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Submitted to Proposed reforms to the National Planning Policy Framework and other changes to the planning system
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Respondent details

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Other private sector organisation

If you answered "other", please provide further details:

Consultation Introduction

1) Do you have any views on how statutory National Development Management Policies could be introduced in the most effective manner, should a future decision be made to progress these?

Answer:

2) Do you agree with the new format and structure of the NPPF which comprises separate plan-making policies and national decision-making policies?

Not Answered

a) Please provide your reasons, particularly if you disagree :

3) Do you agree with the proposed set of annexes to be incorporated into the draft Framework?

Not Answered

a) Please provide your reasons, particularly if you disagree :

4) Do you agree with incorporating Planning Policy for Traveller Sites within the draft Framework?

Strongly agree

a) Please provide your reasons, particularly if you disagree :

PPTS is currently a stand-alone document and whilst there is a choice to either incorporate within NPPF or PPG, given its importance and to provide appropriate status it should be within NPPF.

Chapter 1: Introduction

5) Do you agree with the proposed approach to simplifying the terminology in the NPPF where weight is intended to be applied?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Chapter 2: Plan-making policies

6) Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1?

Strongly agree

a) Please provide your reasons, particularly if you disagree :

7) Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area?

Strongly agree

a) If not, do you think there should be a different approach, for example, that alterations should only be made to spatial development strategies every five years where there are significant changes to housing need in the strategy area?:

8) If spatial development strategies are not altered every five years, should related policy on the requirements used in five year housing land supply and housing delivery test policies, set out in Annex D of the draft Framework, be updated to allow housing requirement figures from spatial development strategies to continue to be applied after 5 years, so long as there has not been a significant change in that area's local housing need?

Not Answered

a) Please provide your reasons, particularly if you disagree :

9) Do you agree with the role, purpose and content of local plans set out in policy PM2?

Not Answered

a) Please provide your reasons, particularly if you disagree :

10) Do you think that local plans should cover a period of at least 15 years from the point of adoption of the plan?

Not Answered

a) If not, do you think they should cover a period of at least 10 years, or a different period of time. Please explain why. :

11) Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies?

Not Answered

a) Please provide your reasons, particularly if you disagree :

12) Do you agree with the approach to initiating plan-making in PM7?

Not Answered

a) Please provide your reasons, particularly if you disagree :

13) Do you agree with the approach to the preparation of plan evidence set out in policy PM8?

Not Answered

a) Please provide your reasons, particularly if you disagree :

14) Do you agree with the approach to identifying land for development in PM9?

Not Answered

a) Please provide your reasons, particularly if you disagree.:

15) Do you agree with the policies on maintaining and demonstrating cross-boundary cooperation set out in policy PM10 and policy PM11?

Not Answered

a) Please provide your reasons, particularly if you disagree.:

16) Do you agree that policy PM12 increases certainty at plan-making stage regarding the contributions expected from development proposals?

Strongly agree

a) Please provide your reasons, particularly if you disagree.:

We emphasise the importance of counting for planning obligations in setting the price paid for land.

But where the policy notes that 'affordable housing requirements should be expressed as a single figure rather than a range', the NPPF should make clear that this does not refer to different requirements for different areas within the local authority and where need and viability evidence demonstrate that a single requirement across the local authority area is not deliverable.

17) Do you agree that plans should set out the circumstances in which review mechanisms will be used, or should national policy set clearer expectations?

Not Answered

a) Please provide your reasons, particularly if you disagree :

18) Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015?

Partly agree

a) Please provide your reasons, particularly if you disagree :

Strongly agree with all proposals except part bi) with which we strongly disagree. With regards to the proposal to commence s43, we have found that the current situation has led to a range of standards in development plans dealing with energy standards. Even plans that all say they seek 'net zero development' often use different metrics to measure net zero and are requiring increasingly complex regimes to assess whether a proposed new development has met the local standard. The different standards have different costs and require different design/construction skills in different localities. It is equally unclear why areas which don't have alternative standards to Building Regulations are facing less of a climate emergency than other parts of the country!

By setting a national standard through Building Regulations, the costs of development nationally should reduce – allowing for delivery of other planning gain e.g. more social rented housing in developer led schemes.

BUT

Strongly disagree with part bi)

This part of PM13 is inconsistent and does not reflect potential economies of scale and accessibility benefits that could be achieved with a single England-wide Part M(4)2 standard. We recommend that M4(2) is introduced as a national standard for all new development.

19) Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination?

Not Answered

a) If not, please explain how this could be improved to ensure a proportionate assessment, making it clear which type of plan you are commenting on?:

20) Do you have any specific comments on the content of the plan making chapter which are not already captured by the other questions in this section?

Answer:

Chapter 3: Decision-making policies

21) Do you agree with the principles set out in policy DM1?

Not Answered

a) Please provide your reasons, particularly if you disagree :

22) Do you agree with the policy DM2 on information requirements for planning applications?

Not Answered

a) Please provide your reasons, particularly if you disagree.:

23) Do you have any views on whether such a policy could be better implemented through regulations?

Answer:

24) Do you agree with the principles set out in DM3?

Not Answered

a) Please provide your reasons, particularly if you disagree.:

25) Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed?

Strongly disagree

a) Please provide your reasons, particularly if you disagree :

The clauses in part 2 of DM5 are written in a way that means that any development proposal (regardless of merit of any argument) could still challenge on the grounds of viability, therefore it would not prevent unnecessary negotiation.

Furthermore the policy contradicts itself - in particular 2c and 3 are at odds – if costs are unforeseen i.e abnormal, then this should come of land in the first instance?.

For the policy to reduce negotiation it needs to clearly state that it will be for the decision maker to decide as to whether it accepts viability evidence at a pre application stage – i.e if a developer wants to challenge viability then this must be a pre application process – once this has been accepted then the developer can submit an application, so that decision are taken once everything is known rather than the post permissions subject to s106 that often happen now.

26) Do you have any further comments on the likely impact of policy DM5: Development viability?

Answer:

We support the inclusion of clause 3.

Clause 6 of DM5 should be “will” rather than “consider” for any ‘large’ site under the new category of 50+ dwellings etc. There could also be a new requirement in DM5 that prior to a viability assessment, the developer is allowed to explore the potential for funding from HE as a first port of call, but on the basis that land value is not be increased if grant funded is found.

Further comment of DM5 requires knowing what will be in the associated annex on standard viability assumptions – we therefore reserve the right to comment further when that is published for further consultation.

27) Do you have any views on how the process of modifying planning obligations under S106A, where needed once a section 106 agreement has been entered into, could be improved?

a) Please explain. If so, please provide views on specific changes that may improve the efficacy of S106A and the main obstacles that result in delay when seeking modification of planning obligations.:

Our view is that in many cases a clearly-worded s106 should negate the requirement for modification. This could be assisted and supported by national model clauses including cascade mechanisms for amending affordable tenures in the case of no RP being available to take the affordable housing (a scenario that currently causes delays but could easily be ameliorated by a clear cascade).

The process under s106A can be restrictive but where applicants seek to renegotiate contributions for viability reasons the planning authority should retain control. On larger sites, review mechanisms can be included in the s106.

The reasons for modifying a s106 should be set out – they should be robust and not allow obligations to be removed without evidence or in a specific set of circumstances – e.g. no takers for the affordable. Where possible cascade mechanisms should be included.

28) Do you have any views on how the process of modifying planning obligations could be improved in advance of any legislative change, noting the government’s commitment to boosting the supply of affordable housing.

a) Please explain. If so, please provide views on the current use of s73 and, if any, the impact on affordable housing obligations:

Three Dragons has considerable experience on reasons given for seeking to vary s106 agreements and how local planning authorities can deal with this effectively,

The introduction of a ‘cascade approach’ is to be recommended. This should indicate what measures are to be considered if there is evidence that the full policy requirement is not viable. This is particularly important for challenges to delivery of the policy requirement for the amount and type of affordable housing and which clearly sets out the order of preference for the planning authority of changes to the policy requirement.

29) Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations?

Not Answered

Answer:

30) Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes?

Not Answered

a) Please provide your reasons, particularly if you disagree :

31) Do you agree with the new intentional unauthorised development policy in policy DM8?

Not Answered

a) Please provide your reasons, particularly if you disagree :

32) Are there any specific types of harm arising from intentional unauthorised development, and any specific impacts from the proposed policy, which we should consider?

a) If so, are there any particular additions or mitigations which we should consider?:

33) Do you agree with the new Article 4 direction policy in policy DM10?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Chapter 4: Achieving sustainable development

34) Do you agree with the proposed approach to setting a spatial strategy in development plans?

Not Answered

a) Please provide your reasons, particularly if you disagree :

35) Do you agree with the proposed definition of settlements in the glossary?

Not Answered

a) Please provide your reasons, particularly if you disagree :

36) Do you agree with the revised approach to the presumption in favour of sustainable development?

Not Answered

a) Please provide your reasons, particularly if you disagree :

37) Do you agree to the proposed approach to development within settlements?

Not Answered

a) Please provide your reasons, particularly if you disagree :

38) Do you agree to the proposed approach to development outside settlements?

Not Answered

a) Please provide your reasons, particularly if you disagree :

39) Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria?

Not Answered

a) Please provide your reasons:

40) Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?

Partly disagree

a) Please provide your reasons, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers and other groups with protected characteristics.:

We strongly support the principle of increased development round stations, tram stops and the like but think that a national standard density minimum density of 40 or 50 dph is too rigid and does not allow for local variation (eg suburban tram stops where an average density of 50 dph may be possible but not a minimum density for all development).

The phrase "reasonable walking distance" also needs clearer definition. Walkable by whom and does this include walking with luggage or carrying heavy shopping?

Not clear that S5 h applies to Gypsy and Traveller sites. But if it is, intended to apply it seems an unnecessary requirement for this type of housing. It is implausible that a Gypsy and Traveller site will meet the density requirement in L3 and therefore this use should be exempted.

41) Do you agree that neighbourhood plans should contain allocations to meet their identified housing requirement in order to qualify for this policy?

Not Answered

a) If not, please provide your reasons:

Chapter 5: Meeting the challenge of climate change

42) Do you agree with the approach to planning for climate change in policy CC1?

Not Answered

a) Please provide your reasons, particularly if you disagree :

43) Do you agree with the approach to mitigating climate change through planning decisions in policy CC2?

Not Answered

a) If not, what additional measures could be taken to ensure climate change mitigation is given appropriate consideration? :

44) Do you agree with the approach to climate change adaptation through planning decisions in policy CC3?

Not Answered

a) What additional measures could be taken to ensure climate change mitigation is given appropriate consideration? :

45) Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated?

Not Answered

a) Please provide your reasons, particularly if you disagree :

46) How should wildfire adaptation measures be integrated with wider principles for good design, and what additional guidance would be helpful?

Answer:

47) Do you have any other comments on actions that could be taken through national planning policy to address climate change?

Answer:

Chapter 6: Delivering a sufficient supply of homes

48) Do you agree the requirements for spatial development strategies and local plans in HO1 and HO2 are appropriate?

Not Answered

a) Please provide your reasons, particularly if you disagree :

49) Is further guidance is required on assessing the needs of different groups, including older people, disabled people, and those who require social and affordable housing?

Strongly agree

If so, what elements should this guidance cover?:

There is no agreed methodology for assessing the housing needs of older people, which can vary considerably by age and state of health. Before a robust methodology can be devised more information is needed on older people's housing and lifestyle preferences and how these have changed post COVID as the current generation of older people make more use of digital technology. There are also key questions about health and changing technologies including to what extent living in old people's housing enhances health and quality of life and also on length of stay in specialist older persons housing and whether this reduces or merely postpones the need for care home accommodation. Continued uncertainty over prospects for leasehold reform has undoubtedly dampened demand in the owner occupied sector. Older people on fixed incomes need certainty about both ground rents and service charges. It is not clear that the proposed leasehold reform goes far enough to provide such certainty.

50) Do you agree with the approach to incorporating relevant policies of Planning Policy for Traveller Sites within this chapter?

Strongly agree

a) Please provide your reasons, particularly if you disagree :

51) Is further guidance needed on how authorities should assess the need for traveller sites and set requirement figures?

Strongly agree

a) If so, what are the key principles this guidance should establish?:

With the widening of the definition of Travellers it is necessary to establish how this wider need can be measured and how/if this need should be met with permanent sites or transit sites.

Separately, given that Travellers are different to the settled population, what is the best geography to establish need and where this need should be met – e.g. just because a need arises from a site in a specific LPA that the need should also be met within that LPA

52) Do you agree the new Annex D to the draft Framework is sufficiently clear on how local planning authorities should set the appropriate buffer for their local plan 5-year housing land supply?.

Not Answered

a) Please provide your reasons, particularly if you disagree :

53) Do you agree the new Annex D to the draft Framework is sufficiently clear on the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision making?

Not Answered

a) Please provide your reasons, particularly if you disagree :

54) Do you agree the requirements to establish a 5 year supply of deliverable traveller sites and monitor delivery are sufficiently clear?

Partly disagree

a) Please provide your reasons, particularly if you disagree :

Remove HO3 1c in respect of Traveller trajectory. A trajectory for Traveller sites is unlikely to be a helpful or accurate tool. The transient nature of the Traveller communities means that pitch use and take up is not necessarily linear. Our experience is that the availability of deliverable suitable space on a Traveller site does not necessarily mean it will come forward to a set timetable. Given the limited number of pitches compared to general housing a trajectory seems an unnecessary burden for the LPA with little benefit.

55) Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear?

Not Answered

a) Please provide your reasons, particularly if you disagree :

56) Do you agree our proposed changes to the definition of designated rural areas will better support rural social and affordable housing?

Not Answered

a) Please provide your reasons, particularly if you disagree :

57) Do you agree with our proposals to ask authorities to set out the proportion of new housing that should be delivered to M4(2) and M4(3) standards?

Partly agree

a) Please provide your reasons, particularly if you disagree :

We support the principle of local authorities setting out the requirement for M4 (2) and M4(3) new housing in their development plans. However, we believe that 100% of new housing should be built to M4(2) standard which would achieve clarity about requirements and standardize design, reducing current costs of c£1,400 per dwelling to achieve M4(2)

It is less practical to set national percentage standards for M4(3) housing. But it is not appropriate to ask for an amount of new market housing to be built to M4(3) standards. We say this because there is no mechanism to allocate M4(3) properties to households that require this type of housing.

58) Do you agree 40% of new housing delivered to M4(2) standards over the plan period is the right minimum proportion?

Strongly disagree

a) Please provide your reasons, and would you support an alternative minimum percentage requirement?:

We believe that 100% of new housing should be built to M4(2) standard which would achieve clarity about requirements and standardize design, reducing current costs of c£1,400 per dwelling to achieve M4(2).

59) Do you agree the proposals to support the needs of different groups, through requiring authorities to set identify sites or set requirements for parts of allocated sites are proportionate?

Strongly agree

a) Please provide your reasons, particularly if you disagree :

This has proved effective in helping meet Traveller need in sustainable locations eg the Cranbrook new community in East Devon. For older persons housing this should be applicable in the case of identified need. Where there is a clear need for a particular type of housing such as older persons or self and custom build, the authority should seek ways to meet and/or encourage development of that type of housing

60) Do you agree with our proposals to ask authorities to set out requirements for a broader mix of tenures to be provided on sites of 150 homes or more?

Not Answered

a) Please provide your reasons and indicate if an alternative site size threshold would be preferable? :

61) Do you agree with proposals for authorities to allocate land to accommodate 10% of the housing requirement on sites of between 1 and 2.5 hectares?

Not Answered

a) Please provide your reasons:

62) Are any changes to policy HO7 needed in order to ensure that substantial weight is given to meeting relevant needs?

Answer:

The policy is very clear – no changes needed.

63) Do you agree that proposals to add military affordable housing to the definition of affordable housing, and allow military housing to be delivered as part of affordable housing requirements, will successfully enable the provision of military homes?

Strongly agree

a) Please provide your reasons, particularly if you disagree :

64) Do you agree flexibility relating to the size of market homes provided will better enable developments providing affordable housing?

Strongly agree

a) Please provide your reasons, particularly if you disagree :

The NPPF should state that market housing should not be subject to size policies other than NDSS. The only exception would be for well-evidenced exceptional circumstances such as in National Parks. Generally, there should be flexibility to deliver to market preferences rather than the needs stated in Housing Needs Assessment.

65) Would requiring a minimum proportion of social rent, unless otherwise specified in development plans, support the delivery of greater number of social rent homes?

Strongly disagree

a) If so, what would be an appropriate minimum proportion and development size threshold taking into account development viability?:

We strongly feel that the approach taken by Homes England should be changed so that grant can be used to provide affordable housing on mixed tenure schemes – this would need appropriate checks and balances to ensure that the funds do not simply flow to land owners. We are aware of numerous examples where a small amount of grant would assist the viability of mixed tenure schemes with additional affordable housing. In addition, this would maintain the place-making benefits of mixed tenure schemes.

66) Are changes to planning policy needed to ensure that affordable temporary accommodation, such as stepping stone housing, is appropriately supported, including flexibilities around space standards?

a) If so, what changes would be beneficial?:

Yes we support the provision of temporary accommodation schemes and that flexibility would assist.

67) Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites?

Partly agree

a) If so, would it be desirable to limit the circumstances in which cash contributions in lieu of on-site delivery can be provided – for example, should it not be permitted on land released from the Green Belt where the Golden Rules apply? Please explain your answer.:

The principle of financial equivalence should be maintained so that the impact on viability is the same. Our preference is for onsite affordable housing delivery but we recognise that there will be a need for a cascade approach in some circumstances e.g. when there is limited appetite from RPs to acquire and manage small numbers of affordable housing from small sites.

Our reservation is that in some locations a key issue is the availability of sites for commuted sum affordable provision and this approach may exacerbate this issue.

b) If you do not believe applicants should have blanket discretion to discharge social and affordable housing requirements through commuted sums, do you think cash contributions in lieu of on-site delivery should be permitted in certain circumstances – for example where it could be evidenced that onsite delivery would prevent a scheme from being delivered? Please explain your answer:

The ultimate decision on whether a commuted sum can be used should be the for the Local Authority rather than the developer.

68) What risks and benefits would you expect this policy to have? Please explain your answer. The government is particularly interested in views on the potential impact on SME housing delivery, overall housing delivery, land values, build out rates, overall social and affordable housing delivery, and Registered Providers (including SME providers).

Answer:

The principle of financial equivalence should be maintained so that the impact on viability is the same. In some locations a key issue is the availability of sites for commuted sum affordable provision and this approach may exacerbate this issue.

69) What guidance or wider changes would be needed to enable Local Planning Authorities to spend commuted sums more effectively and more quickly? Please explain your answer.

Answer:

Local housing strategies should include a clear protocol for how commuted sums should be spent, taking into account local needs and opportunities.

70) Would further guidance be helpful in supporting authorities to calculate the appropriate value of cash contributions in lieu?

Yes

a) If so, what elements and principles should this guidance set out? Please explain your answer. For example, guidance could make clear that contributions in lieu should be an amount which is the equivalent value of providing affordable housing on site, based on a comparison of the Gross Development Value of the proposed scheme with the Gross Development Value of the scheme assuming affordable housing was provided onsite. :

Three Dragons is able to provide a very effective commuted sum calculator that is already in use by a number of local authorities. Feedback from these authorities is that it accelerates the process and developers welcome the clarity and certainty provided. We recognise that there is an important difference in assessing the differences between tenures and that any guidance should reflect this.

71) Do you support proposals to enable off site delivery where affordable housing delivery can be optimised to produce better outcomes in terms of quality or quantity?

Neither agree or disagree

a) Please provide your reasons, particularly if you disagree :

No clear evidence about consistent better outcomes from offsite delivery.

72) Do you agree the with the criteria set out regarding the locations of specialist housing for older people?

Strongly agree

a) Please provide your reasons, particularly if you disagree :

It is beneficial to older people's health if they have access on foot to local services and amenities and by regular and frequent public transport links to town centres and transport hubs. The presence of specialist older people's housing in or close to town and local centres can also help support the local economy, although specialist providers are unlikely to locate development in failing town centres and provision of specialist older people's housing should be seen as part of a wider strategy of town centre/area regeneration.

73) Do you agree with the criteria set out regarding the locations of specialist community-based accommodation, including changes to the glossary?

Not Answered

a) Please provide your reasons, particularly if you disagree :

74) Do you agree with the criteria set out regarding the locations of purpose built student accommodation and large scale shared living accommodation, including changes to the glossary?

Neither agree or disagree

a) Please provide your reasons, particularly if you disagree :

75) Do you agree the proposals provide adequate additional support for Rural Exception Sites?

Partly agree

a) Please provide your reasons, including what other changes may be needed to increase their uptake?:

Policy HO10 in association with the definition of Rural Exception Sites in the Annex (Glossary) gives a clear exposition of the established planning policy for Rural Exception Sites. However, they do require clarity, at local plan level, of qualifying settlements and what constitutes 'sites that would not normally be used for housing'.

76) Do you agree with proposals to remove First Homes Exception Sites as a discrete form of exception site?

Strongly Agree

a) Please provide your reasons, particularly if you disagree :

First Homes Exception Sites serve no useful purpose in the new NPPF

77) Do you agree proposals for a benchmark land value for rural exception sites will help to bring forward more rural affordable homes?

Strongly agree

a) If so, which approach and value as set out in the narrative for policy HO10 of the consultation document is the most beneficial for government to set out?:

The current 'going rate' for Rural Exception Plots of £10,000 has been in use for many years now and has served a very useful purpose in keeping plot values low while providing an incentive to landowners to release their land for housing. But this 'going rate' needs updating and brought into guidance (the NPPF). The option of five times agricultural value would be useful as an alternative within policy e.g. £12,000 a plot or five time agricultural value whichever is the greater.

78) Do you agree the proposals to set out requirements for traveller sites at HO12 adequately capture relevant aspects from Planning Policy for Traveller Sites, whilst ensuring fair treatment for traveller sites in the planning system?

Partly disagree

79) Please provide your reasons to Question 78, particularly if you do not agree

Answer:

HO12 1b is unclear – what is 'enable' in this context? Also, if it means that it is located within reasonable distance to eg a school how will planning policy ensure regular attendance? Suggest that wording should be 'access to appropriate education, welfare, and health services' to provide choices that are acceptable to the Traveller community.

HO12 1d 'Do not enclose' is unlikely to meet the suitability criteria from the Traveller communities and will probably be disliked. In addition, we are aware that sites in more dense urban areas may need solid enclosures to meet fire safety requirements.

HO12 2a is unclear – does this mean capacity on existing sites?

HO12 2b is unclear – what should be pertinent personal circumstances?

80) Do you agree the proposals in policy HO13 will help to ensure development proposals are built out in a reasonable period?

Strongly Agree

a) Please provide your reasons, particularly if you disagree :

81) Do you agree the requirements to take a flexible approach to the consenting framework for large scale residential and mixed-use development is sufficient to ensure the opportunities of large scale development are supported?

Not Answered

a) Please provide your reasons, particularly if you disagree :

82) Are any more specific approaches or definitions needed to support the delivery of very large (super strategic) sites, including new towns?

Not Answered

a) Please provide your reasons:

83) Do you agree with the proposed changes to the Housing Delivery Test rule book?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Chapter 7: Building a strong , effective economy

84) Do you agree that more emphasis should be placed on relevant national strategies and the need for flexibility in planning for economic growth, as drafted in policy E1?

Not Answered

a) Please provide your reasons, particularly if you disagree.:

85) Do you agree with the approach to meeting the need for business land and premises in policy E2?

Not Answered

a) Please provide your reasons, particularly if you disagree :

86) Do you agree with the proposed new decision-making policy supporting freight and logistics development in policy E3?

Not Answered

a) Please provide your reasons, particularly if you disagree :

87) Do you agree with the approach to rural business development in policy E4?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Chapter 8: Ensuring the vitality of town centres

88) Do you agree with the proposed changes to policy for planning for town centres?

Not Answered

a) Please provide your reasons, particularly if you disagree :

89) Do you agree with the approach to development in town centres in policy TC2?

Not Answered

a) If not, please explain how you would achieve this aim differently :

90) What impacts, if any, have you observed on the operation of planning policy for town centres since the introduction of Use class E?

Answer:

91) Do you believe the sequential test in policy TC3 should be retained?

Not Answered

a) Please provide your reasons, particularly if you disagree :

92) Do you agree with the approach to town centre impact assessments in policy TC4?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Chapter 9: Supporting high quality communications

93) Do you agree that the updated policies provide clearer and stronger support for the rollout of 5G and gigabit broadband?

Not Answered

a) Please provide your reasons, particularly if you disagree :

94) Do you agree the requirements for minimising visual impact and reusing existing structures are practical for applicants and local planning authorities?

Not Answered

a) Please provide your reasons, particularly if you disagree :

95) Do you agree the supporting information requirements are proportionate and sufficient without creating unnecessary burdens?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Chapter 10: Securing Clean Energy and Water

96) Do you agree with the approach to planning for energy and water infrastructure in policy W1

Not Answered

a) Please provide your reasons, particularly if you disagree, what alternative approach would you suggest?:

97) Do you agree with the amendments to current Framework policy on planning for renewable and low-carbon development in policy W2?

Not Answered

a) Please provide your reasons, particularly if you disagree:

98) Do you agree with the proposed approach to supporting development for renewable and low carbon development and electricity network infrastructure in policy W3?

Not Answered

a) Please provide your reasons, particularly if you disagree, and any changes you would make to improve the policy?:

99) Do you agree with the proposed approach to supporting development for water infrastructure in policy W4?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Chapter 11: Facilitating the sustainable use of minerals

100) Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance?

Not Answered

a) Please provide your reasons, particularly if you disagree :

101) Do you agree with how policy M1 sets out how the development plan should consider oil and gas?

Not Answered

a) Please provide your reasons, particularly if you disagree :

102) Do you agree with the proposed addition of critical and growth minerals to the glossary definition of 'minerals of national and local importance'?

Not Answered

a) Please provide your reasons, particularly if you disagree :

103) Do you agree criteria b of policy M2 strikes the right balance between preventing minerals sterilisation and facilitating non minerals development?

Not Answered

a) Please provide your reasons, particularly if you disagree :

104) Do you agree policy M3 appropriately reflects the importance of critical and growth minerals?

Not Answered

a) Please provide your reasons, particularly if you disagree :

105) Do you agree with the exclusion of development involving onshore oil and gas extraction from policy M3?

Not Answered

106) Please provide your reasons in response to question 105, particularly if you disagree

Answer:

107) Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply?

Not Answered

108) Please provide your reasons in response to question 107, particularly if you do not agree

Answer:

109) Do you agree with approach to coal, oil and gas in policy M5?

Not Answered

a) Please provide your reasons, particularly if you disagree :

110) Are there any other exceptional circumstances in which coal extraction should be permitted?

Not Answered

111) If yes in reply to question 110, please outline the exceptional circumstances in which you think coal extraction should be permitted.

Answer:

112) Do you agree policy M6 strikes the right balance between preventing the sterilisation of minerals reserves and minerals-related activities, and facilitating non-minerals development?

Not Answered

a) Please provide your reasons, particularly if you disagree :

113) Does policy M6 provide sufficient clarity on the role of Minerals Consultation Areas?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Chapter 12: Making effective use of land

114) Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land?

Not Answered

115) If not, in response to question 114, what further guidance is needed?

Answer:

116) Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land?

Not Answered

a) Please provide your reasons, particularly if you disagree :

117) Do you agree policy L2 identifies appropriate typologies of development to support intensification?

Not Answered

a) If not, what typologies should be added or removed and why?:

118) Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy?

Not Answered

a) Please provide your reasons, particularly if you disagree :

119) Do you agree policy L2 (d)(i) achieves its intent to enable appropriate development that may differ from the existing street scene, particularly in cases such as corner plot redevelopment and upwards extensions.

Not Answered

a) Please provide your reasons, particularly if you disagree :

120) Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages?

Not Answered

a) Please provide your reasons, particularly if you disagree :

121) Do you agree policy L3 provides clear guidance on achieving appropriate densities for residential and mixed-use schemes?

Not Answered

a) If not, please explain how guidance could be clearer?:

122) Do you agree with the minimum density requirements set out within policy L3?

Strongly disagree

a) Please provide your reasons, particularly if you disagree :

Appropriate densities for different localities vary significantly on the basis of design and local need and national minimum densities for specific location types are inappropriate. NPPF should make clear that minimum densities are defined in local plans.

b) Could these minimum density requirements lead to adverse impacts on Gypsies and Travellers and other groups with protected characteristics? Please provide your reasons, including any evidence.:

It seems an unnecessary requirement for Traveller housing and if applied would exclude Traveller sites. It is implausible that a Traveller site will meet the density requirement in L3 and therefore this use should be exempted.

123) Do you agree that using dwellings per hectare is an appropriate metric for setting minimum density requirements? Additionally, is our definition of 'net developable area' within the NPPF suitable for this policy?

Strongly agree

a) Please provide your reasons, particularly if you disagree :

This sort of policy is only effective if kept simple and understandable.

124) Do you agree with the proposed definition of a 'well-connected' station used to help set higher minimum density standards in targeted growth locations? In particular, are the parameters proposed for the number of Travel to Work Areas and service frequency appropriate for defining a 'well-connected' station?

Not Answered

a) Please provide your reasons and preferred alternatives:

125) Are there other types of location (such as urban core, or other types of public transport node) where minimum density standards should be set nationally?

Not Answered

a) If so, how should these locations be defined in a clear and unambiguous way and what should these density standards be? :

126) Should we define a specific range of residential densities for land around stations classified as 'well-connected'?

Not Answered

127) In reply to question 126, if so, what should that range be, and which locations should it apply to?

Answer:

128) Do you agree policy L4 provides clear high-level guidance on good design for residential extensions?

Not Answered

129) Please provide you reasons in response to question 128, particularly if you disagree

Answer:

Chapter 13: Protecting Green Belt land

130) Do you agree that policy GB1 provides appropriate criteria for establishing new Green Belts?

Not Answered

131) Please provide your reasons in response to question 130, particularly if you disagree.

Answer:

132) Do you agree policy GB2 gives sufficient detail on the expected roles spatial development strategies and local plans play in assessing Green belt land?

Not Answered

a) Please provide your reasons, particularly if you disagree.:

133) Do you agree with proposals to better enable development opportunities around suitable stations to be brought forward?

Partly disagree

a) Please provide your reasons, particularly if you disagree.:

We agree with the principle of supporting development around stations but are not convinced that the proposed measures will achieve this result

40 and 50 dph are very high minimum densities when applied outside urban areas. The draft NPPF does not specify the size of site which these thresholds could apply to. Our experience of viability appraisal across brown and greenfield sites is that it is reasonable to expect part of a site to be developed at 50 dph but if the intention is to bring forward a mixed and balanced community an average density of 50 dph would be very hard to achieve

134) Do you agree the expectations set out in policy GB5 are appropriate and deliverable in Local Plans?

Not Answered

135) Please provide your reasons in response to question 134, particularly if you disagree.

Answer:

136) Do you agree policies GB6 and GB7 set out appropriate tests for considering development on Green Belt land?

Not Answered

a) Please provide your reasons, particularly if you disagree :

137) Do you agree policy GB7(1h) successfully targets appropriate development locations and types in the Green Belt, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?

Not Answered

138) Please provide your reasons to your reply to question 137, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers

Answer:

139) Do you agree that site-specific viability assessment should be permitted on development proposals subject to the Golden Rules in these three circumstances?

Not Answered

a) Please provide your reasons, particularly if you disagree :

140) With regards to previously developed land, are there further changes to policy or guidance that could be made to help ensure site-specific viability assessments are used only for genuinely previously developed land, and not predominantly greenfield sites?

Answer:

141) Do you agree with setting an affordable housing 'floor' for schemes subject to the Golden Rules accompanied by a viability assessment subject to the terms set out?

Not Answered

142) Please explain your answer to question 141, including your view on the appropriate approach to setting a 'floor', and the right level for this?

Answer:

143) Do you agree with local planning authorities testing viability at the plan-making stage using a standardised Benchmark Land Values scenario of 10 times Existing Use Value for greenfield, Green Belt land?

Not Answered

a) Please explain your answer.:

144) Do you have any other comments on the use of nationally standardised Benchmark Land Values for local planning authorities to test viability at the plan-making stage?

Answer:

145) Do you agree that proposed changes to the grey belt definition will improve the operability of the grey belt definition, without undermining the general protections given to other footnote 7 areas?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Chapter 14: Achieving well-designed places

146) Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes?

Not Answered

a) Please provide your reasons, particularly if you disagree :

147) Do you agree with the approach to design tools set out in policy DP2?

Not Answered

a) Please provide your reasons, particularly if you disagree.:

148) Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places?

Not Answered

a) Please provide your reasons, particularly if you disagree.:

149) Do you agree with the proposed approach to using design review and other design processes in policy DP4?

Not Answered

a) If not, what else would help secure better design and placemaking outcomes?:

Chapter 15: Sustainable transport

150) Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through plan-making?

Not Answered

a) Please provide your reasons, particularly if you disagree :

151) Do you agree that policy TR2 strikes an appropriate balance between supporting maximum parking standards where they can deliver planning benefits, and requiring a degree of flexibility and consideration of business requirements in setting those standards?

Not Answered

a) Please provide your reasons, particularly if you disagree :

152) Do you agree with the changes proposed in policy TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool?

Not Answered

a) Please provide your reasons, particularly if you disagree :

153) Do you agree that proposed policy TR4 provides a sufficient basis for the effective integration of transport considerations in creating well-designed places?

Not Answered

a) Please provide your reasons, particularly if you disagree :

154) Do you agree with policy TR5 as a basis for supporting the provision and retention of roadside facilities where there is an identified need?

Not Answered

a) Please provide your reasons, particularly if you disagree :

155) Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and travel plans will be required, and for considering impacts on the transport network?

Not Answered

a) Please provide your reasons, particularly if you disagree :

156) Do you agree the proposed text in policy TR7 provide an effective basis for assessing proposals for marine ports, airports and general aviation facilities?

Not Answered

a) Please provide your reasons, particularly if you disagree :

157) Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Chapter 16: Promoting healthy communities

158) Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards?

Not Answered

a) Please provide your reasons, particularly if you disagree :

159) Do you agree that Local Green Space should be 'close' to the community it serves?

Not Answered

a) Please provide your reasons, particularly if you disagree :

160) Do you agree that the proposed policies at HC3 and HC4 will support the provision of community facilities and public service infrastructure serving new development?

Not Answered

a) Please provide your reasons, particularly if you disagree :

161) Do you have any views on whether further clarity is required to improve the application of this policy, including the term 'fast food outlets', and the types of uses to which it applies?

Answer:

162) Do you agree with the proposed approach to retaining key community facilities and public service infrastructure in policy HC6?

Not Answered

a) Please provide your reasons, particularly if you disagree :

163) Do you agree with the approach taken to recreational facilities in policy HC7, including the addition of 'and/or' with reference to quantity and quality of replacement provision?

Not Answered

a) Please provide your reasons, particularly if you disagree :

164) Do you agree with the clarification that Local Green Space should not fall into areas regarded as grey belt or where Green Belt policy on previously developed land apply?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Chapter 17: Pollution, Public Protection and Security

165) Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans?

Not Answered

a) Please provide your reasons, particularly if you disagree :

166) Are any additional tools or guidance needed to enable better decision-making on contaminated land?

Answer:

167) Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution?

Not Answered

a) Please provide your reasons, particularly if you disagree :

168) Do you agree policy P4 makes sufficiently clear how decision-makers should apply the agent of change principle?

Not Answered

a) Please provide your reasons, particularly if you disagree :

169) Do you agree policy P5 provides sufficient basis for addressing possible malicious threats and other hazards when considering development proposals?

Not Answered

a) Please provide your reasons, particularly if you disagree :

170) Do you agree that substantial weight should be given to the benefits of development for defence and public protection purposes?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Chapter 18: Managing Flood Risk and Coastal Change

171) Do you agree with the proposed changes set out in policy F3 to improve how Coastal Change Management Areas are identified and taken into account in development plans?

Not Answered

a) Please provide your reasons, particularly if you disagree :

172) Do you agree with the proposed clarifications to the sequential test set out in policy F5?

Not Answered

a) Please provide your reasons, particularly if you disagree :

173) Do you agree with the proposed approach to the exception test set out in policy F6?

Not Answered

a) Please provide your reasons, particularly if you disagree :

174) Do you agree with the proposed requirement in policy F8 for sustainable drainage systems to be designed in accordance with the National Standards?

Not Answered

a) Please provide your reasons, particularly if you disagree :

175) Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels?

Not Answered

a) Please provide your reasons, particularly if you disagree :

176) Do you agree with the proposed changes to policy for managing development in areas affected by coastal change?

Not Answered

a) Please provide your reasons, particularly if you disagree :

177) The National Coastal Erosion Risk Map sets out where areas may be vulnerable to coastal change based on different scenarios. Do you have views on how these scenarios should be applied to ensure a proportionate approach in applying this policy?

Answer:

178) Do you agree with the proposed new additions to Table 2: Flood Risk Vulnerability Classifications?

Not Answered

a) Should any other forms of development should be added? Please give your reasoning and clearly identify which proposed or additional uses you are referring to:

Chapter 19: Conserving and enhancing the natural environment

179) Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery?

Not Answered

a) Please provide your reasons, particularly if you disagree:

180) In what circumstances would it be reasonable to seek more than 10% biodiversity net gain on sites being allocated in the development plan, especially where this could support meeting biodiversity net gain obligations on other neighbouring sites in a particular area?

Answer:

181) Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development?

Not Answered

a) Please provide your reasons, particularly if you disagree :

182) Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them?

Not Answered

a) Please provide your reasons, including how policy can be improved to ensure compliance:

183) Do you agree policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the planning system?

Not Answered

a) Please provide your reasons, particularly if you disagree:

184) Are there any further issues for planning policy that we need to consider as we take forward the implementation of Environmental Delivery Plans?

Answer:

Chapter 20: Conserving and enhancing the historic environment

185) Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act?

Not Answered

a) Please provide your reasons:

186) Do you have any evidence as to the impact of implementing the additional regard duties for development?

Answer:

187) Do you agree with the approach to plan-making for the historic environment, including the specific requirements for World Heritage Sites and Conservation Areas, set out in policies H1 – H3?

Not Answered

a) Please provide your reasons, particularly if you disagree :

188) Do you agree with the approach to assessing the effects of development on heritage assets set out in policy H5?

Not Answered

a) Please provide your reasons, particularly if you disagree :

189) Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties?

Not Answered

a) Please provide your reasons, particularly if you disagree :

190) Do you agree with the new policies in relation to world heritage, conservation areas and archaeological assets in policies HE8 – HE10?

Not Answered

a) Please provide your reasons, particularly if you disagree :

191) Do you have any other comments on the revisions to the heritage chapter?

Answer:

Further questions

192) Do you agree with the transitional arrangements approach to decision-making?

Not Answered

a) Please provide your reasons, particularly if you disagree :

193) Do you have any further thoughts on the policies outlined in this consultation?

Answer:

194) Do you agree with the list of Written Ministerial Statements set out in Annex A to the draft Framework whose planning content would be superseded by the policies proposed in this consultation?

Not Answered

a) Please provide your reasons, particularly if you disagree :

Annex A - Data Centres / Onsite Generation

195) Do you consider the planning regime, including reforms being delivered through the Planning and Infrastructure Act, provide sufficient flexibility for energy generation projects co-located with data centres to be consented under either the NSIP or TCPA regime?

Not Answered

a) Please provide your reasons:

196) Would raising the Planning Act 2008 energy generation thresholds for renewable projects that are co-located with data centres in England (for the reason outlined above) be beneficial?

Not Answered

a) If so, what do you believe would be the appropriate threshold? Please provide your reasons. :

197) Do you have any views on how we should define 'co-located energy infrastructure'? Please provide your reasons.

Answer:

198) Do you think the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for other use types of projects should be increased, or should this be limited to projects co-located with data centres?

Not Answered

a) Please provide your reasons:

199) What benefits or risks do you foresee from making this change? Please provide your reasons.

Answer:

Annex B - Viability: Standardised inputs in viability assessment

200) Would you support the use of growth testing for strategic, multi-phase schemes?

Strongly agree

a) Please explain your answer.:

This would align with common practice by site promoters
It would require guidance on the sources that should be used to monitor costs and values.

201) Would you support the optional use of growth testing for regeneration schemes?

Strongly agree

a) Please explain your answer.:

However, we would note that there is little published data to indicate what the price increase would be in these circumstances, and the government should consider research to find out what this would be.

202) Do you agree greater specificity, including single figures, which local planning authorities could choose to diverge from where there is evidence for doing so, would improve speed and certainty?

Partly disagree

a) Please explain your answer. If you agree, the government welcomes views on the appropriate figure – for example, whether 17.5% would be an appropriate reflection of the industry standard for most market for sale housing:

Range gives more flexibility for market sale housing, which can be useful. 15% to 20% is appropriate but support should be given to using 17.5% unless there is clear evidence that an alternative figure is appropriate.

The Annex only covers some of the viability inputs set out in the PPG. MHCLG should establish standard inputs for:

- professional fees,
- use of published sources for build costs etc,
- contingency,
- marketing costs,
- and other costs for agent and legal fees.

We would be happy to contribute to any consultation on the appropriateness of these, potentially a round table exercise?

203) Are there any site types, tenures, or development models to which alternative, lower figures to 15-20% of Gross Development Value might reasonably apply?

a) Please explain your answer. The government is particularly keen for views on whether clarifying the appropriate profit on Gross Development Value for affordable housing tenures would make viability assessments more transparent and speed up decision making. :

Development types to which this would apply are Build to Rent, Purpose Built Student Accommodation (where there is a long term investment) and Discount Market Sale and First Homes and Older persons sale. For these development types, 8-12% is more appropriate.

6% of GDV is widely accepted for affordable housing (except First Homes and Discount Market Sale) and it would be useful to acknowledge this.

204) Are there further ways the government can bring greater specificity and certainty over profit expectations across landowners, site promoters and developers such that the system provides for the level of profit necessary for development to proceed, reducing the need for

subjective expectations?

a) Please explain your answer:

Moving developer return into NPPF gives greater certainty & reduces the need for subjective expectations.
See also answer to 208 regarding land owner premium

205) Existing Viability Planning Practice Guidance refers to developer return in terms a percentage of gross development value. In what ways might the continued use of gross development value be usefully standardised?

a) Please explain your answer:

Agree with the use of return expressed as a percentage of GDV. It is easy to understand, easy to calculate and evidence. Introducing additional measures such as IRR and ROCE would create more uncertainty, increase potential challenges and lengthen the time to make decisions.

206) Do you agree there circumstances in which metrics other than profit on gross development value would support more or faster housing delivery, or help to maximise compliance with plan policy?

Strongly disagree

a) Please explain your answer:

For the reasons stated in the response to 205 it would be inappropriate to move away from the current metrics.

207) Are there types of development on which metrics other than profit on gross development value should be routinely accepted as a measure of return e.g. strategic sites large multi-phased schemes, or build to rent schemes?

a) Please explain your answer:

For the reasons stated in the response to 205 it would be inappropriate to move away from the current metrics.

208) Do you agree that guidance should be updated to reflect the fact a premium may not be required in all circumstances?

Strongly agree

a) In what circumstances might a premium, or the usual premium, not be required?:

For site specific appraisals a minimal or zero premium may be appropriate.

For Plan making, a premium should be included. It would be helpful if the NPPF provided guidance on appropriate premiums. The premium should be existing use plus up to 10% as a premium 10% for brownfield sites and up to 10 times the amount for greenfield. Subject to a realistic assessment of existing use value based. The Government could helpfully review the land value data (titled Land Value estimates for Policy Appraisal) which is very out of date (2019). This would help certainty and speed up decision making.

The government should continue to make clear, as per Paragraph: 013 Reference ID: 10-013-20240214 2nd bullet, that abnormal costs should be deducted from the land value.

b) What impact (if any) would you foresee if this change were made?:

209) Do you agree that extant consents should not be assumed to be sufficient proof of alternative use value, unless other provisions relating to set out in plans are met?

Strongly agree

a) Please explain your answer:

Consent should not necessarily count as sufficient proof of alternative use value. More consideration is needed whether the consent is a 'genuine' alternative. Our experience is that the alternative is not necessarily realistic. It is also possible that this system could be 'gamed' - falsely demonstrating a higher alternative use in order to lower contributions.

Alternative Use value is not a useful measure for 'typology' sites used in local plan viability testing, or commonly used in practice, for plan making viability appraisals.

210) If extant consents were not to be assumed as sufficient proof of alternative use value, should this be at the discretion of the decision-maker, or should another metric (e.g. period of time since consent granted) be used?

Decision maker discretion

a) If another metric, please set out your preferred approach and rationale:

The NPPF could state conditions to help the decision maker, for example, there should be a difference between the permission use class and the alternative use (e.g. an alternative use could not be residential if the proposal was for residential).

Alternative Use value is not a useful measure, or commonly used in practice, for plan making viability appraisals.

211) What further steps should the government take to ensure non-policy compliant schemes are not used to inform the determination of benchmark land values in the viability assessments that underpin plan-making?

a) Please explain your answer:

Do not use Alternative Use Value for the reasons discussed in response to 209 and 210. Remove the reference at Paragraph: 015 Reference ID: 10-015-20190509 that states "Market evidence can also be used as a cross-check of benchmark land value but should not be used in place of benchmark land value".

The Government could helpfully review the land value data (titled Land Value estimates for Policy Appraisal) which is very out of date (2019). This would help certainty and speed up decision making.

The government should continue to make clear that abnormal costs should be taken off the land value.

212) Do you agree that the residual land value of the development proposal should be cross-checked with the residual land values of comparable schemes; to help set the viability assessment in context?

Strongly disagree

a) Please explain your answer:

This would be impractical to achieve without any meaningful accuracy because there is no robust, transparent basis.

Annex C - Reforming Site Thresholds

213) Do you agree that a 2.5 hectare threshold is appropriate?

Partly disagree

a) Please provide your reasons, particularly if you disagree :

We agree that the smaller developers who might typically build out sites of up to 50 dwellings may need some special consideration to address the problems they are reported to face. However, the 2.5ha seems too large and doesn't make efficient use of land - 1.5ha-2ha seems more suitable. The threshold should meet both the size and dwelling number tests.

214) Do you agree that a unit threshold of between 10 and 49 units is appropriate?

Strongly agree

a) Please provide your reasons, particularly if you disagree :

215) Do you foresee risks or operability issues anticipated with the proposed definition of medium development?

Yes

216) In relation to question 215, if so, please explain your answer and provide views on potential mitigations.

Answer:

We have seen in our 100 Local Plan viability studies that in many cases these sizes of sites can be both viable and unviable - however, when viability is less strong these smaller sites can become non-viable more quickly. Therefore, they should be separately tested (sale or Build to Rent) as part of Local Plan evidence base and different affordable housing requirements set as appropriate.

217) Do you have any views on whether the current small development exemption should be extended to cover a wider range of sites - indicatively to sites of fewer than 50 dwellings, or fewer than 120 bedspaces in purpose-built student accommodation?

a) Please provide your reasons, particularly if you disagree :

No - it's dependent on the viability. We have seen in our 100 Local Plan viability studies that in many cases these sizes of sites can be both viable and unviable - however, when viability is less strong these smaller sites can become non-viable more quickly. Therefore, they should be separately tested as part of Local Plan evidence base and different affordable housing requirements set as appropriate.

218) If the exemption were to be extended, do you have any views on whether the development of 120 purpose-built student accommodation bedspaces is an appropriate equivalent to a development of 50 dwellings for the purposes of the levy exemption?

a) Please provide your reasons, particularly if you disagree :

PBSA has a very different development model and we can see no clear evidence to include them as part of any standard exemptions. Generally our testing has shown that PBSA is viable and that there is no clear threshold at which viability is weaker.

219) If the exemption were to be extended, do you have any views on whether the exemption should be based solely on the existing metrics (dwellings/bedspaces) or whether there should also be an area threshold.

a) Please explain your answer:

Yes, a 50-dwelling threshold would be more appropriate than an area threshold. We don't recognise any need for a PBSA exemption threshold.

220) If you do have views on possible changes to the small developments levy exemption, please specify the potential impact of the possible change of the levy exemption on people with protected characteristics as defined in section 149 of the Equality Act 2010.

Answer:

221) What do you consider to be the potential economic, competitive, and behavioural impacts of possible changes to the levy exemption? Please provide any evidence or examples to support your response.

Answer:

222) Do you agree with the proposal to extend the Permission in Principle application route to medium development?

Not Answered

a) Please provide your reasons, particularly if you disagree :

223) Do you have views about whether there should be changes to the regulatory procedures for these applications, including whether there should be a requirement for a short planning statement?

Answer:

Public Sector Equality Duty

224) Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic?

Not Answered

a) If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. :

225) Is there anything that could be done to mitigate any impact identified?

a) Please explain your answer: