No development shall take place, until a Construction Method Statement, including a CEMP (Construction Ecological Management Plan), has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (a) construction of suitable works access;
 - (b) the parking of vehicles of site operatives and visitors;
 - (c) loading and unloading of plant and materials;
 - (d) storage of plant and materials used in constructing the development;
 - (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (f) wheel washing facilities;
 - (g) measures to control the emission of dust and dirt during construction;

- (h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (i) hours of construction;
 - (j) hours of delivery; and
 - (k) mitigation and avoidance measures for ecology and biodiversity.
- 10) No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.
- 11) Prior to the commencement of development details for disposing of surface water by means of a sustainable drainage system (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the aforementioned approved details (in so far as they apply to that dwelling) have been implemented.
- 12) No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.
- 13) No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority, this shall include details of existing trees and hedges to be retained in the submitted Arboricultural Impact Assessment, in line with BS5837:2012, and shall include details of;
- (a) any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the sub-phase;
 - (b) any proposed alterations to ground levels within the Root Protection Area or Crown Spread (whichever is the greater) of any retained tree, including trees on land adjacent to the site;
 - (c) the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
 - (d) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the local planning authority.
 - (e) Prior to occupation of the first dwelling, a Veteran Tree Management Plan shall be agreed in writing with the local planning authority. This Plan shall include:

- Specialist Survey Method assessment of the trees;
- Individual tree management programme geared towards maximising longevity;
- Provision and maintenance of knee-rail style fencing beyond crown driplines, enclosing access-deterrent planting; and
- Regular review by a competent person of veteran trees' condition, with follow-up management works being implemented as recommended.

The first three elements of the Plan shall be implemented also prior to first occupancy.

- 14) No trees, shrubs or hedges within the site which are shown as being retained on the plans approved under condition 13 shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.
- 15) Prior to the commencement of development, details of how the development will achieve a biodiversity net gain of 10 % for habitats shall be submitted to and approved in writing by the Local Planning Authority. The details thereby agreed shall be fully implemented in accordance with an agreed timetable.
- 16) Prior to the commencement of the development a Landscape Environmental Management Plan (LEMP), in accordance with the Update Biodiversity Report by Aspect Ecology dated October 2022, including long term design objectives, management responsibilities, timescales, and maintenance schedules for all landscape areas, other than privately owned domestic gardens, which delivers and demonstrates a habitat and hedgerow biodiversity net gain shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved LEMP.
- 17) The development hereby approved shall not be occupied until the noise mitigation measures as set out in the Noise assessment report, project number 13390 dated 08/04/2020 submitted with the application, are implemented. The noise mitigation measures shall be retained and maintained thereafter.
- 18) The development hereby approved shall not be occupied until the pedestrian crossing improvements shown in principle on Drawing ITB15490-GA-017 have been completed to the written satisfaction of the Local Planning Authority.
- 19) No dwelling shall be more than 2 storeys in height, and no dwelling shall be higher than 61.5mAOD.
- 20) Prior to first occupation of the development hereby approved, details of any gate, fence or other means of enclosure within or around the public open space as shown on the Parameter Plan (D2871_423_Rev B), shall be submitted to and approved in writing by the Local Planning Authority.

End of schedule.

ANNEX 2: CORE DOCUMENTS REFERENCED IN THIS DECISION

CD 1.6	Appellant's <i>Landscape and Visual Impact Assessment</i> , April 2020.
CD 5.1	Adopted <i>Core Strategy Development Plan Document</i> (2010).
CD 5.3	Adopted <i>Managing Development Delivery Local Plan</i> (2014).
CD 5.5	Made <i>Shinfield Parish Neighbourhood Plan</i> (2017).
CD 6.1	Appeal decision, ref: APP/X0360/W/19/3275086, 18 February 2022.
CD 6.7	Appeal decision, ref: APP/X0360/W/19/3240232, 1 February 2021.
CD 6.8	SoS decision, ref: APP/H1705/V/10/2124548, 16 June 2011.
CD 6.15	Appeal decision, ref: APP/X0360/W/19/3235572, 25 August 2020.
CD 6.20	Appeal decision, ref: APP/X0360/W/21/3271917, 3 September 2021.
CD 6.21	Appeal decision, ref: APP/X0360/W/21/3269974, 31 August 2021.
CD 7.4	High Court judgment, <i>Crest Nicholson v West Berkshire Council</i> [2021] EWHC 289 (Admin).
CD 10.2	<i>Berkshire (including South Bucks) Strategic Housing Market Assessment</i> (February 2016).
CD 10.3	<i>Wokingham Borough Local Housing Needs Assessment 2019</i> (January 2020).
CD 11.5	<i>AWE Off-site Emergency Plan</i> , Joint Emergency Planning Unit, August 2022.
CD 11.12	<i>The Radiation (Emergency Preparedness and Public Information) Regulations 2019</i> , HSE/ONR.
CD 11.20	<i>The Radiation (Emergency Preparedness and Public Information) Regulations 2019</i> , SI 2019 No. 703.
CD 11.21	<i>REPPIR – What you should do if there is a radiation emergency at the AWE Aldermaston or Burghfield sites</i> , West Berkshire Council, 2020.
CD 12.1A/B	<i>Wokingham Borough Landscape Character Assessment</i> , LUC 2019.
CD 12.3	<i>Manual for Streets</i> , DoT/DCLG, 2007.
CD 12.21	<i>National Design Guide</i> , MHCLG, 2021.

ANNEX 3: DOCUMENTS SUBMITTED AT THE INQUIRY

ID 01	Appellant's opening submissions.
ID 02	Council's opening submissions.
ID 03	Shinfield Parish Council written statement.
ID 04	Site visit route map.
ID 05	Wokingham Draft Local Plan.
ID 06	Wokingham Employment Skills Plan Guidance for Developers.
ID 07	Section 106 Agreement Certified Copy.
ID 08	Agreed (final) schedule of conditions.
ID 09	<i>Hopkins Homes Ltd, Richborough Estates Partnership LLP v Cheshire East BC</i> , SSCLG [2017] UKSC 37.
ID 10	<i>Hallam Land Management Ltd c v Eastleigh BC</i> , SSCLG [2017] EWHC 2865 (Admin).
ID 11	<i>Old Hunstanton Parish Council v Hastoe Housing Association Ltd</i> , Kings Lynn & West Norfolk BC, SSCLG [2015] EWHC 1958 (Admin).
ID 12	Council's closing submissions.
ID 13	Appellant's closing submissions.

ANNEX 4: APPEARANCES

FOR THE APPELLANT

Andrew Tabachnik
of King's Counsel
and Katherine Barnes
of Counsel

Instructed by the appellant

They called

Michael C Thorne
BSc PhD FInstP FSRP CRadP
Tim Wall *BA MSc MCIHT CMILT*
Andrew Smith
BSc(Hons) MSc CMLI
Julian Forbes-Laird
BA(Hons) Dip.GR.Stud MICFor
MRICS MEWI Dip.Arb.(RFS)
Douglas Bond *BA(Hons) MRTPI*

Mike Thorne and Associates Ltd

Partner, i-Transport LLP
Joint Managing Director, fabrik

Senior Director, Forbes-Laird
Arboricultural Consultancy Ltd

Partner, Woolf Bond Planning LLP

FOR THE LOCAL PLANNING AUTHORITY (WBC)

Matt Lewin
of Counsel

Instructed by Lyndsay Jennings
of WBC

He called

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BA(Hons) MTRP MRTPI
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Emergency Planning Manager, WBC

Principal Development Control Engineer,
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INTERESTED PERSONS

Darrell Lias

Vice Chair (operations),
Shinfield Parish Council

Reference	Address	Case Detail	Closed Date	Closure Reason
RFS/2022/087402	56 Cirrus Drive, Shinfield, RG2 9FL	Unauthorised creation of a house in multiple occupation.	31 January 2023	Application submitted
RFS/2022/087403	17 Pascal Crescent, Shinfield, RG2 9FP	Unauthorised creation of a house in multiple occupation.	31 January 2023	Application submitted
RFS/2022/087654	2 Railton Close, Shinfield, Wokingham, RG2 8TB	Application refused but work has started	6 January 2023	Application submitted
RFS/2023/087866	Hearn & Bailey Garage, Basingstoke Road, Three Mile Cross, RG7 1BA	U/A Shipping Container Blocking Highway	17 January 2023	Other

Wokingham Borough Council – Previous month's closed Enforcement Cases for Shinfield Parish - February 23

For further information about a case, please contact planning.enforcement@wokingham.gov.uk, quoting the reference number

Confidential: Information that needs to be handled with care to avoid loss, damage or inappropriate access. Information which incorrectly disseminated could cause some distress to a limited number of individuals.

Reference	Address	Case Detail	Case Status
RFS/2022/087069	Foxglade, Brookers Hill, Shinfield, Wokingham, RG2 9BX	Change of the use of the land for the stationing of a caravan for hu	Awaiting compliance
RFS/2022/087596	Pulleyn Transport Ltd, Church Lane, Three Mile Cross, Wokingham, RG7 1HB	U/A operating works taking place extended site	Investigation ongoing
RFS/2022/087690	Land adjacent to, 181 Hyde End Road, Shinfield, Reading, RG2 9EU	u/a works to TPO tree	Investigation ongoing
RFS/2022/087720	Willow Tree House, Brookers Hill, Shinfield, Wokingham, RG2 9BX	U/A works taking place without permission	Investigation ongoing
RFS/2022/087811	Land West Of, Beech Hill Road, Spencers Wood, Reading, RG7 1HL	possible breach of landscape condition and s106 agreement	Awaiting information
RFS/2022/087839	Willow Tree House, Brookers Hill, Shinfield, Reading	Storage of double decker buses without pp	Investigation ongoing
RFS/2023/087849	Land West Of Hollow Lane, South Of Church Lane, Hyde End Road, Shinfield, Reading, RG2 9EP	Temp 5yr pp for signage and flags has expired 170008	Investigation ongoing
RFS/2023/087890	Old Hall Works, Arborfield Road, Shinfield, Berkshire, RG2 9PY	BofC regarding working / operating hours	New case

Wokingham Borough Council – Live Enforcement Cases for Shinfield Parish - February 23

For further information about a case, please contact planning.enforcement@wokingham.gov.uk quoting the reference number

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Wokingham Borough Council

Local Planning Enforcement Plan

Produced in conjunction with:-



Foreword

The Council is committed to protecting the quality of its existing environment through ensuring that new development is of the highest quality and that the things that make it one of the best places to live and work in the country are retained and enhanced. To meet this objective, the Council recognises the importance of planning enforcement and compliance and is committed to providing an effective and efficient service.

The Local Planning Enforcement Plan sets out the principles and procedures that the Council will adopt to regulate development and how it will communicate with residents, and town and parish councils. The focus in the first instance will be on negotiation to resolve breaches of planning control and to encourage local residents to talk to each other and developers to resolve issues. The Council also recognises that the town and parish councils have a very important role to play.

While it is encouraged that issues are resolved informally where possible at the local level, the Council recognises that this cannot always be achieved and will monitor development and investigate reported breaches. When the reported breaches give rise to planning harm, the Council will look to enforce using all legal powers at its disposal including prosecutions via the courts at the same time looking to recover the cost incurred in pursuing such cases. To ensure that resources are used in the most effective way, requests for service will be prioritised to focus on breaches that result in the greatest planning harm and will undertake this in line with government policies and best practice.

The Council is committed to ensuring the quality of development in the borough is of the highest quality and is authorised and the LPEP helps this becomes a reality.

John Kaiser
Executive Member
Planning and Highways
Wokingham Borough Council

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1. Introduction

The Borough Council is firmly committed to providing an efficient and effective planning enforcement service. The **purpose of this Local Planning Enforcement Plan** is to explain what the planning enforcement service comprises and how the Council will deliver the service to the Community. This guidance replaces the Wokingham Borough Council Planning Enforcement Policy 2007.

2. The purpose of planning enforcement

Planning laws and policies are designed to control the development and use of land and buildings in the public's interest. They are not meant to protect the private interests of one person against the activities of another. The relevant background legislation to these powers is contained primarily within the [Town and Country Planning Act 1990 \(as amended\)](#) the [Planning \(Listed Buildings and Conservation Area\) Act 1990 \(as amended\)](#). This legislation is supported by Government advice, which includes the [National Planning Policy Framework \(NPPF\)](#) and the [National Planning Practice Guidance \(NPPG\)](#).

3. The Local Planning Enforcement Plan comprises

- The Council's Planning Enforcement Policy
- The principles of planning enforcement
- What constitutes a breach of planning control and how to report a breach
- Priorities for investigation, case categories and target times
- How the Council investigates possible breaches of planning control and possible outcomes
- The role of the customer, ward members and town and parish councils
- How the checking of compliance with permissions will be undertaken
- A simplified flowchart of complaint handling procedures
- Monitoring of development for compliance
- How the LPEP will be monitored and reviewed

4. The Council's Local Planning Enforcement Policy

The Council recognises the importance of planning enforcement to maintain the quality of the existing environment in the Borough and to ensure that new development is carried out to a high standard. The purpose of the local planning enforcement plan is to set out what can and what cannot be controlled through the planning legislation and the Council's approach to undertaking planning compliance and enforcement. The Council will:-

- Commit reasonable resources to ensure that planning enforcement control can be put into effect and maintained.
- Exercise all reasonable powers (granted under the provisions of the Town and Country Planning Act 1990, and all other subordinate and any subsequent legislation), to control unauthorised development in appropriate circumstances when planning harm is being caused. We will take account of the policies in the adopted Development Plan and all other material considerations when deciding what approach will be taken to address breaches and whether or not to take formal enforcement action.
- Act proportionately to the scale of the alleged or actual breach and the level of planning harm that result from this. To be consistent in its actions - having a similar approach to similar circumstances to achieve similar outcomes.
- Be transparent in its actions - being open when dealing with business and the public. (Although some information, such as the name of the complainant, will remain confidential)
- Be helpful, courteous and efficient at all times.
- Perform against agreed standards (see priorities table in Section 9) – resources will be targeted to prioritise those cases where the greatest harm is being caused.

5. The Principles of Planning Enforcement

- The use of planning enforcement powers by the Council is discretionary and the carrying out of development without planning permission, although unauthorised, is not illegal. Some actions may become illegal only following non-compliance with a formal Enforcement Notice.
- All alleged breaches of planning control will be investigated by the Council except anonymous complaint unless the harm resulting is significant
- The Council will seek to resolve all breaches of planning control through informal negotiation in the first instance unless the breach is causing or is likely to cause imminent irrevoca-

ble harm requiring immediate action. This occurs in only a very small number of cases (less than 1%). The focus is to achieve compliance without resorting to formal proceedings.

- Where appropriate, the Council will give reasonable timescales for voluntary compliance through removal of the breach or through regularisation.
- Legislation does allow planning permission to be sought retrospectively and government guidance recommends that local planning authorities seek to regularise potentially acceptable unauthorised development through granting planning permission. Where there is a breach of planning control an application will be requested by the Council where it believes consent could be granted with conditions imposed to satisfactorily control the development. Despite this, the Council has to accept all valid applications and determine these even if they have not been invited and formal action will not usually be taken when there is an undetermined valid planning application or appeal. When determining a planning application for non-authorised development, the non-authorised nature of the development will not influence the planning assessment in any way.
- Any action should be proportionate to the level of harm (see box below for explanation of harm) involved and should take into account relevant circumstances where it is expedient and necessary to do so, i.e. in the public interest. The Council needs to consider whether it is expedient having regard to the Development Plan and any other material considerations and in the public interest to undertake formal enforcement action to remedy breaches of planning control. Expediency will depend on the level of harm caused and the likelihood of achieving voluntary compliance. There is a box below which explains harm in more detail and a tool to assist in assessing harm at Appendix 2.
- There are a suite of formal enforcement powers available to Councils to address breaches of planning control and the Council will apply the most appropriate power dependant on the circumstances of each particular case.
- This LPEP applies to the enforcement activities carried out under the legislation enforced by the (Planning) Enforcement Team. The Council also has other powers of enforcement in relation to other legislation such as highways and environmental health but this plan does not apply to these powers (see below).

Planning harm is not defined in the Planning Regulations. The Oxford English Dictionary defines harm as: “Physical injury especially that which is deliberately inflicted, material damage, actual or potential ill effects or danger”. Government guidance contained within the National Planning Policy Guidance advises that formal planning enforcement action should be taken when: “There is a clear public interest in enforcing planning law and planning regulation in a proportionate way”. Advice contained in an earlier Government publication (PPG1 1997) explained that: “The planning system does not exist to protect the private interests of one person against the activities of another.....but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest”. Harm caused by unauthorised development can be described as the injury caused to public amenity or public safety. Planning enforcement action will not be taken where the matter is addressed through other legislation. Before taking planning enforcement action regard will be made to the Development Plan and other material planning considerations. It would not be appropriate to issue an enforcement notice for unauthorised development which is acceptable in planning terms i.e. If planning permissions would normally be granted for this development if it was the subject of a planning application.

Harm can include an unacceptable impact on:

- Planning Policy
- Visual amenities and the character of the area
- Privacy/overbearing/daylight/sunlight
- Noise/smells/pollution such as contamination
- Access/traffic/Highway safety
- Health and safety
- Undesirable precedent
- Ecology, Trees and Landscape
- Amenity standards of users of the development

A tool to assist in assessing harm is set out in Appendix 2.

6. What is a Breach of Planning Control?

Breaches of planning control vary considerably and could involve such matters as the unauthorised erection of a building or extension to a building, a material change of use of land or building, or the display of unauthorised advertisements. Other breaches of planning control include the following:

Breach of planning control	Not a breach of planning control
• Unauthorised works to Listed Buildings • Unauthorised advertisements • Unauthorised works to trees subject of a tree preservation order (TPO) or in a Conservation Area • Unauthorised demolition within Conservation Areas • Breaches of conditions attached to planning permissions • Not building in accordance with the approved plans of planning permissions • Untidy land where it adversely affects the amenity of the area • Unauthorised engineering operations, such as raising of ground levels or earth bunds • Unauthorised stationing of a caravan or mobile home for use as an independent dwelling • Unauthorised material changes of use of land or buildings	• Internal works to a non-listed building • Obstruction of a highway (Contact Thames Valley Police), public right of way (PROW) (Contact the Council's foot-paths officer) or a private right of way • Parking of private and commercial vehicles on the highway or on grass verges (contact Thames Valley Police) • Parking caravans on residential driveways or within the curtilage of domestic properties as long as they are incidental to the enjoyment of the property • Running a business from home where the residential use remains the primary use • Land ownership or boundary disputes or trespass issues eg scaffolding erected on neighbouring property (these are private matters) • Covenants imposed on property deeds (these are private matters) • Any works that are deemed to be 'permitted development' under the Town and Country Planning (General Permitted Development) Order 1995 as amended • Advertisements that are either excepted from deemed and express consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended • Clearing of land of overgrowth, bushes

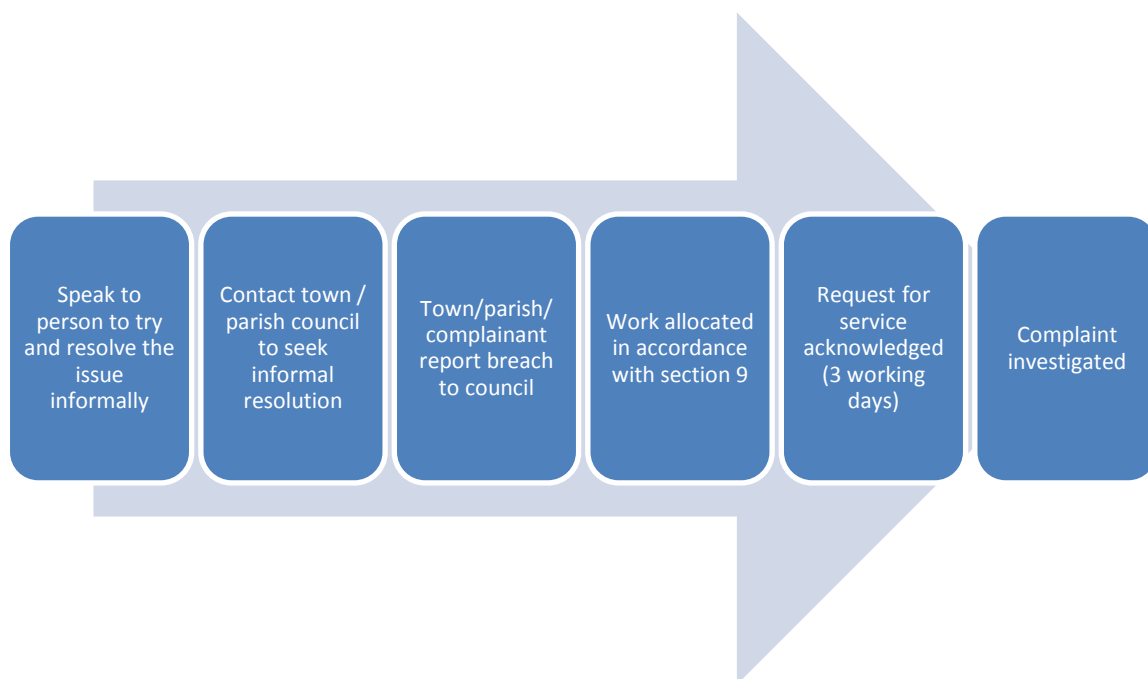
	or non protected tress (unless within a designated nature conservation area) • Dangerous structures or other health and safety issues (Building Control Solutions 01189746239 or the Health and Safety Executive) • Damage caused to neighbouring property during construction work (this is a private matter) • The behaviour of builders and other antisocial behaviour
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7. Non planning enforcement issues

Planning enforcement sits within the wider regulatory service within the Council and where a complaint refers to matters not within the remit of planning legislation but still capable of being pursued by the Council, the complaint will be considered by the relevant regulatory team. Enforcement action across the different regulatory regimes is coordinated and in some cases using alternative means and powers available to the Council (e.g. serving a Noise Abatement Notice) may well result in the speedier resolution of a complaint.

8. Reporting a breach

The diagram below sets out the process by which the council will deal with a reported breach of planning control.



The Council strongly encourages that residents communicate with each other and developers to try and resolve a breach of planning control informally. They can also approach their ward members: (<http://wokingham.moderngov.co.uk/mgFindMember.aspx>) or town or parish council to help achieve an informal solution: (<http://wokingham.moderngov.co.uk/mgParishCouncilDetails.aspx?bcr=1>). If the suspected breach cannot be resolved informally, they can be reported in confidence as set out below however anonymous RFSs will not normally be investigated:-

How to report a breach

- Via the Council's interactive Request for Service form (available on the Council's web site at: <http://www.wokingham.gov.uk/planning-and-building-control/development/tell-us-about-unauthorised-development/>)
- Through your local ward members
- By telephone (01189 746000)
- In person at the Council Offices at Shute End.

Information required to report a breach

- An accurate description of the location or address for the particular site, ideally including the town or parish
- A detailed description of the activities taking place that are cause for concern, including what harm the breach is causing and/or how it affects the complainant
- Names, addresses and phone numbers (if known) of those persons responsible for the alleged breach or the land owners
- The date and times of when the alleged breach took place including when it first started
- Any other information or evidence that may be able to assist, e.g. a planning application number; any previous problems / breaches
- Your name, address, phone number and e-mail address (Note :Anonymous complaints will not normally be investigated unless they relate to matters causing serious harm to public safety, or irreversible harm to the environment)

9. Priorities

The Council receives approximately 700 Requests for Service (RFS) every year. Because of the often lengthy and complex nature of planning investigations and staff resources, it is necessary to prioritise, as set out below.

Category	Type of development	Level of service
Category 1 – <i>High priority</i>	When irreversible and serious damage to the environment or public amenity would result. Examples include works to protected trees; works affecting the character of a listed building; demolition works in a conservation area; serious traffic hazards; contamination and or pollution being	Receive immediate attention , where possible the same day; where this is not possible, within one working day. The planning enforcement team may be required to devote all of its time to the investigation of one category 1 complaint depending on its nature, but

	created, unauthorised car- avan sites , or other de- velopment where there is actual or imminent resi- dential occupation.	in normal circumstances will be able to address more than one complaint of this nature at any given time.
<i>Category 2 – Medium priority</i>	This covers less immediate yet still serious and harm- ful breaches and is likely to include breaches where building works have just commenced, where se- vere harm is being created and non-compliance with certain planning condi- tions (particularly pre- commencement condi- tions).	The complaint will normal- ly be investigated within 10 working days of the complaint being received.
<i>Category 3 – Low priority</i>	This category relates to breaches that are likely to remain stable and that are unlikely to give rise to any severe or lasting harm to amenities. Such breaches may include untidy sites, non-compliance with oth- er planning conditions, erection of satellite dishes, the unauthorised display of advertisements and the erection of fences.	The complaint will normal- ly be investigated within 28 working days of the complaint being received.

Category 1 – High priority

Where a negotiated approach is unsuccessful in bringing a halt to development which has been identified as category 1, a further assessment will be made to identify the course of action which is proportionate to the nature of the breach (this does not apply where the breach has required immediate action as set out in the earlier Principles).

Category 2 – Medium priority

Retrospective applications will be sought where there is considered to be a reasonable prospect that planning permission could be granted, subject to necessary conditions and or legal agreements. Where it is considered that an application could not be supported it may be necessary to resort to formal action if it is considered expedient to do so.

Category 3 – Low priority

Resolution of this category of breach is likely to be sought by negotiation and/or the submission of a retrospective planning application to secure a development which is acceptable in planning terms. In cases which cause no significant harm, the Council may decide not to pursue any action even when a breach of planning control has occurred. In these cases, the Council will undertake an expediency assessment (report) and will be available to interested parties on request.

10. Investigating a Breach of Planning Control

A summary of the procedure adopted for the handling of enforcement complaints is shown in the flow chart included as Appendix 1. Compliance following enforcement action can take considerable periods of time. Reasonable time periods must be given for compliance and if this is challenged, then the council is subject to timescales imposed by the Planning Inspectorate (in the case of appeals), or by the courts. As a result sometimes there is limited progress with which to update a complainant and interested parties about. In these cases the Council welcomes interested parties contacting the responsible officer to check timescales and action. However the Council will:-

- Acknowledge in writing the receipt of all Requests for Service (RFS) within 3 working days.
- Provide the complainant with an update of the progress on a case under investigation within 28 working days of an acknowledgement or, as there are developments to report.
- For ongoing cases, provide an update every month thereafter until the case is resolved.

11. The Possible Outcomes of The Council's Planning Investigation

In over 50% of cases investigated, there is no breach of planning control and no action can be taken. In those cases where there is a breach, in accordance with government guidance the Council will seek to secure a negotiated solution, unless there is substantive irreversible harm that necessitates immediate action. While adequate timescales for compliance following a negotiated solution must be given, the Council will not allow negotiations to result in delay to formal enforcement action if this is necessary. A tool to assist with determining whether formal action should be taken or not is set out in Appendix 2.

Outcome of investigation	Proportion of cases	Action
No breach established eg. no development has taken place, the development is permitted development or is not within the control of planning legislation,	Represents approximately 50% of the 700 RFSs submitted per year	Ward members to be provided with 48 hours notification of intention to close case and take no further action. If no challenge then case is closed. The complainant will be notified of closure and the reasons for this.
Breach identified but it is not expedient to pursue. e.g. if a technical breach has taken place, for example a house extension that is only marginally larger than permitted development limits, then it is not normally expedient to pursue enforcement action.	Represents approximately 3% of the 700 RFSs submitted per year	A retrospective application will be requested to regularise the breach or an expediency report will be prepared and the ward member given 48 hours notification. The case will then be closed and no further action taken
Development is lawful i.e. The development or use has been in existence for a period of time that makes it exempt from enforcement activity (4 years for a building operation and 10 years for a use)	Represents approximately 5 % of the 700 RFSs submitted per year	Ward members to be provided with 48 hours notification of intention to close case and take no further action. If no challenge then case is closed. A certificate of lawful development may be invited.
Attempt to negotiate a resolution. In line with government guidance, the first priority is to try to resolve a breach of planning control through negotiation.	Approximately 40% of breaches are resolved through a negotiated solution through the submission of a planning permission or removal of the breach.	An retrospective application will be requested and appropriate timescales will be given for :- • Removal of breach • Alterations to the development to make it acceptable

The development is harmful and not acceptable and amendments cannot be achieved that will result in removing the harm	Approximately 1-3% of all cases	Formal action will take place. This is a lengthy process and the last resort if a negotiated solution and voluntary compliance cannot be achieved. Adequate timescales for compliance with a formal action must be provided.
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12. Types of Formal Enforcement Action

If negotiation does not secure compliance with what the Council considers acceptable then it has the discretionary power to take formal action against any breach. The nature of the breach will dictate what route the Council chooses to pursue. The formal tools available include:

Type of enforcement action	Purpose
Planning Contravention Notice	Requires persons to divulge information in respect of land and activities. This is often undertaken to determine if there is a breach of control and to inform the appropriate course of action
Breach of Condition Notice	To secure compliance with conditions specified within a planning permission
Enforcement Notice	To require steps required to remedy the situation
Stop Notice / Temporary Stop Notice	To require the unauthorised activities to cease
Section 215 Notice	To secure the proper maintenance of land and buildings
Injunctions	To prevent unauthorised development and only used in a very limited number of specific circumstances
Prosecution	Failure to comply with a notice is a criminal offence. To secure compliance with any formal enforcement notice and / or to bring the offence before the court for its consideration and, if convicted, sentence including ancillary Orders

13. Consequences of Planning Enforcement

There are a number of consequences for a person who has undertaken a breach of planning control if the development has an unacceptable harmful impact and these include:-

- Failure to comply with a notice is a criminal offence and prosecution may result in the person getting a criminal record.
- The owner or persons responsible will be required to remove a building work and/or cease an activity and remove from the site and everything associated with the activity at their own expense.
- The Council may take direct action to undertake the appropriate works and recover the costs from the responsible person.
- Where a crime has been committed the Council will consider whether to make an application under the Proceeds of Crime Act.

14. Timescales

Seeking to resolve enforcement cases can be a lengthy and complex process. For example, someone may decide to appeal against an enforcement notice, which will significantly extend the times for resolving a case. In the event of both a negotiated solution and formal action, a reasonable time period for compliance must be given. Following formal action, legal action to secure compliance is sometimes necessary and the timescales for this are set out by the courts and can be very long. As a result, it is not possible to give a standard time for dealing with enforcement cases but enforcement officers will work to the targets identified above in section 9 above.

15. Human Rights Issues

The Council is committed to treating all recipients of enforcement action fairly, keeping them informed of action being planned, or taken, at each stage, and informing them of any rights of appeal. In particular, regard will be had to the Human Rights Act 1998¹. However when decisions are taken

The European Convention on Human Rights (ECHR) was brought into English law via the Human Rights Act 1998 (HRA) with effect from October 2000. The HRA introduced an obligation on the Council to act consistently with the ECHR. There are 3 Convention Rights likely to be most relevant to planning decisions:

- Article 1 of the First Protocol - Protection of Property
- Article 6 - Right to a Fair Trial
- Article 8 - Right to respect for Private and Family Life

relating to enforcement action the public interest must be taken into account. Decisions will, therefore, be taken by balancing private rights, the public interest and, as appropriate, the resources required to take action. The Council will also comply with its public sector equality duty as set out in the Equality Act 2010.

16. Monitoring Development

The Council recognises the importance of pro-actively monitoring development that occurs within the Borough. However, the Council issues approximately 3000 planning permissions every year and these range from small-scale residential extensions to major housing and commercial developments. As such it is impossible for the council to monitor all permissions and relies on the local knowledge of local people, ward members and the town and parish council to be its eyes and ears and to follow the process outlined above.

The Council will focus its resources for compliance checking on those cases identified at application stage as being particularly controversial/sensitive in planning terms. Of course, what is “sensitive” will always be a matter of judgement; however, for the purpose of identifying permissions to be monitored the Council will take into account the following factors with each case being considered on its merits (e.g. in some instances a factor may be more important than others):

- location in relation to a Conservation Area and/or Listed Building and/or Designated Heritage Assets, which includes Historic Parks and Scheduled Monuments
- significant number of objections at application stage
- scale of development
- condition(s) requiring defined relationship to adjoining properties

Whilst the Council’s enforcement officers, with the assistance of planning staff, undertake monitoring of ongoing development, it is very important that those who obtain and implement a planning permission take full responsibility for compliance with that planning permission.

A valid commencement of a planning permission can only take place if the following steps have been undertaken:

It is important to note that these types of right are not unlimited. Although in accordance with the concept of 'proportionality' any interference with these rights must be sanctioned by law, (e.g. The Town and Country Planning Act 1990) and must go no further than necessary. Essentially, private interests must be balanced against the wider public interest and against competing private interests. Such a balancing exercise is essential in the decision-making processes when considering enforcement action.

1. *Firstly*, fully discharge all pre-commencement conditions of the permission, i.e. those conditions which start with “No development shall take place until”
2. *Then*, commence building work on the ground which is in accordance with the approved plans, before the expiry date of the permission.

An explanatory note will be sent to all applicants when approval is given for major development applications reminding them of their responsibility to comply with the conditions on the planning consent. If development proceeds without complying with the above steps then it must be noted that this may render the whole development unauthorised which has serious implications and could result in enforcement action being taken.

It is also very important if anyone undertaking development wishes to make any amendments to an approved scheme that they contact the Case Officer for the original application to discuss these and obtain the necessary further approval prior to carrying out the work. Some amendments will require the submission of a further application for planning permission, and if this is the case, this further application will be assessed in accordance with normal planning policy and procedure.

The Council will prepare reports for the information of the Planning Committee on a quarterly basis clearly setting out what enforcement action has been taken.

17. Customer Role

The Council welcomes the involvement of its residents and businesses in the preparation of this Local Planning Enforcement Plan. The Council will:

- Undertake public consultation prior to the adoption of the LPEP
- Provide periodic advice to the complainant as to the progression of the matter not less than every month
- Undertake an annual monitoring assessment of the operation of the LPEP
- Undertake periodic reviews of/ and amendment as appropriate to the LPEP
- Enable effective engagement of the Parish and Town Councils

It is accepted good practice that neighbours should talk to each other to attempt to resolve any issue between them.

For major developments, the Council will set up a page on its website with a contact number of the developer and residents are advised to contact developers directly to try and resolve any issue throughout construction period. If matters cannot be resolved it is recommended that neighbours/residents should contact their ward member/ Town or Parish Council to see if they can help resolve the issue or advise on appropriate action.

18. Ward Members

Elected ward members are representatives of local residents on the council and are available to help resolve issues about all council matters including planning enforcement. If local people have concerns about any possible breach of planning control they can contact their ward members to discuss this with them and they will coordinate with officers to address these concerns. A list of ward members can be found on the Council's web site at:

<http://wokingham.moderngov.co.uk/mgMemberIndex.aspx?bcr=1>

Ward members are kept informed about requests for service by the enforcement team when they are received. In the event that a case likely to be closed for one of the reasons outlined in section 11 above, the ward members are notified of this via email and given 48 hours (2 working days) to contact the relevant officer to discuss the case before the closure.

19. Parish and Town Councils' involvement

The Council recognises that parish and town council members have an important role to play. Town and parish councils have a great deal of local knowledge and awareness of what is happening in their areas and the council encourages that they act as its eyes and ears on the ground. Town and parish councils can inform the planning enforcement and compliance process. The Council encourages town and parish councils to engage with officers over planning enforcement issues and could play a helpful role in alerting officers that development has commenced on site. They can also help to monitor development and alleged breaches of planning control. This way the town and parish council can take an active role in the investigation process.

Often the town and parish councils can also help to resolve breaches informally through negotiating on behalf of residents. The Council also encourages them to bring breaches of planning control to its attention. Parish and Town Councils also receive notification of all new Requests for Service within their area and information when a request for service is closed. They are therefore able to update

local residents about planning enforcement and compliance issues. It is intended that town and parish involvement should operate on an entirely voluntary basis but even if they do not want to be directly involved in an enforcement case, they are a source of valuable advice about the process and how to report a breach of planning control.

20. Monitoring the Council's own performance

The Council is keen to demonstrate that it is operating this LPEP in a fair, equitable and transparent manner; that it adheres to its responsibilities; and that its performance is openly monitored and reviewed when appropriate.

The Council will:

- Submit quarterly monitoring reports to the Planning Committee clearly setting out what enforcement action has been carried out in the preceding period;
- Cross-reference to the standard documents used by the Council in the Enforcement Service with other authorities to ensure they remain up to date and applicable.
- Prepare an annual enforcement monitoring report, submitting it for consideration by the Planning Committee; and that it be used to feed into the monitoring and review of Development Management (as appropriate) and planning policy (as appropriate).
- Describe what we will do to improve our performance if it falls below the established levels and targets.

The performance targets the Council will monitor are attached in Appendix 3.

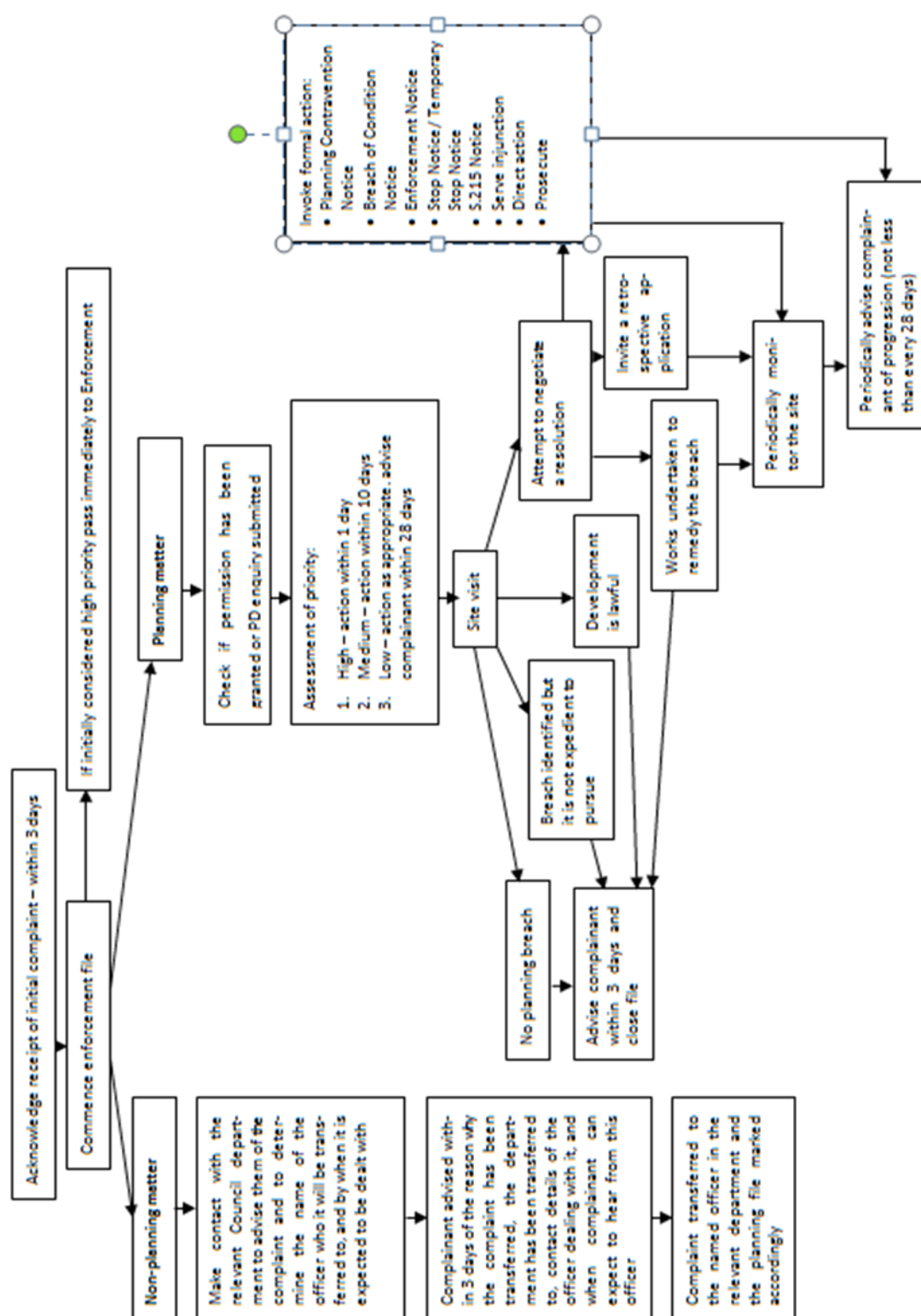
21. Conclusions

- Formal enforcement action is discretionary and the relevant planning circumstances of each case must be considered.
- In line with government policy and guidance, the Council will focus on resolving most breaches through negotiation without resorting to formal action.
- Where development could be acceptable, the Council will encourage the submission of an application to regularise the breach. The unauthorised nature of the breach will not influence the planning assessment of a retrospective application in anyway.

- If a negotiated solution cannot be reached , in deciding whether to pursue enforcement action the Council is required to consider whether it is “expedient” to do so and that the action is “proportionate” to the breach.
- Enforcement action will be taken when there is an unacceptable effect on the built and natural environment and public amenity that cannot be resolved through information negotiation or regularisation
- When the breach of planning control is causing serious harm or nuisance to public amenity formal action will not be delayed by protracted negotiation.
- The formal enforcement process is lengthy and open to challenge.
- In exercising the Council’s discretionary enforcement powers the Council aims to be reasonable, equitable and proportionate.
- The Council will provide feedback to complaints and town and parish councils about cases they have reported on a monthly basis until they are resolved.
- The Council will undertake to monitor and review its enforcement service and to update policies and processes where appropriate.

The relevant background legislation to these powers is contained primarily within the [Town and Country Planning Act 1990 \(as amended\)](#). This legislation is supported by Government advice, within the [National Planning Practice Guidance \(NPPG\)](#)

Appendix 1 - Simplified Request for Service (Enforcement complaint) Handling Process



Appendix 2 - Tool to assist with assessing harm

			Score
1	Is the breach:	Worsening? (1) Stable? (0)	
2	Highway safety issue	Yes? (2) No? (0)	
3	Other safety issue (not covered by other legisla- tion)	Yes? (2) No? (0)	
4	Is it causing serious or irre- versible harm to the environ- ment or surrounding area	Yes? (1) No? (0)	
5	Complainant	Immediate neighbour? (2) Parish Council/Other? (1) Anonymous/malicious? (0)	
6	Age of breach	Within 6 months of immunity? (2) Less than 3 months old? (1) More than 3 months old? (0)	
7	Major planning policy breach	Yes? (1) No? (0)	
8	Flood risk	Zone 3 (2) Zones 1-2 (1) NFR (0)	
9	Is there harm	Widespread? (2) Local? (1) None?(0)	
10	Breach of planning condition or Article 4 direction	Yes? (1) No? (0)	
11	Conservation Area or adjacent to	Yes? (1) No? (0)	
12	Listed Building or affecting character or setting of	Yes?(1) No? (0)	
13	Particularly sensitive site eg SSSI, AONB, Scheduled Ancient Monument, Listed Garden, Ar- chaeological Importance	Yes? (1) No? (0)	
14	Undesirable precedent (please provide details)	Yes? (1) No? (0)	
		Total	

NB For formal enforcement action to be taken it is likely that the harm score will need to be 6 or more. This is only one of the tools/tests that the Council will use to assess whether formal action should be taken.

Appendix 3 - The performance targets the Council will monitor are as follows:

Number of RFS cases received
Number of cases closed
Speed with which cases are closed (target 60% to be closed within 8 weeks)
% cases acknowledged within 3 working days
% high priority cases investigated within 1 working day
% medium priority cases investigated within 10 working days
% low priority cases investigated within 28 working days
Reasons for closure (other, no breach, not expedient, voluntary compliance, application submitted, notice served). Voluntary compliance + application submitted = cases closed through negotiation
Number and outcome of enforcement appeals
Number and outcome of prosecutions
Number of injunctions
Update of longstanding cases

Wokingham Borough Council Enforcement Policy

At the previous meeting, members asked for more information on how WBC arrived at a decision to close an enforcement case.

The WBC officer who deals with most of the Shinfield enforcement cases provided the following information:

RFS/2022/087590 – Uplands, Basingstoke Road. An enforcement notice was served following the refusal of a retrospective planning application. This is currently at appeal, but has not yet started. I am personally dealing with the appeal so if you have any questions please do not hesitate to contact me. However, please note there are delays with the Planning Inspectorate so it may be some time before a decision is issued following the submission of statements.

RFS/2022/087682 – the owner complied with the Council's requests. Following confirmation these works had been undertaken, the enforcement investigation was then closed. Cases are not closed unless a solution has been agreed or carried out.

Also attached is a copy of WBC's Enforcement policy. The foreword provides a useful precis and also of specific relevance is Section 19 on Page 16 which refers to the relationship with and involvement of parish councils in the process.

Scope of consultation

Topic of this consultation:

This consultation seeks views on our proposed approach to updating to the National Planning Policy Framework. We are also seeking views on our proposed approach to preparing National Development Management Policies, how we might develop policy to support levelling up, and how national planning policy is currently accessed by users. A fuller review of the Framework will be required in due course, and its content will depend on the implementation of the government's proposals for wider changes to the planning system, including the Levelling-up and Regeneration Bill.

Scope of this consultation:

The Department for Levelling Up, Housing, and Communities is seeking views on how we might develop new and revise current national planning policy to support our wider objectives. Full details on the scope of consultation are found within chapter 2. Chapter 14 contains a table of all questions within this document and signposts their relevant scope. In responding to this consultation, we would appreciate comments on any potential impacts on protected groups under the Public Sector Equality Duty. A consultation question on this is found in chapter 13.

Geographical scope:

These proposals relate to England only.

Basic information

Body/bodies responsible for the consultation:

The Department for Levelling Up, Housing and Communities

Duration:

This consultation will begin on 22 December 2022 and close at 11.45pm on 2 March 2023.

Enquiries:

For any enquiries about the consultation please contact: PlanningPolicyConsultation@levellingup.gov.uk.

How to respond

Please respond via Citizen Space which is the department's online consultation portal and our preferred route for receiving consultation responses. We strongly encourage that responses are made via Citizen Space, particularly from organisations with access to online facilities such as local authorities, representative bodies and businesses. Consultations receive a high-level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised.

The online survey can be accessed on [Citizen Space](#).

If you cannot respond via Citizen Space, you may send your response by email to: PlanningPolicyConsultation@levellingup.gov.uk.

Written responses should be sent to:
Planning Policy Consultation Team
Planning Directorate – Planning Policy Division
Department for Levelling Up, Housing and Communities
Floor 3, Fry Building
2 Marsham Street
London
SW1P 4DF

When you reply, it would be very useful if you please confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable)
- the name of organisation (if applicable)

Please make it clear which question or paragraph number each comment relates to, and also ensure that the text of your response is in a format that allows copying of individual sentences or paragraphs (please use paragraph numbers from the draft track change version of the National Planning Policy Framework published alongside this consultation which can be found here and not the existing paragraph numbers in the current Framework), to help us when considering your view on particular issues.

Thank you for taking time to submit responses to this consultation. Your views will help improve and shape our national planning policies.

Chapter 1 - Introduction

1. The government is committed to levelling up across the country, building more homes to increase home ownership, empowering communities to make better places, restoring local pride and regenerating towns and cities. The February 2022 [Levelling Up White Paper](#) reiterated the government's commitment to making improvements to the planning system to achieve this, by giving communities a stronger say over where homes are built and what they look like. The [Levelling-up and Regeneration Bill \(the Bill\)](#) which is before Parliament will put the foundations in place for delivering this by creating a genuinely planned system with a stronger voice for communities. It will ensure greater provision of community infrastructure by developers, mandate that beautiful new development meets clear design standards that reflect community views, and enhance protections for our precious environmental and heritage assets.

2. The Bill begins to put communities at the heart of the planning system, offering communities beautiful homes and new neighbourhoods that they will welcome and a greater say in what is built and where. But the Bill is not the whole story: if we are to truly remake the planning system, we also need changes to national policy and guidance, regulations and wider support for local authorities, communities and applicants. This

document sets out the improvements we propose to make to national planning policy to deliver this wider change.

3. The [National Planning Policy Framework \(the Framework\)](#) was introduced in 2012 to consolidate the government's planning policies for England. It guides local decision makers on our national policy objectives, providing a framework within which locally prepared plans are produced, and clear national policies to be taken into account when dealing with planning applications and some other planning decisions. When a local planning authority brings forward a plan, they have a statutory duty to have regard to these national policies, and the Framework is therefore drafted with the expectation that plans will be consistent with the policies contained within it. The Framework is also a 'material consideration'^{[\[footnote 1\]](#)} in decision-taking. It is therefore vital that it reflects this government's objectives for remaking the planning system as soon as possible.

4. We have therefore set out in this document specific changes that we propose to immediately make to the Framework (subject to and following consultation). These will allow us to swiftly deliver the government's commitments to building enough of the right homes in the right places with the right infrastructure, ensuring the environment is protected and giving local people a greater say on where and where not to place new, beautiful development. They will also allow us to deliver cheaper, cleaner, more secure power in the places that communities want to see onshore wind. Specifically, this includes changes to:

- make clear how housing figures should be derived and applied so that communities can respond to local circumstances;
- address issues in the operation of the housing delivery and land supply tests;
- tackle problems of slow build out;
- encourage local planning authorities to support the role of community-led groups in delivering affordable housing on exception sites;
- set clearer expectations around planning for older peoples' housing;
- promote more beautiful homes, including through gentle density;
- make sure that food security considerations are factored into planning decisions that affect farm land;
- and enable new methods for demonstrating local support for onshore wind development.

5. The proposed immediate changes are explained in this document. We are also publishing a tracked changes Framework document which this Prospectus should be read alongside. This sets out the detailed proposed policy wording that is indicative of what would be implemented immediately, subject to the results of this consultation. The government will respond to this consultation by spring 2023, publishing the Framework revisions as part of this, so that policy changes can take effect as soon as possible.

6. The government remains committed to delivering 300,000 homes a year by the mid-2020s and many of the immediate changes focus on how we plan to deliver the homes our communities need. We know that the best way to secure more high-quality homes in the right places is through the adoption of local plans. At present, fewer than half of local authorities have up-to-date plans (adopted in the past 5 years). Our proposed reforms create clear incentives for more local authorities to adopt plans. And our analysis shows that

having a sound plan in place means housing delivery increases compared to those local authorities with an out-of-date plan, or no plan at all^{[footnote 21](#)}. If communities know they can protect valuable green space and natural habitats as well as requiring new developments to be high quality and beautiful, plans are more likely to be both durable and robust.

7. These changes are being proposed now to realise the housing supply benefits as soon as possible. In line with this, the government is clear that plan production should continue to progress and believes the changes will assist with this. In line with this, those authorities with up-to-date local plans will benefit from additional time to prepare new style plans that will be introduced through the Bill, as set out in our proposed timetable for transitioning to new-style plans set out in chapter 9 of this document.

8. Alongside these specific changes, this document calls for views on a wider range of proposals, particularly focused on making sure the planning system capitalises on opportunities to support the natural environment, respond to climate change and deliver on levelling up of economic opportunity, and signals areas that we expect to consider in the context of a wider review of the Framework to follow Royal Assent of the Bill. The government will consult on the detail of these wider changes next year, reflecting responses to this consultation.

7. Finally, this document also sets out the envisaged role for National Development Management Policies (NDMPs). These are intended to save plan-makers from having to repeat nationally important policies in their own plans, so that plans can be quicker to produce and focus on locally relevant policies. National Development Management Policies should also provide more consistency for small and medium housebuilders, who otherwise must navigate a complex patchwork of similar but different requirements. We are proposing that National Development Management Policies are set out separately from the National Planning Policy Framework, which would be re-focused on principles for plan-making. This document calls for views on how we implement NDMPs and the government will consult on the detail next year ahead of finalising the position.

Chapter 2 - Policy objectives

1. The proposals in this document are designed to support our wider objectives of making the planning system work better for communities, delivering more homes through sustainable development, building pride in place and supporting levelling up more generally. They should be read alongside the [policy paper which accompanied the introduction of the Levelling Up and Regeneration Bill](#) published on 11 May.

2. Building beautiful and refusing ugliness: Good design and placemaking that reflects community preferences is a key objective of the planning system. We have taken steps to emphasise this, including changes made to the National Planning Policy Framework in July 2021 following the important recommendations of the Building Better, Building Beautiful Commission, and the publication of the National Model Design Code; changes which are already having positive effects on new development. The Bill will go further and require every local planning authority to produce a design code for its area. These will set simple clear minimum standards on development in that area – such as height, form and density.

These codes will have statutory status when making decisions on development, either through forming part of local plans or being prepared as a supplementary plan. They will empower communities, working with local authorities, to have a say on what their area will look like by setting clear standards for new, beautiful development. The wider review of the Framework next year and accompanying consultation on National Development Management Policies will reflect and consolidate these changes.

3. Securing the infrastructure needed to support development: The Bill includes important measures to capture uplifts in land value more effectively through a new Infrastructure Levy, as well as powers to pilot land auctions as an alternative way for authorities to identify land suitable for planning permission. It will also support better planning for infrastructure through new Infrastructure Delivery Strategies. We propose to update the Framework through the wider review next year to support the implementation of these changes. They will ensure that development delivers the infrastructure that communities need and expect, including at least as much affordable housing as at present. Good infrastructure is also critical to support a changing and competitive economy, such as the development requirements brought about by the growth in ecommerce. More details will be set out in a future consultation on the details of the Infrastructure Levy.

4. More democratic engagement with communities on local plans: The Bill includes measures to require locally prepared plans to be prepared to a swift two-year time frame whilst increasing the amount of community consultation undertaken within that process. It also sets a higher bar to depart from the plan in decision-making so as to give more certainty to communities about where development will and will not be. In next year's wider review of the Framework, we will set out clear principles to be taken into account when preparing plans, where these are not already set out in the legislation, including the importance of effective community engagement in plan-making. In revising national policy, we will also want to restate and reinforce the importance of community engagement in decision-making, especially in light of the opportunities that improved use of digital technology can offer – including putting environmental evidence at the fingertips of communities and developers. In developing National Development Management Policies, we will seek to support faster plan-making without undermining community control.

5. Better environmental outcomes: Planning can make an important contribution to conserving and enhancing the natural environment, and the vitally important task of mitigating and adapting to climate change. We committed in the government's Net Zero Strategy, published in October 2021, to review the National Planning Policy Framework to make sure it contributes to climate change mitigation and adaptation as fully as possible. In advance of next year's wider review, which will consider the issue further, we are exploring how to do more through planning to measure and reduce emissions in the built environment. We also propose to do more to support environmental enhancement, nature recovery and climate change adaptation; to mitigate the effects of pollution; and to embed the important reforms introduced by the Environment Act.

6. Empowering communities to shape their neighbourhoods: The Bill will strengthen opportunities for people to influence planning decisions that affect their immediate area. We will give increased weight to neighbourhood plans to ensure the efforts of local

communities to produce them bear fruit, introduce Neighbourhood Priorities Statements as a means for communities to formally input into the preparation of local plans, and allow residents to bring forward the development they want to see on their street through innovative new 'street votes'. The wider review of the Framework next year will support this.

7. All this is needed to deliver more homes in the right places, supported by sustainable and integrated infrastructure for our communities and our economy. We need more homes to meet the needs of communities and allow more people to own their own home. Communities want beautiful new development, in a local plan shaped by the community, supported by appropriate new infrastructure, that enhances the environment, creating new neighbourhoods while respecting existing ones – if that is what communities demand, then a remade planning system that enables that will deliver more of the right homes in the right places year-on-year. The government remains committed to its manifesto commitment of 300,000 homes a year by the mid-2020s and is clear that every local planning authority having a local plan in place is the best way of achieving this. But planning for housing is not just about numbers; it is about getting the types and quality of homes that communities need in the right places and supported by the right infrastructure – and supporting our wider economic objectives like delivering levelling up, fuelling urban regeneration and redeveloping brownfield land. We will therefore also consider how national policy can be reframed to support smaller developers, self- and custom-build developers and other innovators to enter the market, building a competitive house building market with high standards, strong rules and clear accountability.

Chapter 3 – Providing certainty through local and neighbourhood plans

1. Every local authority should have a simple, clear local plan in place to plan for housing delivery in a sustainable way for years to come. However, only around 40% of local authorities have local plans adopted within the past 5 years and the government is determined to change this. Plans can protect the important landscapes communities cherish, direct homes to the places local people prefer, give confidence to investors and businesses that they can grow, and secure the sorts of homes and neighbourhoods communities want to see, supported by clear design codes.

2. We also need to make sure that once plans are in place, they are effective and deliverable. The Bill will make an important change, by increasing the weight given to adopted plans. Alongside this, here we set out changes that we propose would take effect from spring 2023 to the 5-year housing land supply rules in areas with up-to-date plans and where communities have made neighbourhood plans.

3. It is right that the presumption in favour of sustainable development set out in the National Planning Policy Framework remains an important part of the planning system, to ensure that development comes forward where up-to-date plans are not in place. Equally, where local authorities have up-to-date plans which are delivering as expected, they should not be forced to expend resources defending against speculative applications that run counter to the plans agreed in consultation with communities. Plans should deliver what they promise.

Reforming the 5 year housing land supply (5YHLS)

4. As previously announced, we are proposing to remove the requirement for local authorities with an up-to-date plan, (which in this case means where the housing requirement as set out in strategic policies is less than 5 years old^{[footnote 31](#)}), to demonstrate continually a deliverable 5-year housing land supply. We propose the change to take effect when we publish the revised National Planning Policy Framework, expected in spring 2023. Our intention is to provide local authorities with another strong incentive to agree a local plan, giving communities more of a say on development and allowing more homes to be built. Alongside this, we intend to make further changes to simplify the operation of 5-year housing land supply requirements.

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

5. The Framework currently requires local authorities to include a buffer of 5%, 10% or 20% on top of their 5-year housing land supply in plan-making or when making decisions. These buffers were built into the 5-year housing land supply as contingency. Currently the 5% buffer is expected in all cases as a minimum, the 10% buffer is applied when an Annual Position Statement or recently adopted plan meets specific criteria (as set out in the Framework) and the 20% buffer is applied as a consequence of the Housing Delivery Test, where a local planning authority delivers less than 85% of the homes it is required to. However, the buffers can add a complexity which may not bring equivalent supply rewards. For plan-making, they can prolong debate, making it harder to get plans into place. For decision-making they can open additional routes to unplanned development. Therefore, to simplify the planning system, support a plan-led approach and to make housing land supply calculations more comprehensible to the public, we propose removing these 5-year housing land supply buffers from national planning policy in the future. Of course, it will remain vitally important that when making plans, local planning authorities identify a robust and deliverable 5-year housing land supply from the intended date of adoption of the plan.

Q.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)?

6. We also recognise that current guidance on using any oversupply of housing in 5-year housing land supply calculations leaves room for different interpretations. We have a system that has the potential to penalise those local planning authorities that overdeliver their housing requirements early in the plan period. In particular, where a local planning authority cannot justify using historic oversupply in its 5-year housing land supply calculations, it can result in a shortfall in a 5-year housing land supply later in the plan period. Consequently, the presumption in favour of sustainable development can result in additional development on land which is not allocated for development in the local plan or in line with local policies.

7. We propose bringing our position on oversupply in line with that on undersupply, when calculating a 5-year housing land supply. This will enable a local planning authority to include historic oversupply in its 5-year housing land supply calculations and to demonstrate it is meeting its community's overall housing requirements. This would be implemented by amending the Framework and planning practice guidance.

Q.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?

Q.4: What should any planning guidance dealing with oversupply and undersupply say?

Boosting the status of Neighbourhood Plans

8. Currently, where the most important policies for determining an application are out-of-date (including situations where a local planning authority cannot demonstrate it has a 5-year housing land supply, or housing delivery has been below 75% over the previous 3 years), the National Planning Policy Framework (under existing paragraph 11d) places an emphasis on granting permission. One exception is where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework. However, where a neighbourhood plan is in force, the decision-maker also needs to consider paragraph 14 of the existing Framework. It says that the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to outweigh the benefits, but only if that plan meets the following conditions:

- the neighbourhood plan became part of the development plan 2 years or less before the date on which the decision is made;
- the neighbourhood plan contains policies and allocations to meet its identified housing requirement; and
- the local planning authority has at least a 3-year supply of deliverable housing sites (against its 5-year housing supply requirement) and housing delivery was at least 45% of that required over the previous 3 years.

9. Existing National Planning Policy Framework paragraph 14 gives strong protection from speculative development to areas with a neighbourhood plan less than 2 years old that meets its housing requirement. It does, however, mean that areas with older neighbourhood plans, or where the local planning authority has a low housing land supply or poor housing delivery, can be vulnerable to speculative development.

10. We expect that neighbourhood plans will be more protected in future, because this consultation proposes that where a local plan for the area is up-to-date, a 5-year housing land supply will not be required. This would mean that the presumption in favour of sustainable development would not apply as often.

11. Nevertheless, we are also proposing additional protections for neighbourhood plans in circumstances where a local planning authority's policies for the area covered by the neighbourhood plan are out-of-date. First, we are proposing to extend protection to neighbourhood plans that are up to 5 years old instead of the current 2 years. Second, we are proposing removing tests which currently mean local planning authorities need to

demonstrate a minimum housing land supply and have delivered a minimum amount in the Housing Delivery Test for Neighbourhood Plans to benefit from the protection afforded by the Framework.

Q.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?

Chapter 4 – Planning for housing

1. Ensuring that enough land is allocated to provide the right homes in the right places that our communities need, alongside other economic, social and environmental needs, is a central task of planning. This chapter is seeking your views on potential changes to the Framework and planning practice guidance that will support our objective of a planning system that delivers the new homes we need while taking account of important areas, assets or local characteristics that should be protected or respected.

2. Sustainably planning for housing to reflect the importance of planning for housing, as well as the other forms of development that places need, we propose making small additions to paragraphs 1 and 7 of the existing Framework (the Introduction and Chapter 2 on Achieving Sustainable Development). These changes are intended to signal that providing for necessary development that is integrated with local infrastructure is a core purpose of the planning system, while not negating the fundamental importance of respecting the overarching economic, social and environmental objectives which set out in Chapter 2.

Q.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?

Local housing need and the standard method

3. The standard method for assessing local housing need was introduced in 2018 to make sure that plan-making by local authorities is informed by an objective assessment of projected household growth and affordability pressures, while speeding up the process of establishing housing requirement figures through local plans. It remains important that we have a clear starting point for the plan-making process and we are not proposing any changes to the standard method formula itself through this consultation. However, we will review the implications on the standard method of new household projections data based on the 2021 Census, which is due to be published in 2024.

4. Our proposed changes respond to the concerns we have heard from a wide range of stakeholders. We have heard that:

- there can be confusion about how and when it is acceptable to bring forward a plan that does not meet housing needs in full due to recognised constraints such as Green Belt. As a result, some local authorities are not progressing plans, or are struggling to make their case at examination.
- some major urban centres are not meeting, or proposing to meet, their housing need in full, with the prospect of it being 'exported' to surrounding areas,

contrary to the objective of delivering need in those areas with the best sustainable transport links and infrastructure, and with the greatest brownfield opportunities.

- delivering more homes than expected in the early years of a plan can create a “ratchet effect” as local authorities have to find more land for homes, even if overall they have delivered on expectations, thus disincentivising ambitious plans.
- some authorities are subject to consequences through the Housing Delivery Test due to developer behaviour when they are granting more than enough permissions.
- areas with recently made neighbourhood plans can find that those plans are overridden and open to unplanned development because the local planning authority cannot demonstrate a sufficient supply of housing, or their plans are set aside due to low performance in the Housing Delivery Test.
- there are concerns about the pace at which some sites, which have been granted planning permission, move through to construction and completion of new homes.

5. The combined effect is to inhibit plan-making, fuel opposition to development and ultimately hinder the supply of high-quality homes where they are needed. To address this, we propose making changes to the current National Planning Policy Framework and associated guidance on local housing need and the Housing Delivery Test. These changes are designed to support local authorities to set local housing requirements that respond to demographic and affordability pressures while being realistic given local constraints. Being clearer about how local constraints can be taken into account and taking a more proportionate approach to local plan examination is intended to speed up plan-making. Since we know that areas with up-to-date local plans have higher levels of housing delivery compared to authorities with an out-of-date local plan, or no plan at all, this is an important part of boosting housing supply. Our proposed changes to the operation of the Housing Delivery Test are similarly designed to support a plan-led system, by preventing local authorities who are granting sufficient permissions from being exposed to speculative development, which can undermine community trust in plan-making. We seek views on specific proposals now so that we can make a focused update to the National Planning Policy Framework and guidance, and quickly have an impact on plan-making and on speculative development in those areas granting enough permissions.

6. Our proposed changes for planning for housing are intended to support plan-making and in doing so help deliver more homes. We would be interested in your views on the overall implications these changes may have on plan-making and housing supply.

Q.7: What are your views on the implications these changes may have on plan-making and housing supply?

Introducing new flexibilities to meeting housing needs

7. We propose making the following changes to take effect from spring 2023:

8. Using an alternative method: local authorities will be expected to continue to use local housing need, assessed through the standard method, to inform the preparation of their plans; although the ability to use an alternative approach where there are exceptional circumstances that can be justified will be retained. We will, though, make clearer in the Framework that the outcome of the standard method is an advisory starting-point to inform plan-making – a guide that is not mandatory – and also propose to give more explicit indications in planning guidance of the types of local characteristics which may justify the use of an alternative method, such as islands with a high percentage of elderly residents, or university towns with an above-average proportion of students. We would welcome views on the sort of demographic and geographic factors which could be used to demonstrate these exceptional circumstances in practice.

Q.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?

9. Taking account of constraints and previous plans: we propose to make 3 changes relating to matters that may need to be considered when assessing whether a plan can meet all of the housing need which has been identified locally:

- First, we intend to make clear that if housing need can be met only by building at densities which would be significantly out-of-character with the existing area (taking into account the principles in local design guides or codes), this may be an adverse impact which could outweigh the benefits of meeting need in full (as set out in paragraph 11(b)(ii) of the existing Framework). This change recognises the importance of being able to plan for growth in a way which recognises places' distinctive characters and delivers attractive environments which have local support; imperatives which are reflected in the Framework's chapter on achieving well-designed places.
- Second, through a change to the Framework's chapter on protecting Green Belt land, we propose to make clear that local planning authorities are not required to review and alter Green Belt boundaries if this would be the only way of meeting need in full (although authorities would still have the ability to review and alter Green Belt boundaries if they wish, if they can demonstrate that exceptional circumstances exist). This change would remove any ambiguity about whether authorities are expected to review the Green Belt, which is something which has caused confusion and often protracted debate during the preparation of some plans.
- Third, we are aware that in some cases authorities may feel that they are having to plan for more than they need to, having delivered more homes than were planned for during the preceding plan period. We therefore intend to make clear that authorities may also take past 'over-delivery' into account, such that if permissions that have been granted exceed the provision made in the existing plan, that surplus may be deducted from what needs to be provided in the new plan. This is separate to the proposals described earlier which would allow oversupply to be taken into consideration for the purposes of calculating a 5-year housing land supply.

Q.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?

Q.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?

11. The purpose of these changes is to provide more certainty that authorities can propose a plan with a housing requirement that is below their local housing need figure, so long as proposals are evidenced, the plan makes appropriate and effective use of land, and where all other reasonable options to meet housing need have been considered. We will also make clearer in policy that authorities who wish to plan for more homes than the standard method (or an alternative approach) provides for may do so, where they judge that is right for their areas, for example to capitalise on economic development opportunities.

12. We also want to make sure that plans are subject to proportionate assessment when they are examined, in particular to avoid local planning authorities and other parties having to produce very large amounts of evidence to show that the approach taken to meeting housing need is a reasonable one. To do so, we propose to simplify and amend the tests of 'soundness' through which plans are examined, so that they are no longer required to be 'justified'. Instead, the examination would assess whether the local planning authority's proposed target meets need so far as possible, takes into account other policies in the Framework, and will be effective and deliverable. Although authorities would still need to produce evidence to inform and explain their plan, and to satisfy requirements for environmental assessment, removing the explicit test that plans are 'justified' is intended to allow a proportionate approach to their examination, in light of these other evidential requirements. We intend to update national policy in spring 2023 to reflect this.

13. For the purposes of the changes to the test of soundness, we propose that these will not apply to plans that have reached pre-submission consultation stage^{[footnote 41](#)}, plans that reach that stage within 3 months of the introduction of this policy change, or plans that have been submitted for independent examination.

Q.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?

Q.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?

14. **Delivering the urban uplift:** Whilst important constraints need to be recognised when planning for homes, so too do the opportunities to locate more homes in sustainable urban locations where development can help to reduce the need to travel (thereby supporting sustainable patterns of development overall) and contribute to productivity, regeneration and levelling up. The uplift supports our approach to making the best use of brownfield

land. The method for calculating local housing need was amended in 2020 to apply an uplift of 35% for the 20 largest towns and cities, in recognition of this potential. The government intends to maintain this uplift and to require that this is, so far as possible, met by the towns and cities concerned rather than exported to surrounding areas, except where there is voluntary cross-boundary agreement to do so (for example through a joint local plan or spatial development strategy). It will be important to capitalise on opportunities to further densify in these already-developed urban areas, using local design codes to do so in ways that take account of the existing environment. We propose a change to the Framework (see associated draft revised Framework published alongside this document for details) to make clear in policy how the uplift should be applied.

15. The Bill will remove the Duty to Co-operate, although it will remain in place until those provisions come into effect. To secure appropriate engagement between authorities where strategic planning considerations cut across boundaries, we propose to introduce an “alignment policy” as part of a future revised Framework. Further consultation on what should constitute the alignment policy will be undertaken. We are, however, aware that the boundaries of some towns and cities mean that there is sometimes minimal distinction between areas that are part of one of the 20 urban uplift authorities and neighbouring authorities. In some cases, there is good co-operation between such authorities, but we would like to hear views on how such adjoining authorities should consider their role in meeting the needs of the “core” town or city.

Q.13: Do you agree that we should make a change to the Framework on the application of the urban uplift?

Q.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?

Q.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?

16. The government does not propose changes to the standard method formula or the data inputs to it through this consultation. However, the government has heard representations that the 2014-based household projections data underpinning the standard method should no longer be relied on. The government continues to use these data to provide stability, consistency and certainty to local planning authorities. Once we have considered the implications of new 2021 Census based household projections, planned to be published by the Office for National Statistics in 2024, the government will review the approach to assessing housing need, to make sure the method commands long-term support based on the most relevant data.

Enabling communities with plans already in the system to benefit from changes

17. Authorities can begin planning in line with these changes, should they be implemented following public consultation, in spring 2023. We recognise that any changes to emerging plans which are necessary may result in delays in getting an up-to-date plan in place. So, to

reduce the risk of communities being exposed to speculative development, we propose the following time-limited arrangements. For the purposes of decision-making, where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation^{[footnote 51](#)} which included both a policies map and proposed allocations towards meeting housing need, those authorities will benefit from a reduced housing land supply requirement. This will be a requirement to demonstrate a 4-year supply of land for housing, instead of the usual 5. These arrangements would apply for a period of 2 years from the point that these changes to the Framework take effect, since our objective to provide time for review while incentivising plan adoption.

18. We are also proposing a number of transitional arrangements with respect to moving to the new plan-making system, as set out in Chapter 9 of this document.

Q.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? If no, what approach should be taken, if any?

Q.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?

Taking account of permissions granted in the Housing Delivery Test (HDT)

19. The Housing Delivery Test was introduced in 2018 to measure homes built in local planning authorities across England. Where delivery is below the number of homes planned for, policy consequences are applied to help identify the reasons for under-delivery and to make sure sufficient land is brought forward for development (an action plan for those delivering below 95%, a 20% buffer added to 5-year housing land supply for those delivering below 85%, and the presumption in favour of sustainable development for those delivering below 75%).

20. The government wants to apply the HDT in a way which does not penalise local planning authorities unfairly when slow housing delivery results from developer behaviour. With this in mind, we are proposing adding to the current Housing Delivery Test an additional permissions-based test. This will 'switch off' the application of 'the presumption' as a consequence of under-delivery, where a local planning authority can demonstrate that there are 'sufficient' deliverable permissions to meet the housing requirement set out in its local plan. This is in addition to the proposal to delete the 20% HDT buffer consequence in the above section on the 5-year housing land supply.

21. To qualify for the Housing Delivery Test presumption 'switch off', a local planning authority would need to have sufficient permissions for enough deliverable homes to meet their own annual housing requirement or, where lacking an up-to-date plan (adopted in the past 5 years), local housing need, plus an additional contingency based on the number of planning permissions that are not likely to be progressed or are revised.

22. The figures currently collected by the department are the numbers of decisions on planning applications submitted to local planning authorities, rather than the number of homes included in each application, so we will need a robust approach for counting permissioned homes. Our assessment is that some contingency will be required: based on an analysis of the number of planning permissions that are not progressed or are revised, this should be set at 15%. We therefore propose defining 'sufficient' deliverable units as 115% of the housing requirement or local housing need, and this will form the basis for the 'switch off'. If a local planning authority can show they have permissioned enough housing, the application of the presumption will be 'switched off.' However, the authority will still be required to prepare an action plan that assesses the causes of housing under-delivery and identifies actions to increase housing delivery in future years.

Q.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?

Q.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?

Q.20: Do you have views on a robust method for counting deliverable homes permissioned for these purposes?

23. It remains our intention to publish the 2022 Housing Delivery Test results. However, given our proposed changes and consultation on the workings of the Housing Delivery Test, we would like to receive views on whether the test's consequences should follow from the publication of the 2022 Test or if they should be amended, suspended until the publication of the 2023 Housing Delivery Test, or frozen to reflect the 2021 Housing Delivery Test results while work continues on our proposals to improve it. We will take a decision on the approach to the Housing Delivery Test and the implementation of any the proposed changes in due course, once we have analysed consultation responses.

Q. 21: What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

Chapter 5 – A planning system for communities

1. The government is committed to creating a planning system that focuses not simply on housing numbers, but on delivering the types of homes that communities want and need. That means a diverse range of homes, more genuinely affordable housing and specific provision for older people – all built to designs that suit local communities and at densities that make efficient use of land while aligning with local character. Below we consult on some specific changes to take effect from spring 2023 and seek views on a set of wider proposals.

More homes for social rent

2. The Levelling Up White Paper made clear our commitment to “increase the amount of social housing available over time to provide the most affordable housing to those who need it” and to “ensure home ownership is within the reach of many more people”. If we want to have functioning communities, with the right homes in the right places, then we need to deliver more homes that are genuinely affordable to rent and to own.

3. The Framework currently includes specific stipulations about securing homes for affordable home ownership, outlining an expectation that 10% of homes in major developments should be available for affordable home ownership. We believe our national planning policy must continue to support this but equally that it should place much greater value on the most affordable housing tenure: Social Rent.[\[footnote 6\]](#)

4. We therefore intend to make changes to the Framework to make clear that local planning authorities should give greater importance in planning for Social Rent homes, when addressing their overall housing requirements in their development plan and making planning decisions. Securing Social Rent homes will already be the priority for many local planning authorities, and we want national planning policy to support this. We would welcome views on how we could make specific provisions in the revised framework to deliver this, alongside the existing provisions for affordable home ownership.

Q.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?

More older people’s housing

5. This government is committed to further improving the diversity of housing options available to older people and boosting the supply of specialist elderly accommodation. The National Planning Policy Framework supports this ambition by asking local authorities to provide for a diverse range of housing needs, including for older people.

6. The Framework already makes clear that the size, type and tenure of housing needed for different groups in the community, including older people, should be assessed and reflected in planning policies. In 2019, we also published [guidance to help local authorities implement the policies](#) that can deliver on this expectation.

7. The population of the UK is ageing rapidly and around 1-in-4 will be aged 65 or over by 2041. We need to ensure that our housing market is prepared for this challenge and that older people are offered a better choice of accommodation to suit their changing needs, to help them to live independently and feel more connected to their communities. In 2021, a report by the International Longevity Centre indicates that there will be a shortfall of 37% in specialist retirement housing by 2040.

8. We have therefore been considering ways in which the Framework can further support the supply of older people’s housing. We propose to do this by adding an additional specific expectation that within ensuring that the needs of older people are met, particular regard is

given to retirement housing, housing-with-care and care homes, which are important typologies of housing that can help support our ageing population.

9. Alongside this, we are also launching a taskforce on older people's housing, which we announced in the Levelling Up White Paper. This taskforce will explore how we can improve the choice of and access to housing options for older people and will follow important work conducted recently by Professor Mayhew on meeting the challenges of our ageing population.

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

More small sites for small builders

10. Small sites play an important role in delivering gentle density in urban areas, creating much needed affordable housing, and supporting small and medium size (SME) builders. Paragraph 69 of the existing National Planning Policy Framework sets out that local planning authorities should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved. The Framework also asks local planning authorities to use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward; and to support the development of windfall sites through their policies and decisions. Local planning authorities are asked to work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

11. We have heard views that these existing policies are not effective enough in supporting the government's housing objectives, and that they should be strengthened to support development on small sites, especially those that will deliver high levels of affordable housing. The government is therefore inviting comments on whether paragraph 69 of the existing Framework could be strengthened to encourage greater use of small sites, particularly in urban areas, to speed up the delivery of housing (including affordable housing), give greater confidence and certainty to SME builders and diversify the house building market. We are seeking initial views, ahead of consultation as part of a fuller review of national planning policy next year. Alongside this, the government has developed a package of existing support available for SME builders, including the Levelling Up Home Building Fund which provides development finance and Homes England's Dynamic Purchasing System which disposes of parcels of land.

Q.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)?

Q.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?

More community-led developments

12. To support levelling up and housing market diversification and delivery, we want to encourage a greater role for community-led housing groups. We propose to strengthen statements within Chapter 5 of the Framework to make sure there is more emphasis on the role that community-led development can have in supporting the provision of more locally-led affordable homes.

13. We want to encourage local planning authorities to support the role of community-led groups in delivering affordable housing - including on exception sites - by referencing community-led developments specifically. We are also proposing to define community-led developments in the Glossary of the framework to assist in the implementation of this policy change.

14. We want national planning policy to recognise the important contribution that community-led groups can make to the development of new affordable homes, and the associated benefits in terms of design quality, and sustaining local communities and local economies. Some community-led developers have told us that the definition of “affordable housing for rent” in the Framework glossary makes this more difficult because it defines this type of housing as having a landlord that is a Registered Provider of social housing (other than where part of Build to Rent schemes).

15. Restricting the definition to homes let by Registered Providers ensures that the residents who will eventually live in those homes benefit from the protections offered by the regulatory system for social housing. We are currently in the process of enhancing those protections through the Social Housing Regulation Bill.

16. Whilst community-led developers may apply to become Registered Providers, many prefer not to do so on grounds of proportionality. Almshouses – who also make a valuable contribution to the provision of affordable housing – have raised similar concerns about the definition.

17. We would therefore welcome views on whether the definition of “affordable housing for rent” should 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. We would also welcome views on how we can ensure that any change aligns with our drive (including through the Social Housing Regulation Bill) to ensure that social housing is of good quality and that residents can have access to swift and fair redress. In addition, we would like to make it easier for community groups to bring forward exception sites for affordable housing in rural areas, as they are often particularly well placed to understand community needs and aspirations. We are not aware of any major barriers for community groups in making use of the existing rural exception sites policy but would be keen to seek the views of stakeholders as to whether this is in fact the case, and if there are any broader changes that government could make to encourage community involvement in affordable housing delivery, particularly in rural areas.

Q.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?

Q.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?

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

Q.29: Is there anything else national planning policy could do to support community-led developments?

18. Separately from these immediate changes to the NPPF, we want to take the opportunity to consult on potential ways to improve developer accountability and, in particular, take account of past irresponsible behaviour in decision-making.

19. Public confidence in the planning system is undermined if planning rules are deliberately ignored and there is no sanction against such behaviour. Although the vast majority of developers and landowners follow the rules, instances of irresponsible individuals and companies persistently breaching planning controls or failing to deliver their legal commitments to the community are not uncommon. It is particularly frustrating when local communities see these individuals and companies securing planning permission again despite their blatant disregard for the rules.

20. The Bill already includes a package of planning enforcement reforms to enable local planning authorities to take more effective enforcement action against unauthorised development, but the government wants to go further. We are keen to explore whether past irresponsible planning behaviour should be taken into account when applying for planning permission. This would ensure bad developers cannot continue to play the planning system, helping to strengthen local communities' trust in it.

21. We recognise that it is a long-standing principle that planning decisions should be based on the planning merits of the proposed development – and not the applicant. This principle is critical to ensuring the planning system is fair, open and focused on land use considerations. Nonetheless, there are instances where personal circumstances can be taken into account, and we consider it would be legitimate to consider widening this scope to include an applicant's past irresponsible behaviour.

22. We consider there are at least two potential ways of take account of this past irresponsible behaviour:

- option 1: making such behaviour a material consideration when local planning authorities determine planning applications so that any previous irresponsible behaviour can be taken into account alongside other planning considerations;
- option 2: allowing local planning authorities to decline to determine applications submitted by applicants who have a demonstrated track record of past irresponsible behaviour prior to the application being considered on its planning merits - similar to the amendment which we have already made to the Levelling Up and Regeneration Bill allowing local planning authorities to decline to

determine new applications on sites where the build out of development has been too slow.

These options will require primary legislation, as well as further engagement with local planning authorities, the development sector and other stakeholders to ensure that the proposals are fair, proportionate and workable.

Q.30: Do you agree in principle that an applicant's past behaviour should be taken into account into decision making? If yes, what past behaviour should be in scope?

Q.31: Of the 2 options above, what would be the most effective mechanism? Are there any alternative mechanisms?

More build out

23. The government is absolutely clear that developments should be built out as soon as possible once planning permission is granted. However, we recognise that there are concerns about the pace at which some sites, which have received the grant of planning permission, are progressing. We have therefore developed a package of measures to incentivise the prompt build-out of permitted housing sites and to support local authorities to act against those who fail to meet these commitments.

24. Through proposals in the Bill, housebuilders will be required to formally notify local authorities, via a Development Commencement Notice (DCN), when they commence development. We will also modernise and streamline existing powers for local authorities to serve a completion notice (which has the effect that if the development is not completed within the period specified in the notice, the planning permission for unfinished development lapses), making the process much quicker and simpler. Furthermore, housing developers will be required to report annually to local authorities on their actual delivery of housing against a proposed trajectory that they submit on commencing a scheme for which they have permission. Finally, local planning authorities will have discretion to decide whether to entertain future planning applications made by developers who fail to build out earlier permissions granted on the same land. Of course, alongside this we expect local authorities to do their bit in promptly processing planning permissions and discharging conditions and an increase in planning fees that we intend to consult on is intended to help resource local authorities to do this.

25. To further strengthen this package, following passage of the Bill, we intend to introduce 3 further measures, via changes to national planning policy:

- a) We will publish data on developers of sites over a certain size in cases where they fail to build out according to their commitments.
- b) Developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate (which is the rate at which homes are sold or occupied).
- c) The National Planning Policy Framework will highlight that delivery can be a material consideration in planning applications. This could mean that applications with trajectories that propose a slow delivery rate may be refused in certain circumstances.

26. These measures will improve transparency and public accountability over build out rates once permission is granted, empower local authorities to take account of build out considerations when making planning decisions, and give authorities stronger tools to address build out problems where they arise. We are seeking initial views, ahead of consultation as part of a fuller review of national planning policy next year.

27. We will be launching a separate consultation on proposals to introduce a financial penalty against developers who are building out too slowly.

Q.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?

Chapter 6 – Asking for beauty

Ask for beauty

1. As the Building Better, Building Beautiful Commission made clear, beauty is not a cost to be negotiated away once planning permission has been obtained. It is the benchmark that all new developments should meet. It includes everything that promotes a healthy and happy life, everything that makes a collection of buildings into a place, everything that turns anywhere into somewhere, and nowhere into home.

2. Through our work on levelling up we make clear the importance of well-designed beautiful places to boosting civic pride, with people having a say on how and where beautiful sustainable homes and neighbourhoods are built. As set out in Chapter 2, better design supports housing supply because we know that communities are more welcoming of new development that is beautiful.

3. Design codes prepared by local authorities with communities will ensure beautiful and well-designed development by helping to shape buildings, public spaces, streets and neighbourhoods. These will set simple clear minimum standards on development in that area – such as height, form and density. We intend to consult on introducing secondary legislation so that existing permitted development rights with design or external appearance prior approvals will take into account design codes where they are in place locally.

4. The National Planning Policy Framework was updated in July 2021 to strengthen the emphasis on beauty, place-making and good design. We have updated the reference in existing paragraph 135 on the use of design assessment tools and processes by local planning authorities. This reflects that the [National Model Design Code \(NMDC\)](#) is now in widespread use and that the primary means of assessing and improving the design of development should be through the preparation of local design codes in line with the NMDC, which will provide a framework for creating healthy, safe, green, environmentally responsive, sustainable and distinctive places, with a consistent and high-quality standard of design.

5. We propose to make the changes to the Framework to emphasise the role of beauty and placemaking in strategic policies to further encourage beautiful development and deliver on the levelling up missions through our national planning policy. We also propose to make a stronger link between good design and beauty by making additions to Chapters 6, 8 and 12 of the Framework to further reflect the importance of beautiful development in our everyday lives as recognised by the Building Better, Building Beautiful Commission report so it becomes a natural result of working within the planning system.

Q.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?

6. We also propose to replace the references to 'well-designed' in the title of Chapter 12 and existing paragraphs 84a and 124c to read 'well-designed and beautiful'.

Q.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?

Refuse ugliness

7. It is important that local planning authorities have visual clarity on the design of development as part of the planning application process by ensuring conditions refer to clear and accurate plans and drawings. This will help support effective enforcement and ensure well-designed and beautiful places where the design quality of approved development is not materially diminished after a scheme is permitted. We propose to amend the Framework to encourage local planning authorities to consider how they can ensure that planning conditions associated with applications reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process.

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

Embracing gentle density

8. Building upwards in managed ways can help deliver new homes and extend existing ones in forms that are consistent with the existing street design, contributing to gentle increases in density. The Framework sets out how local planning policies and decisions should consider airspace development above existing residential and commercial premises for new homes. This includes allowing upwards extensions where the development would be consistent with criteria relating to neighbouring properties and the overall street scene, as well as being well-designed and maintaining safe access and egress for occupiers.

9. In some locations, local planning authorities have been reluctant to approve mansard roof development, as it has been considered harmful to the character of neighbourhoods^{[footnote 1](#)}. As a general approach, this is wrong - all local planning authorities should take a positive

approach towards well designed upward extension schemes, particularly mansard roofs. It is proposed that a reference to mansard roofs as an appropriate form of upward extension would recognise their value in securing gentle densification where appropriate.

Q.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?

Chapter 7 – Protecting the environment and tackling climate change

1. Leaving the environment in a better state and tackling climate change are two of the greatest long-term challenges facing the world today. The government is committed to ensuring that the town and country planning and Nationally Significant Infrastructure Project regimes contribute to addressing both of these challenges. The planning system should, as a whole, reflect the government's ambition to help business and communities protect and enhance the environment for future generations, build a net zero carbon future, and adapt to the impacts of climate change. National planning policies and guidance, spatial development strategies and local plans should all contribute to this core objective of planning.

2. The National Planning Policy Framework already places environmental objectives at the heart of the planning system, making clear that planning should protect and enhance our natural environment, mitigate and adapt to climate change, support the transition to a low carbon future and take full account of flood risk and coastal change. The Environment Act has further strengthened the role of the planning system, through mandatory Biodiversity Net Gain and Local Nature Recovery Strategies, setting the foundations for planning to have a more proactive role in promoting nature's recovery. Government is setting targets under the Environment Act, which will also drive action across government including through the proposed changes to the planning system to deliver environmental improvement. The changes we have committed to are designed to support more holistic placemaking – through application of the National Design Guide, National Model Design Code and local design codes – will also contribute to these objectives.

3. The government wants to build on these existing protections to make sure that protecting and improving the environment and tackling climate change are central considerations in planning. In principle, planning policies and decisions can support this in 6 main ways:

- protecting important natural, landscape and heritage assets, whilst also incorporating nature, landscape and public space into development and its surroundings;
- supporting habitat creation and nature recovery in ways which benefit nature and people. For instance, nature based solutions can store carbon, assist adaptation (e.g. by reducing water run-off rates) and protect and enhance ecology;
- promoting locational and design decisions that reduce exposure to pollution and hazards and respond to changing climate conditions, for example the risk of overheating, surface-water flooding, and water scarcity;

- enabling renewable and low carbon energy production and distribution, at both a commercial and household scale; and policies for regulating carbon-generating extraction and energy generation;
- promoting development locations, and designs and layouts, that contribute to healthier lifestyles, energy and resource efficiency consumption, for example by reducing the need to travel, increasing public transport connectivity and accessibility and promoting active travel i.e. walking, wheeling and cycling; and
- bringing together the spatial strategy for a place in a way which addresses these in a holistic way and reflects its unique characteristics, whilst also providing a clear framework for development and regeneration.

4. We recognise that some local authorities have already made significant progress in the areas above. We want to ensure these frontrunners continue to innovate and lead the way. And we want to support wider adoption of their best practice. We will review the strategic objectives set out in planning policy to ensure that they support this, along with government's commitments on environmental targets under the Environment Act, net zero and the National Adaptation Programme. Ahead of the wider review of national planning policy next year, we are seeking views on the approach to carbon assessments and the role planning can play in supporting climate adaptation. In the short-term, we are consulting on specific changes to make sure that the food production value of land is reflected in planning decisions that we propose will take effect from spring 2023.

Delivering biodiversity net gain and local nature recovery

5. Whilst conserving and enhancing the environment has always been a central objective of the planning system, the growing scale of the environmental challenges which we face make the role of planning more important than ever. In particular, we believe the planning system can play a do more to enable nature and environmental improvements. The world-leading Environment Act 2021 provides the foundations for this, giving planning a crucial role in delivering its ambitious environmental programme, designed to halt the decline of species by 2030, clean up our air and protect the health of our rivers, reform the way in which we deal with waste and tackle deforestation overseas. In particular:

- it introduced a requirement to demonstrate at least 10% biodiversity net gain on all development sites, other than a small number of exemptions. This will become mandatory from November 2023 and will be a core component of our commitment to ensuring planning enables better outcomes for nature.
- it introduced new Local Nature Recovery Strategies, which will map important habitats and areas for nature recovery and enhancement. It is important that we reflect these strategies in the plan-making process if we are to capitalise on opportunities to strategically site off-site biodiversity net gain, public access to nature, nutrient mitigation and carbon sequestration; and
- during passage of the Act, the government made a commitment to review the National Planning Policy Framework policy on ancient woodlands and ancient and veteran trees, to consult on the wording in the Framework, and to introduce a new duty on planning authorities to consult the Secretary of State for DLUHC before granting permission for development affecting ancient woodland.

6. Making sure that Biodiversity Net Gain delivers: We have heard concerns about the risk of gaming the system by developers or landowners, clearing sites before applying for planning permission in order to lower the baseline from which gain is assessed. We will work with Defra to review the current degradation provisions for Biodiversity Net Gain, to reduce the risk of habitat clearances prior to the submission of planning applications, and before the creation of off-site biodiversity enhancements.

7. Embracing wider opportunities to support biodiversity: We are also seeking views on how we can strengthen policy and associated national design guidance to promote small-scale changes that can enhance biodiversity and support wildlife recovery. The National Model Design Code already promotes design that will encourage more wildlife-friendly neighbourhoods, including bat and bird boxes, bee and swift bricks and hedgehog highways. In addition, the government has already set out its view that artificial grass has no value for wildlife. Its installation can have negative impacts on both biodiversity drainage for flood prevention or alleviation, and plastic pollution, if installed in place of natural earth or more positive measures such as planting flowers, trees or providing natural water features. We want to go further and will consider how we can make sure that our policy and design guidance fully supports habitats and routes for wildlife, as well as halting the threat to wildlife created by the use of artificial grass by developers in new development (noting the importance of some uses of artificial grass such as on sports pitches).

Q.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?

8. Reflecting Local Nature Recovery Strategies in the planning system: The Environment Act has already established that local authorities have a responsibility, including through their planning functions, to have regard to the contents of these strategies. We have committed to bring forward further guidance on how local authorities will be expected to comply with this duty. This will set out how plan and decision making in the planning system can play a complementary role to the objectives of the strategies that are brought forward.

9. Ancient woodlands protection: Working with Defra, we will undertake the promised review of ancient woodlands and ancient and veteran trees protection in the Framework. As it is prescribed in the current system, development can only adversely impact ancient woodland and ancient and veteran trees if there are “wholly exceptional reasons, and a suitable compensation strategy exists”. As part of this review, we will consider the options for further protecting these important habitats through the planning system.

Recognising the food production value of farmland

10. The government’s food strategy highlights that the UK maintains a high degree of food security. The strategy sets out an aim to broadly maintain domestic production at current levels to build the UK’s resilience to future crisis and shocks. We have some of the best performing farms in the world, with 57% of agricultural output coming from just 33% of the farmed land area. To emphasise the important role that our best performing farms have on food security, alongside imperatives such as energy security, we are seeking initial views on

increasing the consideration given to the highest value farmland used for food production in the Framework for both plans and decision making.

11. The Framework currently expects that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land. Best and Most Versatile land is defined as grades 1-3a in the Agricultural Land Classification. To build on this, we propose a change to the current Framework footnote 58 by adding detail on the consideration that should be given to the relative value of agricultural land for food production, where significant development of higher quality agricultural land is demonstrated to be necessary, compared to areas of poorer quality land. This should not prevent the achievement of government's objectives in relation to nature recovery and creation of ecosystem services to enable and offset development elsewhere.

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

Climate change mitigation: exploring a form of carbon assessment

12. As committed to in the Net Zero Strategy, we will carry out a fuller review of the National Planning Policy Framework following Royal Assent of the Bill, to ensure they contribute to climate change mitigation and adaptation as fully as possible. This will include reflecting the government's Transport Decarbonisation Plan, to further strengthen the links between planning and transport in pursuing sustainable patterns of development and an improved built environment; and we will expect plans to show how their approach to identifying land should support this. This will form part of the work intended for next year to create a new suite of National Development Management Policies, and to re-focus the National Planning Policy Framework on principles for plan-making. Much of this work to date, including our commitment towards the Future Homes Standard (2025) and Building Standards will help to deliver significant reductions in operational carbon emissions from the built environment, supplementing work on decarbonising our transport network and reducing reliance on fossil fuels. The government has also announced our intention to consult in 2023 on our approach and interventions to mainstream measurement and reduction of embodied carbon.

13. There have been calls to embed a broad form of carbon assessment in planning policy, for example that could apply at local plan-level or could cover emissions that result from locational, design, travel and development choices. However, evidence on their operation and impact, and how local authorities take action on the results, is not clear cut. We are interested in whether effective and proportionate ways of deploying a broad carbon assessment exist, including what they should measure, what evidence could underpin them such as Local Area Energy Plans, and how they may be used in a plan-making context or as a tool for assessing individual developments. This will inform a further consultation on national planning policy in due course. Alongside this, the government intends to consult in

2023 on Quantifiable Carbon Reductions guidance as part of the statutory Local Transport Plans process.

Q.39: What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

Climate adaptation and flood-risk management

14. The National Planning Policy Framework embeds policies on adapting to climate change through the planning system, including designing and shaping sustainable places that are resilient to, and appropriate for, current and future climate change impacts. This has been further strengthened through the July 2021 update, which added express reference to climate change adaptation to the wording of the presumption in favour of sustainable development.

15. Our review of planning policy for development in areas at flood risk, undertaken jointly with Defra and the Environment Agency, also informed the recent changes to the National Planning Policy Framework, including emphasising the importance of considering the impacts of all sources of flooding. We will keep this important aspect of national policy under review to ensure it is sufficiently robust to keep future development safe from floods and to not increase risk elsewhere. This includes reviewing the planning policy approach for areas at the coast in managing and adapting to coastal change and sea level rise.

16. To support practitioners to ensure that development meets the strict policy criteria in relation to flood risk, including the location of development, in August 2022 we published a significantly revised and updated flood risk and coastal change section of the Planning Practice Guidance.

17. In addition, the government has commenced a review of the case for implementing Schedule 3 to the Flood and Water Management Act 2010 concerning Sustainable Drainage Systems (SuDS). The review will ensure that the commencement of Schedule 3 in England will support the objectives of alleviating pressures on the sewer network and reducing flood risk, as well as improving water quality, amenity, biodiversity, and rainwater harvesting. If implemented, this Schedule would introduce standards for new sustainable drainage systems as well as making connection to public sewers conditional of approval that the drainage system meets the national standards. government will update on the outcome of this review shortly.

18. Alongside this we will review policy and guidance in relation to the production of Strategic Flood Risk Assessments to encourage maximum coverage and more frequent updates to ensure up-to-date assessments are available to support both plan preparation and decision making. Taken together, this will ensure that flood risk is appropriately considered and will improve the speed and effectiveness of decisions.

19. Stakeholders have suggested that planning policy should address other climate risks identified in the third Climate Change Risk Assessment, such as overheating and water

scarcity, and that it should help put more focus on nature-based solutions and multi-functional benefits. This would be beneficial for ensuring future development is resilient to changes in climate, beyond the role of building regulations. For example, the provision of green infrastructure in new development can aid climate change adaptation and improve resilience to extreme weather events. In doing so it can provide a pleasant environment, have a positive impact on people's health and well-being, enhance biodiversity, assist with water management, and contribute towards cooling and shading to counter overheating. In addition, the latest assessment of climate risk to the UK includes 61 risks and opportunities, and government is working to develop a third National Adaptation Programme for the UK that will address these. Any changes needed for adaptation in the National Planning Policy Framework will include considering any changes required to reflect the third National Adaptation Programme, governments policy response to the latest assessment of UK climate risk, the third Climate Change Risk Assessment.

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

Chapter 8 – Onshore wind and energy efficiency

1. The dramatic rise in global energy prices and Russia's invasion of Ukraine has demonstrated how crucial it is that we build a strong, home-grown renewable energy sector to further reduce our reliance on expensive and imported fossil fuels. The government's [Net Zero Strategy](#) set out a clear vision for decarbonising and transforming the way energy is produced and used. This includes bringing forward the government's goal of a fully decarbonised power system by 2035 (subject to security of supply) which requires a step change in deploying renewable technologies. Reflecting our commitments in the Conservative Party's 2019 manifesto, this government is serious about delivering a cheaper, greener and more secure energy supply, so we need to consider all our options for securing it.

2. As committed to in the Secretary of State for Levelling Up, Housing and Communities' [written ministerial statement of 6 December](#), we are therefore consulting on changes to planning policy for onshore wind to deliver a more localist approach that provides local authorities more flexibility to respond to the views of their local communities. We are also proposing changes to the National Planning Policy Framework to fulfil commitments in the British Energy Security Strategy to support the repowering of onshore wind and review the barriers when installing energy efficiency measures.

Enabling the repowering of existing onshore wind turbines

3. As one of the earliest renewable technologies to deploy, a number of onshore wind turbines will be starting to reach the end of their design life over the next few years. The [British Energy Security Strategy](#) set out a commitment to support the repowering of existing onshore wind sites when they require updating or replacement. With advances in technology this process can enhance capacity and provide new opportunities for communities to benefit. Repowering existing wind sites, a process involving replacing the

old turbines with more powerful and efficient models that use the latest technology, will allow us to sustain and, in many cases, increase output from the current onshore wind fleet, while using fewer turbines overall. Failure to do so would mean significant losses of existing cheap electricity generation and would also mean needing to build new infrastructure elsewhere as a substitute, increasing pressure on the environment and local communities.

4. We propose making changes to Paragraphs 155 and 158 of the existing National Planning Policy Framework to enable the re-powering of renewable and low carbon energy where planning permission is needed, and providing that the impacts of any development proposal are or can be made acceptable in planning terms.

Q.41: Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

Q.42: Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

Introducing more flexibility to plan for new onshore wind deployment

5. The National Planning Policy Framework currently expects that for any proposed wind energy development to be considered acceptable, it should be located in areas identified as suitable in the development plan and following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has community backing. These policies were introduced to national planning policy in 2015, but today in the midst of an energy crisis, it is right that we review the policy based on the most up-to-date evidence - to give communities a say on what is built in their area.

6. Onshore wind is an efficient, cheap and widely supported technology – we know that achieving net zero and meeting the UK's legally binding decarbonisation targets will require an increase in locally supported onshore wind. Technological advancements means that it can generate at closer to maximum potential, and for longer. The costs of the technology have fallen dramatically, and it is now amongst the cheapest forms of electricity generation in the UK today. The Public Attitudes Tracker published by the Department for Business, Energy and Industrial Strategy shows that onshore wind deployment is supported by 78% of the population.

7. Nevertheless, we recognise that, with taller and more visible turbines, there is a greater range of opinions about the impact of onshore wind on local communities. We continue to believe that decisions on onshore wind are best made by local authorities, in consultation with their communities. To deliver this, and our commitments in the British Energy Security Strategy, we have announced our intention to consult on a more localist approach that provides local authorities more flexibility to respond to the views of their local communities. Our proposed changes to the existing National Planning Policy Framework Footnote 54 will ensure that:

- Permission is predicated on satisfactorily addressing the planning impacts of onshore wind projects as identified by local communities, and on demonstrable

local support for the scheme, learning from best practice and using new digital engagement techniques.

- Local authorities have a range of routes to demonstrate their support for certain areas in their boundaries to be suitable for onshore wind, outside the overly rigid requirement for onshore wind sites to be designated in the development plan.

8. We have published updated guidance about community engagement to help set out our expectations for developers. The updated guidance articulates our expectation that developers go further in their engagement with communities, such as investing in digital and online methods of engagement and revising the size and layout of projects in response to community feedback. To ensure host communities can participate and benefit from onshore wind energy, we will:

- retain regulations that require onshore wind developers to consult with the local community at pre-application stage, so communities will retain the right to have a say before an application is submitted;
- provide further information in planning practice guidance to explain how it can be demonstrated that the planning impacts identified by the affected local community have been satisfactorily addressed and the proposal has community support, reflecting our proposed changes to the Framework;
- retain current legislation that provides for all onshore wind applications to be considered by local planning authorities rather than through the Nationally Significant Infrastructure Projects regime; and
- consult in the coming months on the development of local partnerships with supportive communities who wish to host onshore wind in exchange for community benefits such as discounted energy bills; delivering our commitment on this in the British Energy Security Strategy.

Q.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?

Barriers to energy efficiency

9. We have also committed to review the practical planning barriers that households can face when installing energy efficiency measures in their homes, such as improved window glazing and better insulation; and particularly relevant to conservation areas and listed buildings. To help the delivery of such measures, we have proposed adding new Paragraph 161 to the National Planning Policy Framework to clarify that significant weight should be given to the importance of energy efficiency through adaptation of buildings, whilst ensuring that local amenity and heritage continues to be protected.

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

Chapter 9 - Preparing for the new system of plan-making

1. Although 95% of local planning authorities have now adopted a Local Plan, we know that only around 40% of these authorities have adopted within the last 5 years. It is critical that work should continue on plans before the new system is in place, to ensure that the planning system can maximise its role in helping everyone shape the future of the areas they live in, maximising opportunities to enhance the environment and provide the jobs and homes needed locally. Ensuring a steady flow of plans will allow land continues to come forward and help to smooth the transition to the new system.

2. The Bill sets out reforms to the local plan-making system. Plans will be produced more quickly and the content of plans will be simplified. Plans will also enjoy greater weight in the decision-making process, limiting the circumstances when unplanned development could be approved – in particular through the application of the presumption in favour of sustainable development (the so called ‘tilted balance’). This will result in a more effective system that is easier to engage with, giving greater certainty to those affected by and use the system, whilst providing communities with a greater say in how they want their areas to develop. Subject to parliamentary approval, we expect these plan-making reforms to be implemented from late 2024. Here, we set out the proposed timeline for shifting to this new system.

Giving time to finalise and adopt plans already in development before the reformed plan-making system is introduced

3. The reformed plan-making system is intended to be introduced in late 2024. In the meantime, we recognise the importance of ensuring that as many authorities as possible can take advantage of the policy changes outlined in this wider document, which are expected to take effect from spring 2023. Ensuring that plans can progress in the short term will allow land for development to continue to come forward and help to smooth the transition to the new plan-making system. Authorities with an up-to-date local plan in place will be in the best possible position to adapt to the reforms provided for in the Bill.

4. Therefore, we are proposing that plan makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework; this will mean that existing legal requirements and duties, for example the Duty to Cooperate, will still apply.

5. We are also proposing that all independent examinations of local plans, minerals and waste plans and spatial development strategies must be concluded, with plans adopted^{[\[footnote 8\]](#)}, by 31 December 2026. These plans will be examined under the current legislation.

Q.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?

Setting out the timeline for preparing local plans, spatial development strategies, minerals and waste plans and supplementary plans under the reformed system

6. Under the reformed system, which we expect to go live in late 2024, there will be a requirement for local planning authorities and minerals and waste planning authorities to start work on new plans by, at the latest, 5 years after adoption of their previous plan, and to adopt that new plan within 30 months.

7. Authorities that have prepared a local plan, spatial development strategy or minerals and waste plan which is more than 5 years old when the new system goes live (and are not proactively working towards the 30 June 2025 submission deadline under the current system, as set out above), will be required to begin preparing a new style local plan, spatial development strategy or minerals and waste plan straight away.

8. Authorities that have prepared a local plan, spatial development strategy or minerals and waste plan which is less than 5 years old when the new system goes live will not be required to begin preparing a new-style plan until their existing plan is 5 years old. So, for example, if an authority last adopted a local plan on 31 March 2022, the preparation of a new plan must start by 1 April 2027. For a plan adopted in mid-December 2026, the preparation of a new plan must start by mid-December 2031. The period of 5 years applies from the date of adoption. Authorities can begin preparing a new plan sooner if they wish.

9. Authorities that do not meet the 30 June 2025 submission deadline for 'old-style' plans (as set out previously) will need to prepare plans under the new plan-making system.

10. We understand the importance of mitigating the risks of moving from one system of plan-making to the other, particularly the risk of local planning authorities being exposed to speculative applications while preparing their first new-style plan, if their existing local plan becomes out-of-date shortly after the new system is introduced. Therefore, in addition to the arrangements described above, we also intend to set out that plans that will become more than 5 years old during the first 30 months of the new system (i.e. while the local planning authority is preparing their new plan), will continue to be considered 'up-to-date' for decision-making purposes for 30 months after the new system starts.

11. Additionally, where a plan has been found sound subject to an early update requirement, and the Inspector has given a deadline to submit an updated plan within the first 30-months of the new system going live, this deadline will be extended to 30-months after the new system goes live. This will ensure that local planning authorities are protected from the risk of speculative development while preparing their new plan.

Neighbourhood plans

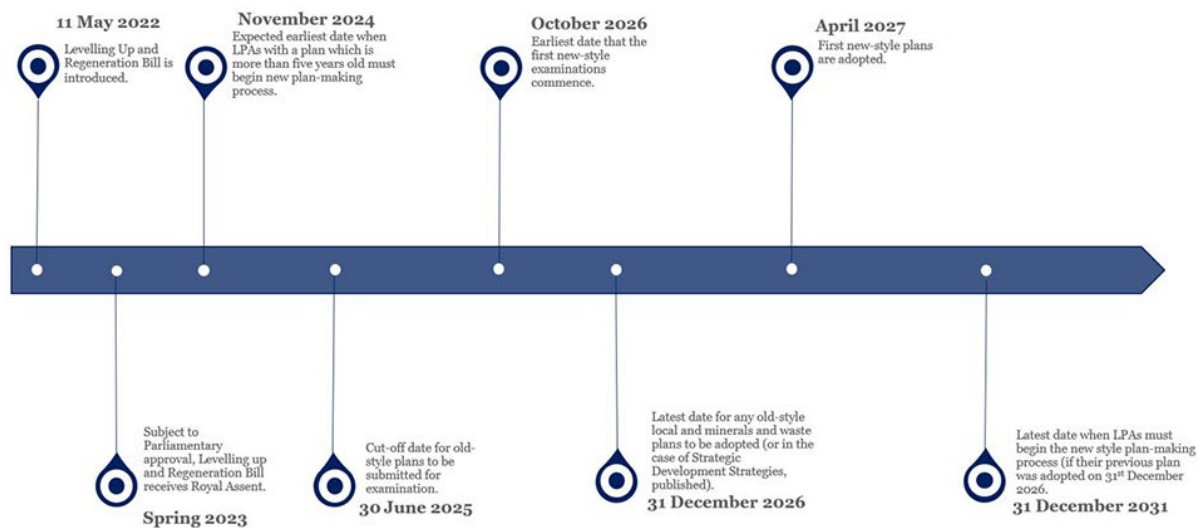
12. We are proposing that neighbourhood plans submitted for examination after 30 June 2025 will be required to comply with the new legal framework. 'Made' neighbourhood plans

prepared under the current system will continue to remain in force under the reformed system until they are replaced.

Supplementary planning documents

13. In the reformed planning system, authorities will no longer be able to prepare supplementary planning documents (SPDs). Instead, they will be able to prepare Supplementary Plans, which will be afforded the same weight as a local plan or minerals and waste plan. We are proposing that when the new system comes into force (expected late 2024), existing SPDs will remain in force for a time-bound period; until the local planning authority is required to adopt a new-style plan. Current SPDs will automatically cease to have effect at the point at which authorities are required to have a new-style plan in place. For example, if a planning authority's plan is more than 5 years old when the new system comes into force and that planning authority is required to begin new-style plan-making straight away, their SPDs will expire on the date at which they are required to adopt a new-style plan i.e. 30 months after they commence plan preparation . Where an authority is working towards the 30 June 2025 deadline and they miss it, their SPDs will expire 30 months after that date i.e. at the end of December 2027.

Timeline for transitioning to the reformed plan-making system



Plain text version:

- 11 May 2022, Levelling Up and Regeneration Bill is introduced.
- Spring 2023, Subject to Parliamentary approval, Levelling Up and Regeneration Bill receives Royal Assent.
- November 2024, Expected earliest date when LPAs with a plan which is more than 5 years old must begin new plan-making process.
- 30 June 2025, Cut-off date for old-style plans to be submitted for examination.

- October 2026, Earliest date that the first new-style examinations commence.
- 31 December 2026, Latest date for any old-style local and minerals and waste plans to be adopted (or in the case of Strategic Development Strategies, published).
- April 2027, First new-style plans are adopted.
- 31 December 2031, Latest date when LPAs must begin the new style plan-making process (if their previous plan was adopted on 31 December 2026).

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

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

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

Chapter 10 – National Development Management Policies

1. This chapter sets out the case for National Development Management Policies and our initial thinking on their scope and content. These will have a prominent role in making decisions on planning applications, and it will be important that their production benefits from the input of local authorities, communities and other interests. Further consultation will follow on our proposals for the draft National Development Management Policies themselves following passage of the Bill. This section therefore is not seeking views on the specific policies, but rather the principles for producing them.

2. The Bill includes clauses to improve how plans are made and create a clearer, more accessible framework for making decisions on planning applications. This includes giving all parts of the ‘development plan’ (local plans, neighbourhood plans and other statutory plans) more weight in decisions so that there must be strong material considerations to depart from them. Creating a concise set of National Development Management Policies for nationally important matters will complement this. As set out elsewhere in this consultation, we are proposing transitional arrangements for plans in moving to the reformed system, so that plan-making may continue prior to National Development Management Policies being finalised.

What are National Development Management Policies?

3. National Development Management Policies are proposed in Clauses 83 and 84 of the Bill (as introduced to the Commons; these are now 86 and 87 in the version introduced to the Lords). These would be given the same weight in certain planning decisions as policies in local plans, neighbourhood plans and other statutory plans (and could, where relevant, also be a material consideration in some other planning decisions, such as those on Nationally Significant Infrastructure Projects). It is our intention that National Development Management Policies would cover planning considerations that apply regularly in decision-making across England or significant parts of it, such as general policies for conserving

heritage assets, and preventing inappropriate development in the Green Belt and areas of high flood risk.

4. The existing National Planning Policy Framework already contains development management policies of this type that can be significant 'material considerations' when assessing planning applications. Currently, these important national policies do not have any statutory status. We are proposing that the starting point for creating National Development Management Policies would be these existing parts of the National Planning Policy Framework which apply to decision-making. However, we welcome views on whether there are other topics that should be added and have included consultation questions later in this chapter.

5. The introduction of National Development Management Policies will aid decision making by making the basis for decisions clearer. They would not impinge on local policies for shaping development, nor direct what land should be allocated for particular uses during the plan-making process. These will remain matters for locally-produced plans.

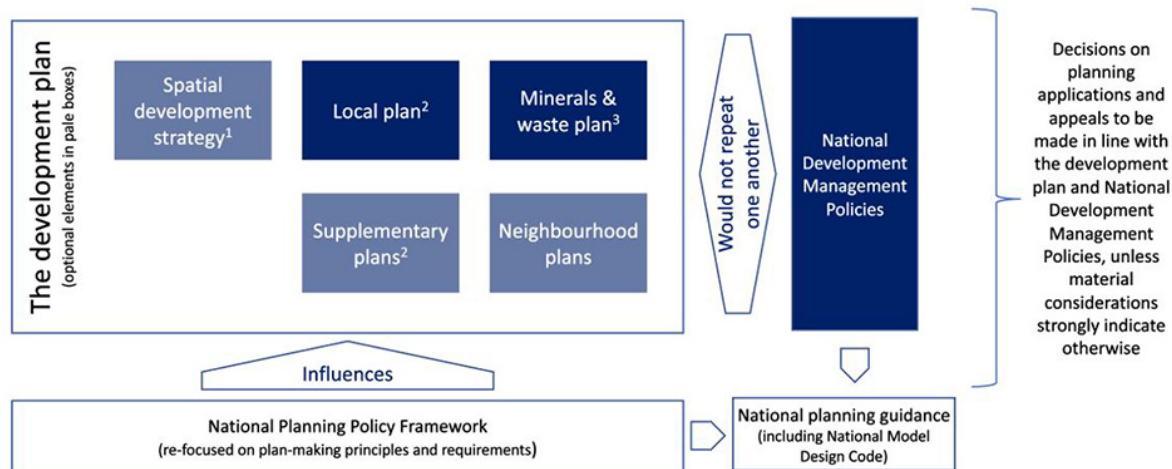
6. The policies themselves would, following passage of the Bill, be designated by direction of the Secretary of State. Before this could happen, full public consultation would take place on the draft policies, building on the initial views which we are seeking now.

7. Our current intention is that National Development Management Policies, once introduced, would be set out in a separate document to the rest of the National Planning Policy Framework. The latter would be re-focused on principles for plan-making (i.e. the general approach to allocating land for development in plans and protecting areas of value) and would not carry the statutory weight conveyed by the Bill, although they would still be capable of acting as material considerations where relevant.

8. The below diagram illustrates how National Development Management Policies would work with the different components of the development plan, providing a framework for informing and deciding planning applications.

The role of plans and national policy in the reformed system

(elements with full statutory weight in decisions on applications shown in blue)



1 Mandatory where SDS powers have been conferred on Mayoral/combined authorities; voluntary elsewhere.

2 A district-wide design code must form part of the local plan, or else be contained in a supplementary plan. The local plan will also be informed by an **Infrastructure Delivery Strategy**, to be produced by the local planning authority, and by any **Neighbourhood Priorities Statements** produced by neighbourhood planning groups in the area.

3 Minerals and waste can be covered in separate documents, and can be combined with the local plan where an authority has powers over both.

Plain text version:

The role of plans and national policy in the reformed system (elements with full statutory weight in decisions on applications shown in blue).

National Planning Policy Framework (re-focused on plan making principles and requirements).

Arrow pointing above with the word influences inside.

The Development Plan (optional elements in pale boxes)

Spatial development strategy¹ (pale) – 1 Mandatory where SDS powers have been conferred on Mayoral/combined authorities; voluntary elsewhere.

Local plan² (blue) – 2 A district-wide design code must form part of the local plan, or else be contained in a supplementary plan. The local plan will also be informed by an Infrastructure Delivery Strategy, to be produced by the local planning authority, and by any Neighbourhood Priorities Statements produced by neighbourhood planning groups in the area.

Supplementary plans² (pale) - 2 A district-wide design code must form part of the local plan, or else be contained in a supplementary plan. The local plan will also be informed by an Infrastructure Delivery Strategy, to be produced by the local planning authority, and by any Neighbourhood Priorities Statements produced by neighbourhood planning groups in the area.

Minerals & waste plan³ (blue) – 3 Minerals and waste can be covered in separate documents, and can be combined with the local plan where an authority has powers over both.

Neighbourhood plans (pale)

Two-way arrow pointing between The Development Plan and National Development Management Policies (blue).

Arrows from National Development Management Policies and National Planning Policy Framework to National planning guidance (including National Model Design Code).

Close brace encompassing all text (except National Planning Policy Framework box and National planning guidance boxes) – Decisions on planning applications and appeals need to be made in line with the development plan and National development Management Policies, unless material considerations strongly indicate otherwise.

The Case for National Development Management Policies

9. The creation of National Development Management Policies is part of the government's ambition to make it easier to produce plans and foster a genuinely plan-led system, leading to clearer and more certain decision making.

10. Through responses to 2020's Planning for the Future White Paper and wider engagement with stakeholders, we have heard that:

- Local plans are often hundreds of pages long, but can try to replicate many aspects of national planning policy, such as general policies for controlling development in the Green Belt, or policies on nationally-recognised heritage assets. Feedback from local authorities is that they do so because national policy has no statutory status, unlike the development plan. Removing this material from local plans would help to make them more accessible and engaging for users as well as cheaper to produce;
- Unnecessary time can be spent at examination testing such generic development management policies and establishing whether they are consistent with the National Planning Policy Framework, rather than dealing with locally-specific matters;
- There are a number of issues of national importance – such as the Green Belt – where many accept that policies for controlling development should be set nationally; and
- Small builders in particular struggle to follow multiple different detailed local plan policies on the same issues, making it harder to build within different local authority areas.

11. With this in mind, the government believes the case for National Development Management Policies is 5-fold:

- They will help local authorities produce swifter, slimmer plans by removing the need to set out generic issues of national importance such as policies for protecting the Green Belt;
- They will make plans more locally-relevant and easier for communities and other users to digest;
- It will be easier for applicants to align their proposals with national and local policy requirements and, where they wish, to go beyond them. We expect this to be particularly valuable for small and medium enterprises: it will support our small and medium sized builders to build more of the homes and create more of the skilled jobs that people want to see in their communities;
- They will provide greater assurance that important policy safeguards which apply nationally, or to significant parts of England (such as protections for areas at risk of flooding, policy on climate change, and policies to protect the Green Belt) will

be upheld with statutory weight and applied quickly across the country, including when any changes are made; and

- They will mean that this framework of common national policies can guide decisions even if the local plan is significantly out-of-date and cannot be relied upon. For example, they will ensure that national protections for things safeguarded solely through planning policy – local wildlife sites for example – have clear statutory status equivalent to an up-to-date plan.

The scope of National Development Management Policies

12. The government's initial view is that National Development Management Policies would fall within 3 broad categories:

1. Existing policies aimed at decision-making already provided within the National Planning Policy Framework, subject to these being reviewed on a case-by-case basis so that the rationale for their inclusion is clear;
2. Selective new additions to reflect new national priorities, for example net zero policies that it would be difficult to develop evidence to support at a district level, but which are nationally important.
3. Selective new additions to close 'gaps' where existing national policy is silent on planning considerations that regularly affect decision-making across the country (or significant parts of it).

13. We also propose that any National Development Management Policies would adhere to a number of principles:

- Covering only matters that have a direct bearing on the determination of planning applications;
- Limited to key, nationally important issues commonly encountered in making decisions on planning applications across the country (or significant parts of the country); and
- solely addressing planning issues, in other words that concern the development and use of land. National Development Management Policies would not address subjects which are regulated through other legislation, for example the building regulations or acts relating to public health, pollution, and employment; although we are minded to retain the scope for optional technical standards to be set locally through plans, where these remain appropriate, so that local planning authorities can go above certain minima set through building standards.

14. We will also want to make sure that National Development Management Policies are drafted in a clear, concise and consistent manner, and avoid ambiguities, so that they are easy to understand and apply by applicants, local planning authorities and other users. The policies will also need to be capable of being accessed easily in a digital format by a wide range of users.

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

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

15. Indicative examples of ‘gaps’ where national policy is silent on common decision-making issues, which National Development Management Policies might address, are provided in the table below. This is not an exhaustive list and is subject to considering the outcome of this consultation, as well as a future consultation on detailed policy proposals.

Topic	Rationale for including
Carbon reduction in new developments	A national policy on carbon measurement and reduction could set a baseline whilst enabling authorities to set further measures in their own plans based on parameters set in national policies, perhaps through an optional technical standard to allow for consistency and sound decision making. Chapter 7 of this prospectus outlines our thinking on how national policy could go further on the environment and climate change.
Allotments	A policy issue that has relevance across many authorities who seek to protect this land use against development. This may not require an individual National Development Management Policy but, instead, might be incorporated into a wider policy on protection of green spaces.
Housing in town centres and built-up areas	National policy does not currently contain a policy explicitly encouraging or supporting the development of housing in built-up areas that are accessible and connected by sustainable transport modes. Local plans frequently contain this sort of policy, so creating a National Development Management Policy for this could help standardise expectations across the country and deliver more housing in suitable areas. This could be included in a general policy about housing on brownfield land, space above shops, or town centres (potentially building upon the paragraph 86(f) of the existing National Planning Policy Framework).

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

Q.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?

The relationship between National Development Management Policies and locally-produced plans

16. The Bill retains considerable scope for local planning authorities to produce their own local plan policies on distinctly local issues, and for neighbourhood and other statutory plans to do the same. Just a few examples of where local policies could be developed might be:

- A university city in which student housing has had a significant impact on the wider housing market;
- A London borough in which the construction phase of numerous basement developments is having a significant effect on residential living conditions;

- A town which contains an important interconnected business cluster with very specific accommodation requirements and expansion needs; or
- A district with issues of coastal management or of subsidence which requires a bespoke policy tailored to the local circumstances.

17. The new 'gateway' stages during plan preparation, and at the local plan examination, will provide opportunities for local planning authorities to explain the local policies they wish to include and (where relevant) demonstrate their consistency with National Development Management Policies.

18. The Bill would preclude new plans from including policies which duplicate or are inconsistent with National Development Management Policies. This would ensure that there is a clear demarcation between locally prepared plans and national policy, minimising any risk of conflict between them.

19. The Bill also provides that National Development Management Policies would take precedence where there is conflict between them and development plan policies when making a decision on a planning application. This has been included as a safeguard where plans have become out-of-date and important national policies, for example on the environment, need to be reflected fully in decisions. In practice, the existing National Planning Policy Framework often outweighs plans where such situations arise. However, we expect inconsistencies to arise much less frequently in future, both because our reforms should mean fewer out-of-date plans, and because of the clearer distinction being drawn between the role of national policy and that of locally-produced plans.

Chapter 11 – Enabling Levelling Up

1. This chapter sets out a number of areas where changes to national planning policy might be made to reflect the ambitious agenda set out in Levelling Up White Paper published in February this year. These changes would make sure that planning policy supports businesses across the country drive economic growth and deliver on our objective to boost productivity, pay, jobs and living standards, especially in those places where they are lagging.

2. The Bill and many of the changes proposed in this document will empower local leaders and give them more tools to level up their communities, build the beautiful homes that will give young people a secure path to home ownership, and boost pride in place.

3. However, national planning policy and the planning system could enable developments that contribute to the success of many more of the levelling up missions. Asking for beauty and developing close-knit neighbourhoods can raise not just pride in place, but wellbeing and even health outcomes. Innovative design and placemaking can further contribute to improved social outcomes, from lower obesity rates to less antisocial behaviour. And supporting British businesses to build the lab space and commercial development necessary to raise private sector investment in research and development outside the Greater South East, and the transport and digital connectivity required for people to work in the place they can be most productive, can get our economic engine firing on all cylinders.

4. We are therefore interested in any and all bold, innovative ideas through which the planning system can better enable the government to achieve its levelling up missions.

Q.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?

Levelling up and boosting economic growth

5. Levelling up is the central objective of this government. Building on the Levelling Up White Paper and the Bill, we want to ensure that national planning policies empower local leaders across the country to attract investment, drive economic growth and grow the private sector.

6. When we undertake a full review of the Framework, we propose to reshape the existing 'Building a strong competitive economy' policies to align more closely with the economic vision set out in the Levelling Up White Paper. In order to make this happen, we intend to:

- a. Make sure that local plans in every part of the country support new business investment and give existing business, including SMEs, the confidence to expand and grow.
- b. Support the sectors and businesses that will drive up productivity. We want technology companies, life sciences and all those involved in Research and Development to invest more and grow more in every part of country – in line with the levelling up R&D mission.
- c. Spread financial capital and investment to the places, projects and people that need it most. We want to empower local decision makers in those places to say yes to commercial development if it will drive economic growth, deliver new jobs, and stimulate innovation and productivity

7. Overall, we want an approach that will support local planning authorities to attract new business investment to areas that have lagged in the past; whilst making sure that those parts of the country with high levels of productivity can continue to capitalise on their performance and potential and attract investment as they do now. We also want to make sure that planning policies/decisions support SMEs grow and develop.

Q.54: How do you think the Framework could better support development that will drive economic growth and productivity in every part of the country, in support of the levelling up agenda?

8. In your response, we are interested in considering developments of particular significance to levelling up, such as: science laboratory facilities, buildings to support Research and Development and where development proposals would enable the creation of high skilled, well-paid jobs; especially in those places lagging behind.

9. Alongside this, there are other areas where the planning system can support the government's agenda to level up across the UK. The Levelling Up White Paper set out that our second-tier cities lag behind both similar European countries' second-tier cities, and also behind the UK's national average. This suggests a significant under-performance of our cities relative to their economic potential. This underperformance is driven, in part, by the fact

that our cities and their urban cores are less dense than their European counterparts. At an economic level, population density - supported by the right houses in the right places - can increase the labour pool of an economic region and contribute to improved productivity. At a community level, increasing the density of urban cores could revitalise high streets, and make public and active transport systems more affordable.

10. The White Paper set out how we plan to use the £1.8bn investment in brownfield and infrastructure projects to unlock the delivery of up to 160,000 homes across England. This will focus on housing around existing and planned transport infrastructure to create sustainable neighbourhoods that enable walking, wheeling and cycling to work supported by high quality local public transport. In support of levelling up, the UK government will target the majority of delivery on brownfield sites outside London and the south east. As part of the wider Framework review, we therefore want to make sure that national planning policies are fully supportive of our aim to gently densify our urban centres, especially outside London and the south east. In previous chapters we pose questions on boosting small sites and mansard roofs, but we are interested in wider proposals for boosting existing planning policies on brownfield land.

Q.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?

Levelling up and boosting pride in place

11. As outlined above, levelling up is not only an economic agenda but a social one too. The Levelling Up White Paper contains missions not only to increase prosperity but also improve the length and quality of people's lives, such as those missions on health, wellbeing, and pride in place.

12. In order deliver on these missions and to feel a sense of pride in place, we must all feel safe to walk our streets. The government's Safer Streets Fund has already allocated millions of pounds to enable local areas across England and Wales to put in place innovative crime prevention measures. Over 4 rounds of the fund, £120 million has been invested. As well as providing funding to prevent neighbourhood crime, crime and antisocial behaviour in public spaces, the current round of the fund also places particular focus on taking steps to prevent violence against women and girls.

13. Chapter 8 of the existing Framework currently sets out that, "planning policies and decisions should aim to achieve healthy, inclusive and safe places and also "planning policies and decisions should promote public safety and take into account wider security and defence requirements." In line with HMG's strategy on tackling violence against women and girls, however, we want to understand if national planning policy should do more to enable local authorities to consider the safety of women and girls, and other vulnerable groups, when setting policies or making decisions.

Q.56: Do you think that the government should bring forward proposals to update the Framework as part of next year's wider review to place more emphasis on making sure that

women, girls and other vulnerable groups feel safe in our public spaces, including for example policies on lighting/street lighting?

Chapter 12 - Wider changes to national planning policy in the future

1. This chapter sets out areas where changes to national planning policy are likely to be needed to reflect the Bill and other aspects of government policy. Some of these will apply to plan-making, whilst others may be reflected in National Development Management Policies. The list presented in the table below is indicative and not exhaustive, and we are not consulting on specific changes at this stage. It is mapped against the current chapter structure in the National Planning Policy Framework, although the arrangement of chapters may change during the process of revision. We will also consider opportunities to incorporate existing written ministerial statements into revised national planning policy, such as that on First Homes policy.

2. The government will undertake a full consultation on a revised National Planning Policy Framework and proposals for National Development Management Policies once the Bill has completed its passage through Parliament.

Existing National Planning Policy Framework chapter	Aspects of policy which may require updating
Achieving sustainable development	Amendments to reflect the importance of fostering beautiful places, better environmental and health outcomes, delivering appropriate infrastructure (including sustainable transport provision) and effective community engagement, in the wider context of promoting levelling up. The43resumption in favour of sustainable development may also need amending to reflect the introduction of National Development Management Policies (once designated). We are considering how to align the NPPF with the Environment Act and how to make government's priorities for the environment clear and to ensure these are given sufficient weight.
Plan-making	Changes to reflect the amendments to plan-making made by the Bill, including: - replacing the statutory duty to cooperate (which would be abolished by the Bill) with a new 'Alignment Policy' to secure appropriate engagement between authorities where strategic planning considerations cut across boundaries. This will be tested at Examination and, importantly, unlike the current system authorities and Inspectors would have the ability to amend Plans to improve alignment;

**Existing National
Planning Policy
Framework chapter**

Aspects of policy which may require updating

	- any changes to the ‘soundness’ tests for assessing draft plans which may be appropriate so that plan examinations are proportionate; - how infrastructure delivery strategies are to be prepared; - the importance of effective community engagement in plan-making, including through digital means; - taking Neighbourhood Priorities Statements into account when preparing local plans; and - other procedural changes to plan-making, including a fixed timetable for local plan production, the role of gateway checks, new data standards, streamlined evidence requirements and the introduction of Environmental Outcome Reports. - We are also considering how to encourage wider uptake of strategic planning to understand and resolve environmental issues in a joined up way. Strategic planning also needs to consider rural communities to ensure that local policies are tailored to their different needs.
Decision-making	Changes to reflect the role of National Development Management Policies in decision-making, the introduction of Environmental Outcome Reports for assessing relevant development proposals, the importance of digital methods of community engagement, and to place greater emphasis on planning enforcement, with increased weight against intentional unauthorised development.
Delivering a sufficient supply of homes	Changes to: support the Bill’s provisions to strengthen control over the build-out of sites with permission for residential development; enshrine our commitment to lifting the 5-year housing supply requirement where plans are fewer than 5 years old; and carry forward the more immediate changes we are consulting on in this document.
Building a strong, competitive economy	As set out in the Levelling Up White Paper, we propose to consult on a more positive framework for supporting economic development, including reviewing the approach to supporting employment land, and the consideration of supply chain and connectivity issues, including responding to information gathered as part of the Future of Freight Call for Evidence.
Ensuring the vitality of town centres	We propose to review the approach to town centre and out-of-centre development in the light of the Use Class Order changes.

Existing National Planning Policy Framework chapter	Aspects of policy which may require updating
Promoting sustainable transport	We propose to assess what changes are needed to reflect the government's commitment to encourage active travel through the 'Gear Change' programme, the forthcoming update to Local Transport Plan's Guidance, any update to Manual for Streets and wider work to reduce carbon consumption from transport planning choices as set out in the Transport Decarbonisation Plan. We also propose to review policy on the freight sector and supply chains infrastructure, such as lorry parking, warehouse space and rail freight hubs. This will draw on findings from the government's 'Future of Freight' call for evidence which will be launched in due course.
Achieving well-designed places	Changes to reflect provisions in the Bill on mandatory authority wide design codes and supplementary plans.
Protecting Green Belt land	Amendments to reflect the commitment in the Levelling Up White Paper to bringing forward measures to 'green' the Green Belt, to improve its environmental and recreational value.
Meeting the challenge of climate change, flooding and coastal change	Changes to reflect and incorporate the immediate proposals being consulted on in this document, as well as any further changes needed to reflect our commitment to making sure that national policy goes as far as possible in addressing climate change.
Conserving and enhancing the natural environment	Proposed changes to: - set out how Local Nature Recovery Strategies, introduced by the Environment Act, should be given weight in the plan-making process; - reflect updated guidance on addressing nutrient pollution, including expectations on strategic mitigation in sensitive catchment areas; - reflect a review of policy on ancient woodland, as agreed in the passage of the Environment Act 2021; - reflect the introduction of mandatory Biodiversity Net Gain from 2023; incorporate nature into development through better planning for green infrastructure and nature-friendly buildings.
Conserving and enhancing the historic environment	Amendments to reflect the changed status of some historic designations through the Bill

Chapter 13 - Practical changes and next steps

1. National policy, like plans, needs to be accessible and user friendly. The creation of National Development Management Policies, the Bill's digital reforms and supporting work to embed common data standards and the use of digital platforms create opportunities to improve the way that national policies are presented and used. For example, it would help local authorities producing digital local plans, and those using them, if national policies were in a format that enabled them to be accessed in an integrated way.

2. We therefore intend to explore the creation of a more accessible and interactive, web-based set of national policies (both the statutory National Development Management Policies and the residual National Planning Policy Framework). PDF versions of policies would be retained for those who need them. As we develop our approach to revising national policy, taking into account the responses to this consultation, we will engage with the sector to inform our approach (e.g. through user research).

Q.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?

3. At present, National Planning Policy for Waste and Planning Policy for Traveller Sites sit alongside the National Planning Policy Framework. As part of the wider changes to national planning policy set out in this document which will become necessary as a result of the Bill – and in particular the creation of separate statutory National Development Management Policies – we will consider how policies for these matters should be set out in future, including which aspects need to form part of the suite of proposals for National Development Management Policies.

4. Once the consultation on the proposals set out in this document has closed and we have analysed the responses, we will publish a response to the consultation aspects.

5. We will use the views received on the approach to National Development Management Policies, to inform our approach to developing more detailed policy options and proposals for full public consultation following passage of the Bill. Proposed changes to the rest of the National Planning Policy Framework (those residual parts aimed at plan-making) will be consulted on at the same time. We also intend to undertake further stakeholder engagement and user research to inform this policy development.

6. Given the formal status which they will have in the reformed planning system, we will ensure that the National Development Management Policies are informed by any required environmental assessments as part of their preparation.

Public Sector Equality Duty

Q.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.

Chapter 14 – Table of questions

Question Number	Question Wording
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?
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)?
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?
4	What should any planning guidance dealing with oversupply and undersupply say?
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?
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?
7	What are your views on the implications these changes may have on plan-making and housing supply?
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?
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?
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?

Question Number	Question Wording
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?
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?
13	Do you agree that we should make a change to the Framework on the application of the urban uplift?
14	What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?
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?
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? If no, what approach should be taken, if any?
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?
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?
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?
20	Do you have views on a robust method for counting deliverable homes permitted for these purposes?
21	What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

Question Number	Question Wording
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?
23	Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?
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)?
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?
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?
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?
28	Is there anything else that you think would help community groups in delivering affordable housing on exception sites?
29	Is there anything else national planning policy could do to support community-led developments?
30	Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?
31	Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?
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?
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?

Question Number	Question Wording
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?
35	Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?
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?
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?
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?
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?
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?
41	Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?
42	Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?
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?
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?

Question Number	Question Wording
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?
46	Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?
47	Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?
48	Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?
49	Do you agree with the suggested scope and principles for guiding National Development Management Policies?
50	What other principles, if any, do you believe should inform the scope of National Development Management Policies?
51	Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?
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?
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?
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?
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?
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?

Question Number	Question Wording
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?
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.

Possible suitable locations for Gypsy and Travellers sites

Wokingham Borough Council have issued the following:

“Call for sites now open for Gypsy and Traveller Pitches

As part of our Local Plan Update we have launched a new call for sites for potential Gypsy and Traveller pitches.

This is an opportunity for individuals, landowners, parish/town councils or developers to suggest sites which might be suitable and available.

Why are we doing a call for sites?

We know there will be a need to provide more homes suitable for members of our Gypsy and Traveller communities.

Few sites have previously been promoted for Gypsy and Traveller pitches. These sites may not be sufficient to meet future needs, and therefore we wish to hear if there are any other opportunities we should be considering.

What does promoting a site mean?

All sites promoted to us will be carefully considered through the Local Plan Update and we hope to identify potential sites for further consideration. However, submitting a site does not necessarily mean it will be found suitable for future Gypsy and Traveller pitches.

How do I promote a site?

Please complete a call for sites submission form and return to us by 5pm on Friday 17 February 2023:

By email: LPU@wokingham.gov.uk; or

By post: Growth & Delivery Team, Wokingham Borough Council, Civic Offices, Shute End, Wokingham, RG40 1WR

Please share this email with anyone you think would be interested in suggesting sites to us.

You can find more information about the call for sites on our Local Plan Update webpage and on Engage Wokingham Borough.”

Please note that there is a very detailed form that has to be completed for any proposed site and while not included in the formal papers for this meeting it is attached separately so that members may see the kind of information that would be required.

The Local Plan Review (LPR)

We are producing a new Local Plan that will guide development across West Berkshire until 2039. [Click here to watch our video about the West Berkshire Local Plan.](#)

The Local Plan determines how many new homes are needed and where they should be built. It also looks at employment needs and finds opportunities for future growth. It will also identify the places where growth should be limited. West Berkshire is a great place to live, work and visit - and we want to keep it that way for future generations.

Latest updates:

- Councillors voted on 1 December 2022 to move the Local Plan Review submission to the next stage. The Regulation 19 public consultation will start in January 2023. Further details to follow.
- Following extensive consultation during the Regulation 18 period, the plans for a new strategic development to the north-east of Thatcham have been scaled back to 1,500 new homes by 2039.
- The Plan includes proposals for 9,000 new homes in West Berkshire through 2039, emphasises how development can address the climate crisis, and safeguards the district's valuable assets.

You can also [sign up to our Local Plan newsletter](#) to get updates direct to your inbox.

Why is the Local Plan being reviewed?

Find out more about why and when the local plan is reviewed.



West Berkshire Local Plan Review to 2039

The Local Plan Review will set out the planning policies for West Berkshire to 2039.



Local Plan Review: Have Your Say

Local Plan Review Evidence Base >

Register for the Planning Policy
Consultation Database >

Statement of Community
Involvement >

What you've told us >