

South Oxfordshire District Council's response to Government's 'Levelling-up and Regeneration Bill: reforms to national planning policy' consultation.

Submitted via online portal on 2 March 2023.

- 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?**

Yes, we agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) providing the housing requirement set out in its strategic policies is less than 5 years old.

Removing the 5YHLS requirement for local authorities with up-to-date Local Plans helps to promote a plan-led system, and incentivises local authorities to update their plans when they fall out of date. It also avoids costly and resource intensive 5YHLS appeal issues arising so soon after adopting a plan, undermining the purpose of the plan-led system.

The current approach provides incentive for speculative development. This takes up much valued time and resource from local authorities dealing with such proposals, and it can also be distressing for local communities, meaning faith can be lost in the planning process.

- 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)?**

Yes, we agree that additional buffers should not be required as part of 5YHLS calculations. The need for buffers in the supply is already considered in the plan-making process. The use of buffers has led to increased and unnecessary complexity. Removing them would simplify the planning system, both plan-making and decision-making, and is supported. We consider that 5 years of supply at the point of adopting a Local Plan is sufficient, indeed recent experience of having a 3-year HLS test as part of a deal with government still saw extremely high levels of completions take place. The buffers had no value, and we see no value in their continued use.

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?

Yes, an oversupply of homes early in the plan period should be taken into consideration when calculating a 5YHLS. Currently the 5YHLS considers shortfalls in supply but does not equally recognise oversupply. This is simply unfair and should be addressed. The current guidance on using any oversupply in 5-year housing land supply calculations has left different interpretations of whether it can be taken into account, this is unhelpful to all involved and so should be addressed. Where an authority's housing requirement is more than 5 years old and needs to prepare an annual supply statement, it is important that successful early delivery is discounted from the requirement later on in the plan period. The current inability to do so significantly undermines local plans and actively discourages authorities from enabling early oversupply. It could also lead to local authorities attempting to delay the delivery of new homes to ensure a sufficient supply later in the plan period. We support providing clarity in the guidance on the inclusion of oversupply when calculating housing land supply.

However, we wish to emphasise that local authorities with an up-to-date Local Plan should not have to demonstrate a 5YHLS as discussed further in our response to question one.

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

We agree that planning guidance should be clear in any new wording on oversupply and undersupply. In particular, the guidance should be consistent with dealing with the period over which previous oversupply and undersupply can be considered when calculating a 5-year housing land supply.

The guidance should also state how local authorities address over supply, i.e. is it deducted from the next five year period (a Sedgefield approach) or is it deducted from the remainder of the plan period (a Liverpool approach).

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?

We agree to the changes proposed to paragraph 14 of the existing framework, as well as increasing the protection given to neighbourhood plans. The increased protection proposed from the current two years to five years would put

neighbourhood plans protection period in line with the 5-year revision period of a Local Plan. Currently, it can take longer to prepare a neighbourhood plan than the protection offered by its adoption. This change would have a real effect of encouraging communities to prepare neighbourhood plans that address local housing needs and include housing allocations. There has been considerable success in bringing forward Neighbourhood Development Plans in our area and we believe this is a very positive change.

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?

Yes, we agree with the proposed changes to paragraphs 1 and 7. The new additions of 'can provide' 'sufficient' and 'in a sustainable manner' are helpful in setting out the role of the NPPF as follows: 'it provides a framework within which locally-prepared plans can provide for sufficient housing and other development in a sustainable manner'. This helps convey that local plans should identify an appropriate number of homes for our residents, in the right places, in a sustainable manner.

We also support the new reference made to 'supporting infrastructure in a sustainable manner'. Ensuring new development is integrated with local infrastructure is vital for creating high-quality, successful and well-functioning places.

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

We welcome the proposed shift to supporting local authorities setting local housing requirements that respond to demographic and affordability pressures, while being realistic given local constraints. We agree that the current five-year supply system disincentivises ambitious plans. We have seen how it penalises authorities such as ours which have set a higher housing requirement, by testing our supply against the higher figure which the authority optionally took on, rather than our local housing need (standard method) figure.

In principle, adding further clarity in the NPPF on exceptional circumstances, taking a more proportionate approach to local plan examinations, and changing the Housing Delivery Test are likely to speed up plan-making, bringing positive impacts on plan-making and housing supply. They will help to incentivise plan-making and support a plan-led system.

The final changes should make it very clear that Councils who wish to use the Standard Method can do so, as this will have the effect of speeding up Local Plan

preparation and examinations. Departing from the Standard Method should continue to be exceptional, and the circumstances relevant to departing limited. With this clarification, and the other changes proposed, in particular the removal of the “justified” soundness test, Planning Inspectors examining plans should feel confident in Local Plans that address a standard method housing requirement. A lack of clarity in guidance on this point could lead to a Planning Inspector concluding they , need to ask a local authority to prepare an expensive, and time -consuming piece of evidence at examination. This could delay the plan-making process significantly.

Regarding the standard method, we welcome that the formula would stay the same. We note and welcome that the Government will review the implications on the standard method of the new household projections data based on the 2021 Census. For plan-making it is helpful to have as much stability on requirements when the plan is emerging, as adjustments to requirements can delay plan-making.

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?

Yes and No. We 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 need. Without this clarity, there is potential for debate on what would constitute an alternative approach, which could lead to inconsistencies in plan-making across England. The examples provided should clearly set out what would constitute ‘islands with a high percentage of elderly residents’ and ‘university towns with an above-average population of students’ and explain what the effect of having either of these might be on housing need (higher or lower?). Otherwise, there is a risk that in trying to provide further clarity, further debate and confusion arises.

The consultation proposes that there should be some new additional criteria to add to those already listed in the PPG. Adding more criteria could add complexity by adding more circumstances; without guidance, this could create local dispute and lead to costly duty to cooperate (or future 'Alignment test') failures, leading to failures to adopt local plans.

Where a local authority decides to depart from the standard method, and in doing so would generate further unmet need for neighbouring authorities, the exporting authority should only be able to do so where the recipient authority of any unmet need agrees that exceptional circumstances exist. This would prevent local authorities who have no realistic way of meeting such needs, from identifying exceptional higher housing need only to export this exceptional need to neighbouring

councils. Without a clear mechanism to prevent this, authorities that would be the recipient of such unmet need would effectively be left helpless against any authority which chose to pursue 'exceptional circumstances' to increase their housing need, in full and certain knowledge that this need will then not be met in their own area but exported.

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?

Yes, we support the proposal to amend the NPPF to make clear that Green Belt does not need to be reviewed or altered when making plans. This would provide necessary clarity for local authorities in circumstances where this would be the only means of meeting the need for housing over the plan period. This amendment will help to increase the protection of Green Belt, whilst also allowing authorities to undertake Green Belt reviews in some instances.

We also support considering development density and its impact on character when assessing whether housing need can be met in full. However, we believe it may be difficult to prove at local plan examination due to the subjectivity surrounding what levels of density would be deemed 'significantly out of character', and difficulties that could arise evidencing this. High densities can often be sympathetically incorporated into existing areas, even those with an established lower density character. High density development doesn't have to mean high rise development, and this proposal should not discourage sympathetic and innovative approaches to high density development. Making an efficient use of land is of course required by the NPPF, so this proposal would have to be carefully balanced with that aim.

Lastly, we support the proposal that authorities may take past 'over-delivery' into account, so that where permissions exceed the provision in the existing plan, that surplus may be deducted from what needs to be provided in the new plan. This seems only fair.

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?

As mentioned in our answer to question 9, we believe this could potentially be difficult to provide a case for, as it could be open to interpretation and dispute. However, undertaking a character assessment study that reflects on existing

densities in an area and establishes density figures appropriate for that area in terms of character, could be an appropriate form of evidence. National guidance could stipulate how much of an increase in comparison with the prevailing density would be acceptable, but recognising that there may be situations that even this level could be unacceptable.

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?

Yes, we agree with the removal of the requirement for plans to be ‘justified’. This should help local plans return to being vision-led and shaped by the views of the community. The current system fuels an ever more complex, expensive and inaccessible evidence base, and can lead to decisions which are not about place making. We hope this move will cut down on the complexity of evidence that we need to provide at examination, which can be a burden for local authorities both in terms of cost and time taken to collate necessary evidence. This will be particularly beneficial if plans are expected to be prepared in 30 months. However, it is difficult to know the impact this change will have in practice until examinations under this new legislation take place. Additionally, if this requirement is removed, it will be important for Inspectors to view proposed plans they are examining as being reasonable and suitable from the outset.

12. Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

Yes, we agree with this proposal. Local Plans that are in an advanced stage of development reflect the existing tests of soundness, including the ‘justified’ test and therefore the transitional arrangements proposed are reasonable. Without them Plan adoptions could be delayed.

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

The urban uplift currently applies to our neighbour Reading (but not Oxford). Yes, we support maintaining the urban uplift so that development is focussed in largest urban areas of the country, where there is likely to be the most brownfield land and the best opportunity for living in sustainable locations. We support the new wording that the urban uplift should, so far as possible, be met by the towns and cities concerned rather than exported to surrounding areas.

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?

Practical advice on design codes and how to achieve gentle densification could help deliver the urban uplift.

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?

Any role for neighbouring authorities should be entirely voluntary.

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?

Yes, we agree that authorities with emerging plans that have reached a Regulation 18 or Regulation 19 consultation stage (and which have a policies map and proposed allocations) should benefit from a 4-year rolling land supply requirement rather than the usual 5. This proposal will help protect local authorities from potential speculative development while they are finalising their plans, and will help to incentivise plan preparation. We welcome that authorities can start planning in line with the changes once implemented (which could be spring 2023). However, we suggest the 4-year rolling land supply should be a permanent change and an ongoing incentive, rather than just for two years from the point that the NPPF changes are introduced.

However, we ask that the qualifying criteria for when a rolling 4-year supply can be applied is not over prescriptive.

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?

We make no comment as we are not affected by the transitional arrangements: our local plan has been adopted and we do not have a still-emerging plan which was submitted on or before 24 January 2019.

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?

Yes, in principle we support a permissions-based test, as this will promote greater responsibility for achieving housebuilding targets to developer bringing forward schemes. Developers’ decisions on when to deliver housing are often out of the hands of the local authority and linked to fluctuations in the housing market and macro-economic factors. The amendment recognises this and avoids local authorities being penalised for low housing delivery where they can demonstrate that they have granted sufficient deliverable permissions to meet the local plan housing requirements (or standard method when a plan is more than 5 years old). This should help focus the important decisions on housing sites into the plan-led process, and reduce speculative development which can undermine local plans and neighbourhood plans.

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?

We are not proposing to respond to this question.

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

We are not proposing to respond to this question.

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

We believe the test’s consequences should be suspended or frozen due to the proposed changes and consultation taking place on the workings of the Housing Delivery Test, and the uncertainty this consequently brings.

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?

Yes, we agree that the government should provide more weight to Social Rent in planning policies and decisions. We recognise the importance of home ownership (where it is genuinely affordable in relation to average incomes); however, this shouldn’t be prioritised at the expense of the rented sector and those households

most at need. Social Rent is important as it provides the most affordable housing tenure, which helps the lowest income and deprived households gain genuinely affordable rented housing. The greater weight provided to Social Rent should be made clear in national policy.

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

Yes, we agree with this amendment and consider that it is crucial to make this change to reflect the widening older demographic. In our district our ageing population is above average and increasing, with a substantial recent and predicted growth in the number of older people. Therefore, we support changes to national policy to encourage the greater diversity of housing options available to older people and help boost the supply of specialist elderly accommodation.

We also wish to highlight that the main issue we face regarding planning for housing for older people is the lack of consistency about how to assess the overall need for specific types and tenures of accommodation. The current guidance on this is not very helpful and leaves local authorities in a difficult position when faced with claims or evidence produced by developers in appeal situations. Without a commonly accepted national methodology, local authorities are faced with a lack of consistency. Local planning authorities often lack the resources, clear guidance, and specialist knowledge to plan for the needs for older people comprehensively and respond to specific challenges put forward by the development industry.

Without a more standardised approach nationally to assessing the housing needs of older people, we find our local evidence of need is continually subject to challenge. If specialist housing for older people is to be truly prioritised through the NPPF then a standard method or greater clarity on how to assess the housing need of older people is required.

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)?

We are supportive of the small sites policy within paragraph 69 of the NPPF which sets out that local authorities should plan for at least 10% of their housing requirement on sites no larger than one hectare. This promotes a brownfield focus, urban regeneration, small scale neighbourhood plan allocations, as well as assisting smaller-scale local building firms. However, although local authorities must pass the 10% test at examination, the current system does not require ongoing monitoring against this, so it hard to form a view on its effectiveness.

Additionally, while there are benefits of encouraging small sites to come forward there are likely to be situations where a local planning authority has previously taken a strategic view towards long term development in their area and has large greenfield sites allocated in their local plan with long build out trajectories that extend beyond the plan period. There could be circumstances where a new plan is being prepared and the identified need for housing has reduced since the last plan, where the 10% small site target would not be achievable without allocating additional housing sites, which would take the overall housing supply higher than that required to address the identified need. Therefore the 10% figure should be a target and not requirement.

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?

We would support any strengthening of the policy to encourage greater use of small sites. Encouraging small sites would help to promote brownfield affordable units faster as opposed to often larger greenfield sites, and it would support small and medium size (SME) builders. We believe that paragraph 69 d) could be strengthened to do more than just ‘encourage’ the sub-division of large sites to speed up the delivery of homes. ‘Encourage’ does not give us any power to require this to happen. More assistance with ongoing monitoring of the 10% on small sites would help local authorities assess whether they are delivering enough small sites and understand the yield of affordable housing on these smaller sites. The restriction in NPPF paragraph 64 on not seeking affordable housing on sites that are not major developments (10 or more dwellings) undermines affordable housing delivery on many smaller sites and we suggest could usefully be revisited.

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?

The definition should identify the type of organisations which would be acceptable, where they are not a community group. We consider this should not extend to private landlords (where they are not a community group). We have recently had a local proposal which suggested the developer (not a Registered Provider) would let the completed affordable units at Affordable Rents. The danger is that such a body would be unregulated in governance, standards, rent increases etc. which could impact negatively on tenants.

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?

The challenge to bringing forward these types of sites is largely not a planning policy issue, as there is clear policy support for the use exception sites in both the NPPF and our local plan. The issue is one of access to land, hope value, and a lack of incentive for those (other than the most philanthropic) to offer land for exceptions site development. Many community-led groups lack expertise, experience and assets, meaning that projects can take years to bring forward, and are dependent to a large extent on external input, both through grant funding and specialist advice.

We also wish to highlight that the NPPF still refers to Entry-Level Exception Sites. The Written Ministerial Statement on First Homes (dated 24 May 2021) stated that the Government is replacing the Entry-Level Exception Site policy with a 'First Homes exception sites' policy, in order to encourage First Homes-led developments on land that is not currently allocated for housing. If this is the case, then the NPPF should no longer refer to Entry-Level Exception Sites. If it is to remain then the definition of 'Entry-Level exception site' needs to refer to the updated paragraph number, which in this case is paragraph 73 rather than 72.

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

A mechanism that provides more incentive to local landowners to offer small parcels of land for affordable housing in communities could assist. As this incentive is unlikely (by definition) to be significant profit from land sale, we suggest exploring whether a wider incentive e.g., tax break could be used to help incentivise landowners to offer land for affordable housing on exceptions sites.

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

Defining community-led housing in national policy is potentially helpful, however it needs to be sufficiently flexible to allow a wide range of groups and proposals to come forward.

As currently worded, community-led developments are those that are driven by non-profit organisations that are owned by and accountable to their community members. This may limit the potential for development to come forward with community support that provides a direct community benefit. The current text would seem to exclude proposals that are brought forward by the development industry who may work in partnership/collaboratively with local community groups in identifying issues and

preparing proposals that would have a wider community benefit (e.g., deliver a new health centre or community hub) but are outside the development plan.

If the definition was expanded to allow a role for the private sector then it should be made clear that the expected benefit the development would bring to the community would need to be significant and go beyond the requirements of the development plan, for example where affordable housing is being proposed it should be substantially in excess of the level provision sought in the development plan. The same should apply to the delivery of facilities and infrastructure improvements or financial contributions, these should be significant and in excess of normal requirements for a policy-compliant site.

Community-led development rightly should have community involvement and buy in/support. However, for it to start delivering in any significant numbers and deliver significant local benefits, it is likely to require a role for the private sector who would provide the expertise in bringing sites forward that might otherwise be lacking in the community. It would also encourage the development industry to work more closely with local communities and try and achieve a positive benefit from development rather than the current situation where the two groups are often in opposition regarding development.

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

We agree in principle that an applicant's past behaviour should be taken into account in decision making. We also agree with the examples given of irresponsible behaviour, i.e., where there are instances of applicants persistently failing to deliver their legal commitments to the community and breaching planning controls, although we would still encourage a clear definition to be provided if this proposal is taken forward. We strongly believe that the planning system should be fair and open, and therefore this should only be considered in exceptional circumstances where this irresponsible behaviour has repeatedly taken place.

We would welcome further detail as to how this would take place in practice. We would like to understand the evidence that would be required to demonstrate that such behaviour has taken place in order to have the confidence to refuse an application on this basis. We would also like to understand how it will be controlled, i.e., would it be recorded on a national register? Could applicants simply change their names or company name and re-apply? Although we support this proposal in principle, we do question how it would work in practice, so welcome further clarity on this proposal.

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

Option 2 is the favourable mechanism, where local authorities can decline to determine applications submitted by applicants who have a demonstrated track record of past irresponsible behaviour. However, both options could be challenging to implement if government does not give enough clarity about the definition of ‘irresponsible behaviour’, as well as the ‘track record’ LPAs would have to demonstrate, and whether those applicants whose applications have not been determined on this basis can appeal this decision. We therefore encourage further detail to be provided on this proposal before we can provide full support.

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?

We support measures to incentivise developers to build out more quickly and welcome the three policy measures proposed to help achieve this aim.

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?

We agree with the change proposed to paragraph 20 of the NPPF, which will state that strategic policies should ‘...set out an overall strategy for the pattern, scale and design quality of places, (to ensure outcomes support beauty and placemaking)’. However, it should be made clear that this requirement should relate to all development proposals, not only those at strategic scale. The additional wording provided in brackets would provide greater clarity on the outcomes expected from a strategy for design quality, although more clarity on what is meant by beauty would be of assistance, with a footnote referencing the Living with Beauty report by the Building Better, Building Beautiful Commission.

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?

The word ‘beautiful’ was introduced in the NPPF in the previous round of amendments yet remains undefined in national guidance. Whilst we welcome the stronger focus on well-designed places, using the word ‘beautiful’, unless clearly defined (or at least setting out the beginnings of a definition), can lead to confusion. There is no consensus as to what ‘beauty’ means, and the perception of beauty can

change over time. Focusing on high-quality design, defining design expectations, and rewarding high quality design would be more appropriate as these terms are more readily definable.

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

Yes, gaining a full understanding of the design of development in visual terms is crucial to achieving high-quality design. Encouraging this visual clarity in planning conditions would help all parties (local planning authority, residents, developers, etc.) to understand what design requirements should be achieved, and to assess whether the development being built reflects the design detail set out in the related planning application. This is particularly important where sites are sold after planning permission is granted. Clarity on the approved drawings will provide certainty regarding what developers have consent to deliver.

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?

We question why this very specific type of development has been referenced in the framework as it is not a strategic matter. However, if mansard roofs are to be encouraged in national policy, then it should be made clear that these would not be suitable in all locations, and their design should be in line with local requirements.

We understand that mansard roof extensions can be a successful means of densifying or extending existing homes if they respect and are reflective of local character. We understand that wording has been proposed that aims to preserve local character and identity by reflecting the design of existing buildings and mansard roof extensions.

However, we still consider the specific reference to mansard roofs is not needed because the existing wording is adequate at encouraging upward extensions. We also believe that mansard roofs should not be permitted development, as the design of buildings and local circumstances vary too much to make blanket guidance appropriate.

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?

Planning applications for smaller developments are often the most numerous processed by local planning authorities and could have a notable role to play in achieving the Government's policy objectives on nature recovery. However, it is anticipated that most smaller developments will be exempt from mandatory biodiversity net gain (e.g., householder or those under the de minimis threshold).

It is appropriate and justifiable that small developments are encouraged to make proportionate and appropriate contributions to nature recovery. In many cases, there is limited scope for local planning authorities to secure the delivery and long-term management of habitats within smaller development sites (private gardens). As such, the provision of species enhancements into the built environment (e.g., integrated bat boxes and bird boxes) is an appropriate way to achieve some minimum ecological benefit on smaller development sites. These enhancements could be delivered at a prescribed ratio but have flexibility to respond to the context of the site and relevant formal strategies (e.g. local nature recovery strategies, species conservation strategies, etc.).

It is also important that the potential for smaller developments to impact the natural environment, in a piecemeal but cumulative way, is recognised in future versions of national planning policy. Steps should be taken to emphasise the need for smaller developments to avoid and minimise ecological impacts first, complying with the mitigation hierarchy (Paragraph 180a of the NPPF 2021).

In relation to the use of artificial grass by developers in new development, we understand the negative impacts it can have on biodiversity and drainage for flood prevention or alleviation as well as the pollution impact from the plastic it is composed of. Therefore, we would welcome national policy interventions on artificial grass. We advise that the NPPF could restrict the use of artificial grass by developers in new developments, and only allow its use in circumstances where a valid reason is provided for its inclusion, such as for sports use. Since wording in the NPPF will only influence the use of artificial grass in new developments that require planning permission, we recommend that the Government explores wider mechanisms to stop the conversion of lawns to artificial grass in the existing housing stock and existing non-residential developments, for example by controlling its sale or bringing artificial grass under planning controls, if possible.

38. Do you agree that this is the right approach 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 most versatile agricultural land?

Yes, giving adequate weight to food production value of high value farmland is the right approach. South Oxfordshire is a predominantly rural district, with a high proportion of land in agricultural use. We recognise and support the vital role of farming and food production in local (and wider) food provision and agree that this additional wording helps to ensure that the availability of agricultural land for food production is adequately weighted in the planning process, and its benefits recognised.

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?

The introduction of a carbon impact assessment to plan-making and planning decisions will be an essential part of ensuring that the planning system is fit for a net-zero carbon future. The proposed changes to the NPPF do not go far enough on climate change. We welcome the commitment to a further consultation on national policy and suggest this takes place as soon as possible.

We are currently in the process of commissioning a Net Zero Carbon study for our Joint Local Plan, and as part of this evidence we plan to undertake a carbon impact assessment of our spatial strategy. This will identify the most and least sustainable locations within the districts (South Oxfordshire and also Vale of White Horse) for new development in terms of carbon implications. This will ultimately help to inform our decision on what spatial strategy is most appropriate to take forward and what quantum of development can be accommodated. We have not yet appointed a consultant for this work and would welcome being part of a pilot study on carbon impact assessments.

We welcome the use of a carbon assessment for use in a plan-making context to assess the carbon impact of all policies within a local plan in future, not only the spatial strategy. To support local authorities with this the NPPF should:

- provide clarification that local plans must meet carbon budgets and should establish a carbon emission baseline
- set out which carbon emissions should be considered as within the scope of planning
- establish a clear methodology for assessing the carbon emissions of proposed policies

We recommend wording in the NPPF requiring that the outputs of this methodology must demonstrate that, taken together, the proposed policies in a local plan are consistent with staying within the district's established carbon budget. Setting out the contribution of each proposed policy would allow plan-makers to consider the pros and cons of policy options from a carbon perspective and provide evidence to back up decisions. If a proposed policy is removed or amended during the local plan examination process, the carbon impact assessment outputs could be used to demonstrate whether the suggested changes will still meet carbon dioxide emission targets and the legal duty to address climate change.

We also welcome a carbon assessment tool for assessing individual developments, as this would be useful both for planning applications and for assessing sites during the plan-making process in the Housing and Economic Land Availability Assessment (HELAA). It could measure the carbon impacts of design choices, as well as locational impacts. When a decision is made contrary to plan policy, the climate impacts of that decision should be fully assessed. To do this, mechanisms must be in place so that development is not approved where it would increase the community's exposure to climate risks or exceed established carbon budgets.

If a carbon impact assessment was set out and implemented through national policy, depending on the complexity, LPAs are likely to require technical support to undertake these assessments. We therefore encourage any carbon impact assessment methodology to be clear and simple and additional resources to be available to upskill officers (preferred) or appoint consultants.

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?

We agree that planning policy must support climate change adaptation further, going beyond measures like preventing over-heating through the design of individual buildings to planning some landscape-scale interventions. Nature-based solutions which provide multi-functional benefits are a valuable means of adapting places for climate change, but they should not be the only intervention considered. The most effective way to adapt to the impacts of climate change is to steer development away from areas most at risk. The NPPF should provide local authorities with guidance on how the future predicted impacts of climate change should be incorporated into local planning policy and what timescales should be considered. The NPPF should be strengthened to encourage LPAs to be innovative and ambitious in taking action to adapt to climate change, for example by identifying and allocating land in the local plan to be safeguarded for climate adaptation measures that will be needed in the future, including natural flood management schemes and urban cooling measures.

To encourage delivery of more nature-based solutions, we believe that the NPPF should provide wording that specifically supports these nature-based solutions and require new developments to include these solutions in the design of landscapes. There is opportunity to amend the wording of the existing paragraph 154 of the framework to make it stronger, requiring suitable adaptation measures to be included in all development, rather than only those that are 'vulnerable'. A list of examples of successful adaptation methods that could be utilised in the design of new developments could also be included. Currently only one short example is provided, where it states, 'including through the planning of green infrastructure'. This list could be expanded to provide a number of nature-based solutions, including:

- Encouraging the use of planting and street trees within new development to provide shade, CO2 absorption, and pollution shielding, which will consequently increase biodiversity and help to manage solar gain
- Ensure that as part of achieving well-designed public spaces that planting and green and blue infrastructure are incorporated, which will help to provide shade and reduce excessive heat
- In new developments, incorporate and design public green space to alleviate microclimatic overheating whilst also providing health and wellbeing benefits. Natural England's green infrastructure framework could be referenced.
- Installing green roofs and green walls where possible in development, which will improve the thermal performance of buildings, reduce the heat island effect and also provide space for food growing
- Incorporate 'green' nature-based sustainable drainage systems and natural flood resilience wherever possible i.e., green roofs, walls that capture water, wet basins and naturalised swales. We would support a mandatory requirement for sustainable drainage systems in new developments in England.

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

As this is a fairly new technology, the end of life of solar farms or wind turbines is a matter that has not been much explored, and we wish to see clear guidance on the use of planning mechanisms (e.g., conditions, legal agreements) to require the restoration to agriculture or nature at the end of a temporary consent. This is especially important where a scheme has been allowed in the Green Belt under NPPF para 151. While re-powering of renewables may often be an appropriate solution, the default should be restoration to an agreed land use. Re-powering should be considered through a new planning application.

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

We support the first part on the additional wording on approving an application for the re-powering and life-extension of existing renewables sites, where its impacts are or can be made acceptable. The next part needs further consideration and clarity on what is meant by the 'baseline existing on the site'. Where a renewables site has a temporary consent, we suggest the impacts of an application for re-powering or life-extension of an existing renewables site should be assessed against both the existing and the previous land use (e.g., agriculture where the site was previously agricultural). There could be a danger of end-of-life renewable energy sites, often in remote and rural locations, gaining status as previously developed land, with ensuing pressures for different kinds of development.

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?

Yes, we agree with the changes to footnote 54 which adds the opportunity to identify areas suitable for wind development in an SPD. This would provide existing plans that have not already allocated sites suitable for wind development to do so without having to wait for a new plan to be adopted. Since the NPPF paragraph is about renewable and low carbon development, we suggest the footnote should cover other forms of renewables and not just wind turbines.

Footnote 62 is not clear about the degree of community support needed.

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

Yes, we support the new wording proposed under paragraph 161 of the framework. South Oxfordshire District Council has declared a climate emergency, and we recognise that when tackling climate change locally, reducing carbon emissions from existing homes in the district is one of the biggest challenges we face. In planning terms, we are currently limited in the powers we hold to require existing homes to be retrofitted. Local planning authorities can include specific policies in local plans that promote retrofit, however national policy has up to this stage lacked necessary wording on retrofit.

This wording is welcomed as it provides significant weight to be given to the need to support energy efficiency improvements through the adaptation of existing buildings. It could be strengthened by adding consideration of the embodied carbon of existing buildings. We also welcome the reference to conservation areas and listed buildings

in this paragraph, although consider the wording should be strengthened by encouraging the sensitive retrofitting of historic buildings, rather than only referring policy readers to Chapter 16.

In addition, although it is acknowledged in the consultation material that there is a commitment 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', there is no reference in Chapter 16 of the NPPF to improving the energy performance of historic buildings. Reference to energy performance improvements within Chapter 16 would make the link between historic buildings and retrofit stronger and show greater commitment to retrofit in the context of the historic environment.

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?

Yes, we agree with the proposed timeline for finalising local plans. We are currently in the process of developing our new Joint Local Plan 2041, and are expecting to submit the plan in January 2025, as set out in our Local Development Scheme (LDS). Therefore, the 30 June deadline for submission before the policy changes are implemented is welcomed as we consider this date to be achievable. We also expect the adoption of our plan in September 2025 (as set out in our LDS), and therefore the 31 December 2026 deadline for the adoption of local plans examined under current legislation is also supported. These deadlines for finalising local plans will allow us to progress with our plan without delay and will allow us to transition easily to the new plan-making system following the adoption of the Joint Local Plan 2041.

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

Yes, we agree with the proposed transitional arrangements for plans under the future system. We expect that our plan will be submitted by the 30 June 2025 deadline, and also adopted by the 31 December 2026 deadline, so will be less than 5 years old when the new system goes live. Therefore, we will have adequate time to start work on a new plan within the 5-year timeframe. We do however believe that the 30-month timeframe to adopt a plan could be challenging, given we will be moving to a new reformed system.

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

Yes, we agree with the proposed timeline for preparing neighbourhood plans under the future system. Neighbourhood Development Plans (NDPs) are very popular in South Oxfordshire, with 28 currently made and 14 NDPs currently in preparation in the district. We welcome that 'made' neighbourhood plans prepared under the current system will continue to remain in force under the reformed system until they are replaced, as this allows the existing plans to retain their influence in planning decisions.

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

Yes, we agree with the transitional arrangements for SPDs to move to Supplementary Plans, which will hold the same weight as a local plan. We welcome the proposal to keep current SPDs in force until we will be required to adopt a new-style plan. This will give us sufficient time during this period to reflect on our existing SPDs and create Supplementary Plans if necessary.

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

We agree in principle with the concept of National Development Management Policies. We believe that they could provide benefits to plan-making, such as by allowing less complex local plans to be produced that focus on local planning issues, as well as provide consistency across local authorities on key issues that apply on a national level.

However, we believe that these policies should not restrict local authorities in their policy aims by still allowing them to set ambitious policies that test the boundaries on key local as well as national issues such as Net Zero. We would encourage further consultation on these National Management Policies once they have been decided, so we can provide an informed comment that reflects the true scope and principles as they will be set out. Little information is currently provided, including on the full scope of these policies, so we welcome a consultation.

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

It should be made clear that the scope of the policies should not restrict local authorities from setting ambitious local policies.

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

Yes, we agree that new selective additions that will address 'gaps' where existing national policy is currently silent on common decision-making issues would be beneficial. This would help to ensure that key issues are addressed nationally with statutory weight, and also help local plans to be focussed on locally relevant policies.

We do agree that one of these issues could be to address carbon reduction in new developments as set out in the consultation document. However, we again want to emphasise that the proposed baseline should be very ambitious in terms of achieving carbon reduction. If this baseline is not ambitious enough, there should be scope for local authorities to set their own measures where they go further than what is set out in national policy. In terms of achieving Net Zero, policies that push the boundaries and aim to achieve Net Zero earlier than government ambitions should be welcomed and not restricted by a National Development Management policy.

We understand that an optional technical standard on net zero is proposed for those authorities who wish to set further measures, whilst allowing for consistency in decision making. However, although we understand this would provide consistency, that it could potentially be limiting to local authorities who wish to achieve high levels of carbon reduction/net zero development. This is because it could provide a 'cap' as to what measures local authorities could set in terms of carbon reduction. This could be restrictive and potentially prevent ambitious carbon reduction policies from coming forward. Instead, national policy should clearly support Councils who wish to implement higher carbon reduction standards by allowing methods other than those set out in building regulations to be used to measure the energy efficiency of development if these methods can do so more accurately. For example, it should be clearly set out in national policy that Councils can set energy use and space heat targets in Local Plans if supported by feasibility and viability evidence.

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?

Yes, we consider the following could be considered as possible options for National Development Management Policies:

- EV charging infrastructure
- Public art
- Neighbouring amenity
- Open Space
- Tree canopy cover increases
- Managing flood risk and drainage
- Biodiversity net gain
- Conservation
- Health and wellbeing principles
- Health Impact Assessments
- Renewable energy provision (including impacts, particularly cumulative impacts)
- Standards for National Highways managed roads

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?

We consider that the following could be included in a new framework to help achieve the 12 levelling up missions:

- Strengthening planning policy on health and healthy place shaping, including adding requirements on health impact assessments (HIAs) for major developments. HIAs play an important role in helping to identify and address health inequalities in line with the levelling up ambitions.
- Support jobs, skills, and training by encouraging local authorities to develop Community Employment Plans (CEPs). CEPs aim to ensure that as a result of new development, local people can have better access to job opportunities. The emerging South Oxfordshire Local Plan policy on CEPs was removed by the local plan Inspector in 2020, largely because of the lack of support in the framework for this mechanism, therefore the inclusion of CEPs in the NPPF would be welcomed.

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?

South Oxfordshire is already strong in all the business sectors mentioned in Chapter 11, paragraph 6(b) of the consultation – i.e., technology, life sciences and R&D. Therefore, we would support policy that also seeks to support the foundational economy and businesses especially SMEs, start-ups and local enterprises. Policy should also support the provision of a range of employment buildings to meet these needs so that all parts of the economy can prosper. We would also support policy that helps to drive economic growth through expanding the circular economy. Therefore, we would welcome policy that promotes or provides incentives for developers and businesses to incorporate circular economy principles, to minimise waste, increase the recycling and reuse of materials, and conserve resources.

It would also be helpful to retain NPPF policy that specifically supports the rural economy and facilitates better connectivity (especially digital infrastructure), to also allow rural businesses to grow and prosper.

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?

Yes, we do think that the government could go further in national policy to increase development on brownfield land within city and town centres. There should be a clear ‘brownfield-first’ approach set out in national policy, which would prioritise the use of suitable brownfield land in sustainable locations before greenfield land can be considered for development.

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?

Yes, we think that government should bring forward proposals to update the framework to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in public spaces. It is important that the framework reflects the needs of everyone in the community and helps to support the sense of safety and belonging in public spaces through policy wording, particularly in the design and open space and recreation parts of the framework. In the design of public areas and also when considering the provision of open space, sport and

recreation facilities, the safety and inclusion of women, girls and other vulnerable groups should be adequately considered, and set as a requirement in national policy.

We agree in principle that policies on lighting/street lighting could help to ensure a sense of safety in certain areas for women girls and other vulnerable groups. However, it will also be necessary to balance this against the impacts of light pollution on the environment, nature, people and landscapes, and ensure that any impacts are minimised.

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?

For our Joint Local Plan Issues consultation, we launched an [innovative new interactive website](#), with maps, a video and images. It was designed to work on a tablet, computer or mobile phone, and be easily accessible and engaging to all. For those who preferred a more traditional document, a [PDF version](#) of the Joint Local Plan Issues consultation was also offered.

We have since utilised the same platform to set out the land and buildings submitted as part of our [Call for Land and Buildings Available for Change](#) exercises, and also to present the results of the [Joint Local Plan Issues consultation](#). These also include interactive maps, images and video to present information, making it easily accessible and engaging material.

We believe that national planning policy could be presented and accessed in a similar way, utilising an interactive website with images, maps and video in order to present and access information.

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.

Although we have no specific comments on impacts on the equality duty, we recognise that the proposals relating to questions 22, 23 and 56 could potentially result in positive impacts for those with protected characteristics.