

WAKEFIELD CIVIC SOCIETY

Building Interest in Wakefield
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11th September 2024

Dear Sir or Madam,

Proposed reforms to the National Planning Policy Framework and other changes to the planning system – Public consultation

Please find attached our response to the above consultation.

Copies have been sent also to Civic Voice, the national body for the Civic Society Movement, and to the Yorkshire and Humber Association of Civic Societies (YHACS), the regional body for civic societies in our region. (Wakefield Civic Society is a member of both.)

Yours faithfully,

Kevin Trickett MBE,

President

[Sent by email]

Founded in 1964

Member of YHACS

Member of Civic Voice

Registered Charity: No 236034

National Planning Policy Framework Consultation

A response from Wakefield Civic Society

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Chapters 1 and 2: General Comments

1.1 In summary, the proposed NPPF modifications contain many detailed proposals that are welcome, for example the emphasis on the development of small sites, healthy places, on community-led development and on a move to 'vision-led' transport planning. The proposals also assume correctly that a weak housebuilding performance is a key economic and social failure. In aggregate, however, the proposals amount to a short-term fix that fails to recognise the limitations of current practice in promoting active citizenship, fails to recognise the significance of regional variations within England and fails, in addition, to open the way to a more fundamental reform to planning practice. The revisions are associated with the publication of new higher estimates of housing need. The chosen methodology for assessing these estimates looks flawed. Independent local housing market studies should be undertaken before the estimates of higher needs are translated into higher housebuilding targets and incorporated into development plans.

The desirability of active citizenship in planning.

1.2 Wakefield Civic Society was established in 1964 out of a concern for the built environment of our city. As a registered charity (number 236034), with a membership of over 300, including local businesses, the Society works on the assumption that most people rightly care about the environment and that their involvement in decision making should be celebrated and recognised. A country without effective local government and without an active citizenship, including local environmental and amenity groups, would be a different and more impoverished country, with a lower quality of life. It is good that the government has undertaken a wide-ranging consultation process before changing the NPPF. However, the Consultation says nothing directly about citizenship or the role of local groups and fails to recognise the weaknesses of current planning practice, for example in development plan consultation.

Modernising the planning system

1.3 The Consultation states (para 2) that the planning system in England is 'antiquated'. It fails to recognise that some form of spatial/ town and country planning is undertaken in all modern economies, may be used to promote economic growth and is used to promote coordinated economic and social development elsewhere in the world. Planning is not simply as curb on economic growth as the Consultation implies. Moreover, the Consultation fails to correct the supposedly antiquated aspects of the planning system in England. Indeed, in introducing further piecemeal

modifications, the proposals are likely to reinforce the existing complex, contradictory character of planning practice.

- 1.4 A particular risk is that the proposals will, unintentionally, weaken the plan-led element of the current system and reinforce a discretionary approach to decision making that is most unusual compared to the planning systems in operation in competitor countries. A discretionary approach encourages uncertainty, distorts competition for the use of land and discourages investment. The proposals are right to insist that local councils prepare plans in a timely fashion. However, a longer-term view is required, involving a reconsideration of the relationship between plan making and subsequent decision making, the form of public consultation in plan making and the staff resources devoted to plan making. In any case, plan preparation is not a single event, as is an implication of the wording to the Consultation. An adequate planning service involves the preparation of up-to-date local plans on a rolling programme of every five years.

The reform and modernisation of the planning system has other aspects that are either neglected or ignored in the proposed revisions. Current planning practice lacks an adequate governmental framework at the regional level and while this framework will take some years to create, it is worth noting the implications:

- a) The proposals assume wrongly that it is possible to have a single all-England policy document. Economic disparities are simply too large for this. In the absence of a regional planning framework, the Government should at least prepare regional editions of the NPPF, covering for example local variations in benchmark land valuations, affordable housing issues, urban residential densities, the treatment of so-called 'grey belt' land within green belts, the balance of new development between rural and urban areas and large-scale investments such as new towns.
- b) Combined and Mayoral Authorities are nowhere identified as a distinctive type of planning agency that covers larger housing and labour market areas. They should be given responsibility for the preparation of strategic housing policies, including local needs assessments.

- 1.5 In addition to the absence of a regional dimension, future planning practice would benefit from a review of the lessons of the planning mechanisms used to support higher levels of housebuilding in nearby European countries. These mechanisms generally involve higher levels of direct and routine intervention in the land market and the creation of special policy mechanisms to co-ordinate acquisition and development, whilst meeting the requirements of the local context. Local interventions in the land market could provide especially useful for smaller sites and in promoting community-led development as a mean of diversifying housing development.

The housebuilding targets

- 1.6 Alongside the NPPF consultation, the government has published a spreadsheet showing a revised estimate of housing needs for England as a whole, for each region and for each local authority area. The table shows a considerable uplift in the estimates. Given concerns about housing shortages and affordability, the ambition of the government is to be welcomed. However, the scale of uplift implies increased housebuilding rates that look impractical without higher levels of governmental

intervention into the land market and/ or housebuilding (for example higher levels of social housebuilding).

- 1.7 For some local councils, the revised increase in estimated housing needs is likely to open a gap with the behaviour of developers in terms of recent completions and anticipated completions in the immediate future, say the next two or three years. Development plans and revisions to development plans should not move too far from actual market trends and local targets should make an allowance for the ability of the housebuilding industry to undertake a transition to a higher rate of completion. Infrastructure of all types will also require time to be financed and built. A development plan should recognise a realistic programme of infrastructure investment.
- 1.8 In some places, however, an uplift in housebuilding may be unrealistic in the longer term, say more than five years. Housebuilding is a response to effective local demand, not need. The NPPF should avoid a policy wording that is dominated by the chronic land shortages that exist in the Home Counties of the South East. In some regions, effective housing demand may prove insufficient to stimulate a greatly enhanced rates of housebuilding without having negative as well as positive implications for the local housing market. There is evidence, for example, from the Housing Market Renewal Initiative of the period from about 2000 to 2009 that continued housebuilding can undermine local housing markets in depressed regions, causing increased vacancies in the oldest poorest quality stock. Empty homes are, in any case, a resource not considered in the Consultation. For this reason and for reasons of realism, an independent assessment of local housing markets should be undertaken before the revision of a development plan.
- 1.9 In addition, the rate of housebuilding is not the only factor that influences house prices, rents and affordability. Even if the projected rate of housebuilding completions were achieved, affordability problems would persist without a significant increase in the provision of social housing. The Consultation (para. 4f) states that it wishes to boost social housing but does not explain how this will be achieved.
- 1.10 The quality of new build housing is also of concern. Councils have policies in place to promote good design, but these mostly deal with the external environment. More attention should be paid towards promoting zero and low carbon housing. A national housing policy for quality, rather than just quantity, is required and, though this is outside the scope of the NPPF, a policy for housing quality should also cover the existing stock.

Our detailed comments (Chapters 3- 13)

- 1.11 Civic societies have a wide-ranging interest in local development and regeneration. As a result, we have made comments on most of the questions. The main exception comprises the section dealing with planning fees and cost recovery. For this section, our concern is to emphasise the broad principle that planning is a public service, that should be funded from taxation and that non-fee generating activities such as plan making and consultation need to be prioritised. Otherwise the questions have generated responses of a varied level of detail.

1.12 Our comments draw on the extensive experience of members of Wakefield Civic Society, including our discussions over recent years with local council officers, local non-governmental groups, developers and the regional and national civic society movement. The President of Wakefield City Society is currently chair of the Wakefield Towns Board (also known here as the High Street Taskforce). A member of the Executive Committee is Professor Emeritus in Housing and Planning at Sheffield Hallam University. The comments draw from their experience as well as from the Society's collective experience in commenting on local planning applications, local plans and strategies of all types and the professional experience of members as officers in local government.

Chapter 3 – Planning for the homes we need	
<i>Housing need</i>	
<i>Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61? [This question is about making the standard method for assessing housing needs mandatory, not advisory.]</i>	<p>Yes, with significant qualifications. There should be broad consistency in the methods used to assess housing needs, but consistency does not necessarily mean the use of identical assumptions in every English region. (See paragraphs 1.5 and 1.9 in our introduction and the response to Q.2)</p> <p>The scope and implications of housing needs estimates also need to be clarified. A planning system is intended to meet the land needs of different economic activities, including house builders, subject to environmental constraints. Housing needs are a different concept and are not equivalent to land requirements. Land requirements vary by density as is obvious. However, a distinction should also be made between housing need and housing demand. Developers develop land in accordance with effective economic demand. Meeting the housing needs of all social groups will almost certainly require the use of other policy instruments apart from crude land allocation.</p>
<i>Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?</i>	The wording in the existing NPPF paragraph 61 has been undermined by too many authorities claiming exceptional circumstances that would justify the use of alternative methods. The standard method should itself be reformed to reflect the complexity of ‘the real world’. In plan preparation, the background documentation should recognise that household projections may be updated from year to year and, more importantly, that local housing requirements involve variable assumptions.
<i>Urban Uplift</i>	
<i>Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?</i>	Broadly, yes. The selection of ‘urban’ Council areas is arbitrary at a national level. Nevertheless, Mayoral and Combined Authorities should have the ability, if they wish, to specify local uplifts in estimated housing need.
<i>Character and density</i>	
<i>Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?</i>	Local character should be respected within and near to heritage assets of all types – ancient monuments, conservation areas and listed buildings, areas of outstanding beauty (national landscapes as currently defined). To give a specific and notorious example of poor design practice, in 2021 the United Nations removed World Heritage status from the Liverpool waterfront owing to the nearby development of inappropriate high rise.

<p><i>Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?</i></p>	<p>Many existing local plans lack a clearly defined spatial vision. They are a compendium of small and medium scale decisions made in response to developers. Density is not commonly discussed either in the background material or at the relevant Examination in Public. The usual assumption is a continuation of recent trends. Design codes have followed suit.</p> <p>The proposal to pursue a spatial vision organised around higher densities should be part of the next round of development plans. Density is likely to become increasingly important given the interaction between the revised estimates of housing need, the need to protect heritage areas and nature and the limited availability of land.</p> <p>Within the context of existing development plans, a statement of design requirements (in other words a design code) should include a variety of different densities classified by area and urban type. The development of new communities, whether large or small, will only apply selectively and should be treated as an optional aspect of local planning practice.</p> <p>A more pressing issue concerns the liveability of existing and proposed high density areas. A revised NPPF should state explicitly that both the local development plan and the associated design codes should seek to protect and promote the liveability of existing and proposed higher density areas including those in and around town and city centres for all household types, including those with children. In such areas, policy and design requirements should include the following: increased minimum internal floorspace to allow children to play indoors in the absence of a garden; enhanced minimum standards of access to green space; enhanced minimum standards for tree planting in the street. Also see the response to Q's.51 and 71.</p> <p>Finally, the revised NPPF should draw attention to the importance of phased development in spatial strategies and masterplans. Local and national targets are ambitious. In less affluent areas a gap may emerge between the scale of land allocated for housing and the land actually used for development. That gap should be managed to avoid a fragmented spatial pattern. Housebuilding may also be delayed until adequate infrastructure is in place. Again, phasing is important.</p>
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<i>The presumption in favour of sustainable development</i>	
<i>Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?</i>	It is sensible to confine paragraph 11d of the existing NPPF to land use allocation policies only.
<i>Restoring the five-year housing land supply</i>	
<i>Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?</i>	Yes
<i>Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF? [This is about adjusting treatment of past shortfalls and oversupply in calculating the housing supply requirement.]</i>	The wording of the existing paragraph 77 looks completely satisfactory. The consultation does not propose a workable alternative.
<i>Restoring the 5% buffer</i>	
<i>Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?</i>	Yes, but only assuming that the buffer is worked out in relation to the actual behaviour of developers rather than projections of housing need.
<i>Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?</i>	A five per cent buffer is about right. A buffer of more than five per cent would probably result in the overprovision of sites.
<i>Question 11: Do you agree with the removal of policy on Annual Position Statements?</i>	Yes, given their infrequent use.
<i>Co-operation and strategic planning</i>	
<i>Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?</i>	Yes. However, the need for cross-boundary co-operation would either disappear or change character were Mayoral and Combined Authorities given responsibility for strategic housing policies. Existing practice only requires minimal levels of co-operation, rather than a complete assessment of strategic alternatives.

<p><i>Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?</i></p>	<p>The current test of soundness is narrowly drawn. A revised NPPF should state that a calculation of housing need will be referred back to a Council if the methodology is unclear and not just faulty. Compliance to a sound methodology is important. However, technical compliance is not enough. The basis and workings of the estimates should be justified and clearly explained and presented using appropriate graphical material. The statistical base of local planning needs to be greatly improved, with the use of more graphical material drawn from standard software such as EXCEL. The Local Plan examination process should promote the better use of statistical material.</p>
<p><i>Question 14: Do you have any other suggestions relating to the proposals in this chapter?</i></p>	<p>A revised NPPF should also require Councils to use a standard methodology for the calculation of employment trends and cross district boundary commuting to work. The aim should be to promote a balance between housing and employment projections in every council district and, in particular, to avoid any strategic proposal that will lead to an increase in either inward or outward car-based commuting. The need for employment and housing land allocations should be considered together.</p>
<p>Chapter 4 – A new Standard Method</p>	
<p><i>Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?</i></p>	<p>No. The housing stock refers to physical attributes. Aggregate housing need is best understood as a product of the interaction between the housing stock and household projections, mediated by the average occupancy rate (the number of people in each dwelling unit). Occupancy rates vary both over time and from place to place, mostly according to household size. The Consultation makes no reference to occupancy. Failure to consider occupancy is likely to lead to unreliable and possibly perverse estimates of need.</p>
<p><i>Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?</i></p>	<p>Appropriate for what? The relation between the median house price and median earnings is a measure of local affordability. However, affordability requires specific types of dwelling and specific tenures that are either outside planning control or difficult to influence.</p>

<p><i>Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method? [The proposed changes involve applying a higher affordability multiplier.]</i></p>	<p>See the answers to Q's 10 & 15. If the median house prices in a Council district are rising more than the regional average, the buffer should be raised in relation to the five years supply of building land. Resolving affordability issues will require other policy measures, notably the construction of more social housing.</p>
<p><i>Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?</i></p>	<p>No. The availability of rental properties is mostly determined by the type and volume of transactions in the existing stock and by the volume of rental building by social housing agencies and in some places by large corporate entities. Most new housing can be used either for rental or owner-occupied housing. Use for rental is largely outside planning control.</p>
<p><i>Question 19: Do you have any additional comments on the proposed method for assessing housing needs?</i></p>	<p>The planning system is a crude and ineffective means of tackling issues of housing affordability, other than through the long-term impact on the overall aggregate balance between supply and demand. More attention needs to be paid to taxation and to the role of social housing.</p>
<p>Chapter 5 – Brownfield, grey belt and the Green Belt</p>	
<p><i>Being clear that brownfield development is acceptable in principle</i></p>	
<p><i>Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?</i></p>	<p>The consultation document is weak on the promotion of brownfield development. Planning permission will only become speedier if Councils possess an up-to-date, adopted, development plan, backed by an adopted statement of design guidance and design codes that are, in turn, varied by local area type. Some sites will still not be developed, however, even in the presence of a perfect regulatory framework. Local authorities should be encouraged to use their powers of voluntary and compulsory purchase to facilitate development. Additional, short-term financial obligations will arise through routine, increased land purchase. In the longer term, bringing land into development will lead to a surplus or at least no loss for a local authority.</p>
<p><i>Making it easier to develop Previously Developed Land</i></p>	
<p><i>Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?</i></p>	<p>The proposals to facilitate development on PDL and 'grey belt' land should only be applicable where a Council has failed to produce an up-to-date development plan (a plan is that is less than five years old) and, in addition, where the rate of housebuilding completions has fallen behind that necessary to meet identified housing needs or a five years' supply of building land.</p>

<p><i>Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?</i></p>	<p>Horticulture and glasshouses, even if disused, should be excluded from the definition of PDL. The UK needs more horticultural production, to reduce imports and to make healthy, locally grown fruit and vegetables more readily available.</p>
<p>Defining the grey belt</p>	
<p><i>Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?</i></p>	<p>See the response to Q21. Grey belt sites land should only be used for development where a Council has failed to produce an up-to-date development plan and, in addition, where the rate of housebuilding completions has fallen behind that necessary to meet identified housing needs.</p>
<p><i>Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?</i></p>	<p>Councils should prepare a baseline condition assessment using satellite and digital sources. The baseline condition would remain the relevant statement of quality.</p>
<p><i>Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?</i></p>	<p>The criteria in paragraphs 8-10 offer a start, but deserve more emphasis.</p> <p>Landscape quality and landscape value should receive a higher priority than the separation of settlements in the assessment of Green Belt land. The separation of neighbouring towns can be a difficult and misleading consideration in places where urban development has proceeded in a linear manner along transport routes. The crucial consideration is the value of greenspace to a local community. Only land of poor landscape quality and poor local value should be taken out of the Green Belt. The reference to landscape quality and value should be included in the NPPF, as is proposed in the Consultation.</p> <p>In addition, Green Belt sites should not be developed if they are of ecological value and contribute to biodiversity, as is also proposed.</p>
<p><i>Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?</i></p>	<p>See the response to Q25.</p>

<p><i>Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?</i></p>	<p>Local Nature Recovery Strategies should be part of a development plan or possibly a supplement to a development plan. They should be prepared promptly and publicised, should be co-ordinated with ‘green and blue’ strategies (See the response to Q.78) and should identify sites that will be protected from development.</p> <p>In the revised NPPF, the damage done to nature during the construction process deserves more attention. Existing trees and hedgerows should be safeguarded, as a matter of routine, as a condition of planning permission and the relevant condition enforced.</p>
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Land release through plan-making

<p><i>Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?</i></p>	<p>The development of brownfield sites should be the first priority. The development of ‘grey belt’ sites defined suitably to exclude sites of landscape and ecological value, should be a second priority. However, there are other possible considerations, for example the impact on heritage assets. Ensuring development in the ‘right place’ can only be properly guaranteed through the prior preparation and adoption of a development plan. As chapter 2 of the Consultation recognises, the development plan is often missing or badly out-of-date.</p> <p>There are other complications:</p> <p>First, the guidance fails to mention the role of ‘safeguarded land’ in meeting housing and other development needs. ‘Safeguarded land’ is generally either greenfield or former Green Belt land that will be released for development either beyond the plan period or in circumstances where development pressures are higher than expected. Safeguarded sites are not always sites that would qualify as ‘grey belt’. The new policy emphasis on ‘grey belt’ should be associated with a local review of safeguarded land. Grey belt and safeguarded sites need to be reviewed together with a clear indication of which sites should be developed first in the case of overall land shortages.</p> <p>Second, land is sometimes blighted and excluded from development by road and rail proposals that are not implemented for many years, if ever. The route of the former and now abandoned HS2 is currently safeguarded in much of the north of England. Slow central government decision making is responsible for this. In Yorkshire, in particular, there is no case for the continued retention of the safeguarded route. The land should be released for other purposes as appropriate.</p> <p>Third, infrastructure constraints must be considered when deciding the release of land for any form of development.</p>
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<p><i>Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?</i></p>	<p>Yes, so long as the function of the Green Belt is revised to include the protection of land of landscape and ecological value.</p>
<p><i>Allowing Development on the Green Belt through Decision Making</i></p>	
<p><i>Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?</i></p>	<p>Only with severe reservations as a very short-term measure. The development plan should remain the main framework for land use policy. What happens when the fortuitous discovery of grey belt land is completed and all the grey belt land used up? How will the function of the Green Belt be protected in the face of further development pressures? A workable development plan system will still be necessary to manage land use conflicts and ensure an accountable and consistent planning practice.</p>
<p><i>Supporting release of Green Belt land for commercial and other development.</i></p>	
<p><i>Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?</i></p>	<p>See the responses to Q30.</p>
<p><i>Planning Policy for Traveller Sites</i></p>	
<p><i>Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?</i></p>	<p>In general, the same procedures should apply.</p>
<p><i>Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?</i></p>	<p>This Civic Society lacks relevant knowledge and is not in a position to comment.</p>

Golden rules to ensure public benefit	
Delivering affordable housing	
Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?	Local councils should determine the mix within the context of a supplementary planning document prepared after local consultation and justified in the context of an examination in public.
Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?	See the response to Q.34. The specification of an appropriate mix would be facilitated by the preparation of regional editions of the NPPF and, in addition, by the preparation of a strategic housing policy by the relevant Mayoral or Combined Authority.
Delivering improved public access to green space	
Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?	Compensatory public open space improvements and biodiversity safeguards should be routinely used in the development of former Green Belt sites.
Greenbelt and benchmark land values	
Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?	A wider policy review is necessary. Benchmarking land values cannot be confined to green belt or grey belt sites. Land values within a Green Belt do not stand in isolation. They depend on values in the vicinity. Modern technology can and should be used to map indicate land values throughout a Council area.
Question 38: How and at what level should Government set benchmark land values?	<p>The Consultation suggests the use of multiples of agricultural values. Any realistic multiple will vary by region and locality and this needs explicit recognition. In addition, the use of agricultural values is inappropriate for sites with existing use rights, say for a petrol filling station or restaurant, even if the property is not currently being used. The extent of capital gains tax is also relevant to whether benchmark values are considered fair.</p> <p>If a residual valuation method is used, the value should itself incorporate the cost of providing good quality housing, good quality infrastructure and good quality community facilities of all types, including social housing.</p> <p>Field testing of the implications should be undertaken before a valuation method is fixed.</p> <p>Irrespective of the valuation method, local and central government should recognise that owners may still object and refuse to sell. An appeals procedure will be necessary, but this will take time. Local authorities should</p>

	also be encouraged to use powers of voluntary or compulsory purchase. The use of such powers is not necessarily quicker, however. Realistic timetables should be incorporated into the housebuilding plans.
<i>Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?</i>	The statement of 'golden rules' is a general declaration of principles that have long been accepted as good practice. It is not clear what will happen in the absence of negotiation. Where benchmark land values are too high to allow the achievement of the 'golden rules', the land value should be adjusted accordingly, downwards.
<i>Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?</i>	Any such proposal would have a damaging impact on social housebuilding. Given the variability in land values, it would be wrong to exclude affordable housing from the list of relevant and necessary community requirements.
<i>Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?</i>	Yes, if they have worked satisfactorily in London as the Consultation suggests.
<i>Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?</i>	This is a hypothetical question and, in any case, not suited to a universal answer. The NPPF should recognise that local authorities might properly wish to protect existing uses in the Green Belt against closure or redevelopment.
<i>Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for</i>	A start date should be given for all Green Belt sites, including those sites that have become available for development as a result of a Green Belt review in an adopted, up-to-date development plan. Otherwise different sites in the same Green Belt will be subject to different and apparently arbitrary valuation rules.

<i>example, draft plans at the regulation 19 stage?</i>	
<i>Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?</i>	No.
<i>Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?</i>	Paragraphs 31 and 32 are a welcome recognition that public land acquisition is sometimes necessary and should always be available as a background power. Use of the same power should also be available for land assembly for brownfield sites and for selected greenfield sites outside the Green Belt.
<i>Other</i>	
<i>Question 46: Do you have any other suggestions relating to the proposals in this chapter?</i>	No
Chapter 6 – Delivering affordable, well-designed homes and places	
<i>Delivering affordable housing</i>	
<i>Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?</i>	Yes
<i>Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?</i>	The definition and feasibility of affordable home ownership is crucially dependent on the local labour and property markets. The proportion of affordable home ownership on major sites should be reviewed as part of a series of independent local housing market studies generally undertaken at the level of Combined and Mayoral Authorities. This is not a policy suited to a universal, quantified standard.
<i>Question 49: Do you agree with removing the minimum 25% First Homes requirement?</i>	See the response to Q.48.
<i>Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?</i>	Exception sites can be of various types. Rural councils and National Park authorities should be encouraged to continue the use of local needs policies for new build housing. In addition, Councils should be encouraged to use 'exception sites', where permission would not otherwise be granted, to promote community self-build schemes.
<i>Question 51: Do you agree with introducing a policy to</i>	Yes, in principle, but the reference to mix should be elaborated in more detail to include an additional criterion

<p><i>promote developments that have a mix of tenures and types?</i></p>	<p>of dwelling size. The policy should be to promote developments that have a mix of tenures and types, including dwellings of varied size and number of bedrooms. (See the response to Q.5).</p>
<p><i>Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?</i></p>	<p>The easiest way would be to increase public funding for social housing. However, in a context where public funding has been constrained, Section 106 agreements have been the single largest method of delivering affordable homes since about 2015-16. A Section 106 agreement is a contract between a Council and a developer, one that provides planning permission subject to the inclusion of an agreed number or proportion of social housing and in effect ensures a cross subsidy between the build for sale and social housing element of a development project. Continued constraints on the finance available to social housing agencies, together with inflation, have led social housing agencies being increasingly cautious about their involvement in Section 106 agreements. In addition, because Section 106 agreements involve a degree of cross subsidy, they work best and have been used most commonly in high-priced areas of England, mostly in the south rather than the north. Local councils and other public bodies can also donate land or sell land at a reduced price to encourage new social housing, as for example in city centre regeneration. But this too is subject to financial constraints.</p> <p>Finally, social housing agencies can borrow from commercial sources. In this context, a government might be able to arrange lower beneficial borrowing rates. However social housing agencies have other financial obligations, apart from those associated with new housing. The maintenance, repair and improvement of an ageing stock is a particular obligation. In general, there are no other ways to promote new social housing apart from public funding, the use of Section 106 agreements or discounted land sales.</p>
<p><i>Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?</i></p>	<p>The consultation document is unclear about the character of the unintended consequences. To achieve a tenure mix in a large scheme, the social housing element should be divided amongst different streets or blocks. The division does not have to constitute pepper potting, as this may prove unpopular with developers. A large scheme should be subject to a masterplan that shows the distribution of social housing as well as other significant aspects of community development.</p>
<p><i>Question 54: What measures should we consider to better support and increase rural affordable housing?</i></p>	<p>See the response to Q.50.</p>

<p><i>Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF? (in relation to the needs of looked after children)</i></p>	<p>Yes</p>
<p><i>Delivering a diverse range of homes and high-quality places</i></p>	
<p><i>Strengthening support for community-led development</i></p>	
<p><i>Question 56: Do you agree with these changes?</i></p>	<p>It is good that the revised NPPF will seek to promote community-led development and will remove some of the barriers. However, these provisions need to be publicised and incorporated within local development plans and other related strategies. In addition, community-led development often requires a supportive partner agency and the availability of either public finance or cross subsidies if it is to provide affordable housing and housing for those in need. The NPPF should be further revised to recognise that local councils should work with relevant partner agencies such as Homes England in promoting and undertaking community-led development.</p>
<p><i>Question 57: Do you have views on whether the definition of ‘affordable housing for rent’ in the Framework glossary should be amended? If so, what changes would you recommend?</i></p>	<p>The definition of affordable housing for rent should be amended to include small co-operative and community-based schemes that are not registered social landlords. It is not clear whether the existing definition is sufficiently broad.</p>
<p><i>Making the small site allocation mandatory</i></p>	
<p><i>Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?</i></p>	<p>The main test of a development plan is overall land availability and small sites may not make much difference to aggregate figures. Councils therefore do not have a great incentive to use their staff resources to find small sites. Sometimes the development plan background papers explicitly include a minimum threshold size for sites that are identified and assessed. The consultation process in local plan preparation including the examination in public is, in any case, dominated by larger property interests. Local councils should be required to demonstrate <u>how</u> they have searched for small sites in urban areas.</p> <p>Patterns of fragmented land ownership and unrealistically high ‘hope values’ are other constraints. To facilitate the development of small sites, government may need to review the law covering municipal land acquisition, assembly and compensation.</p>
<p><i>Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to ‘beauty’</i></p>	<p>The term ‘beauty’ cannot be operationalised in the design of new development, as it is too subjective. It remains important to codify and specify the principles of good design, however. Beauty is also relevant in conservation policies of all types, especially where the term is well</p>

<i>and 'beautiful' and to amend paragraph 138 of the existing Framework?</i>	established. For example, the reference to 'beauty' in the concept of 'Area of Outstanding Natural Beauty' is more understandable than the proposed replacement 'National Landscape'.
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Requiring "well designed" development

<i>Question 60: Do you agree with proposed changes to policy for upwards extensions?</i>	It is not clear why upward extensions deserve explicit and separate consideration. The same rules should apply to any home extension in any direction- upwards or outward. Moreover, the rules are best determined at a local level. The NPPF should not become involved in questions of micro housing design. There are in any case many other legal provisions that impinge on house extensions- for example, the common law right to light, the Party Walls Act, listed buildings consent. The NPPF should not suggest that owners or householders can undertake any form of extension without considering legal constraints outside the statutory planning system.
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<i>Question 61: Do you have any other suggestions relating to the proposals in this chapter?</i>	Design should be given a higher priority in plan making, including strategic spatial planning and development plans should be seen as more than mechanisms for land use allocation. The NPPF should integrate, explicitly, notions of good design into the aims of plan making (above all para. 16 of the existing document).
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Chapter 7 – Building infrastructure to grow the economy

<i>Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?</i>	<p>The relevant paragraphs already support business. The proposed changes add detail but do not grasp the full implications of economic and business growth.</p> <p>1) At a national level, the promotion of high-tech industry and advanced manufacturing should be accompanied by a detailed review of the industrial and commercial use classes. Otherwise land use allocation for high value industry could be used by lower value activities such as warehousing. Suitable sites are sometimes scarce and public authorities should be able to reserve sites for economic activities that raise skill levels within a local economy.</p> <p>2) Councils commonly interpret the promotion of business as merely laying out industrial estates or office parks close to the motorway network and major roads. In accordance with the principles of 'vision-led' transport planning (Q.69), new employment areas should be located where they are accessible by public transport. Otherwise their development will disadvantage workers and potential workers without access to a car. Lack of easy public transport access will also discourage participation in the labour force. High levels of economic inactivity are a national problem and a chronic constraint on local prosperity in some areas. Business growth on the urban</p>
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	<p>periphery, especially on greenfield sites, should only be allowed as a second choice if other sites are unavailable.</p> <p>3) As stated in the response to Q.14, planning proposals should avoid any increase in either inward or outward commuting by car from one Council district to another. The need for employment and housing land allocations should be considered together. Major industrial growth without a concomitant increase in local accommodation is likely to distort either the local labour market or the local housing market or both. Housing and labour market conditions should be considered when determining sites for major industrial development.</p> <p>4) Changing a land use allocation is not of itself an investment in infrastructure. Industrial and high-tech manufacturing requires adequate infrastructure, notably in the form of roads. Infrastructure inadequacies have to be explicitly recognised as a constraint in a development plan. Otherwise the plan will be no more than wishful thinking or at best a long-term aspiration. Where necessary, a phased timetable may need to be specified to make up the deficiency.</p>
<p><i>Question 63: Are there other sectors you think need particular support via these changes? What are they and why?</i></p>	<p>The creative industries deserve an explicit mention. They are varied in their locational requirements but should be protected and encouraged through the planning system.</p>
<p><i>Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?</i></p>	<p>No.</p>
<p><i>Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?</i></p>	<p>As the question implies, sorting out the details will be too complex.</p>
<p><i>Question 66: Do you have any other suggestions relating to the proposals in this chapter?</i></p>	<p>No</p>

Chapter 8 – Delivering community needs	
<i>Public infrastructure</i>	
<i>Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?</i>	Yes
<i>Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?</i>	Yes
<i>A ‘vision-led’ approach to transport planning</i>	
<i>Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?</i>	The rejection of ‘predict and provide’ in favour of a ‘vision-led’ approach to transport is to be welcomed. Predict and provide is far too expensive in terms of road construction and improvement. If implemented, the effects would also be disastrous from an environmental viewpoint. However, the proposed revisions are an oversimplification and should say more about the traffic generating potential of business growth in peripheral locations. There is a potential conflict between ‘vision-led’ transport planning and the ‘anything goes’ assumptions of those aspects of the Consultation dealing with the economy. See the response to Q.62.
<i>Promoting healthy communities</i>	
<i>Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?</i>	<p>The subject of healthy, safe communities counts as a single chapter in the existing NPPF, but receives less emphasis in planning practice. Developing healthy and safe communities generally involves public investment and a publicly-led positive vision of the future. Planning practice, including the development plan, has in contrast evolved to become regulatory documents for the most part, controlling development that is financed by others.</p> <p>The suggested modifications mention the promotion of active travel and controlling hot food takeaways near schools. There is currently no reference to either active travel or the control of food takeaways in the NPPF.</p> <p>The promotion of active travel requires safe pedestrian and cycling routes away from the noise, smell and pollution of traffic. A substantial, long-term investment programme will be necessary. However a development plan might at least specify priority routes where investment can start. Walkability is also important in promoting central area regeneration and should be mentioned in that context. A development plan should, as</p>

	<p>a matter of routine, show a pedestrian route from a city centre retailing area to a local bus or rail station as well as other routes to local attractions.</p> <p>The control of hot food takeaways involves little or no public investment but may be opposed by takeaway companies. The legitimacy of such control should be explicitly recognised for an exclusions zone around all schools not just junior and infant schools.</p>
<p><i>Question 71: Do you have any other suggestions relating to the proposals in this chapter?</i></p>	<p>Under the heading of design codes, councils are required to specify requirements for all types of new housing and new development. The codes should be required to specify how new housing will create a healthy, child-centred environment.</p>
<p>Chapter 9 – Supporting green energy and the environment</p>	
<p>Supporting onshore wind</p>	
<p><i>Question 72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?</i></p>	<p>As a matter of principle, planning powers should not be removed from local democratic control without good reason. Councils have not yet been given the opportunity to plan and control onshore windfarms within a supportive or even a neutral NPPF. The existing NPPF (footnote 57) places severe restrictions on their development, as is recognised in the Consultation. In any case, the Consultation (Q's 75 and 76) notes that the integration of solar power into the NSIP has not facilitated decision making and has also led to distortions in the market.</p>
<p>Supporting renewable deployment</p>	
<p>Strengthening the NPPF</p>	
<p><i>Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?</i></p>	<p>Yes, with the additional qualification that the delivery of renewables will still be subject to the policy constraints associated with heritage areas and sites of all types, including designated areas of Outstanding Natural Beauty (Areas of National Landscape as now retitled) and National Parks</p>
<p><i>Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?</i></p>	<p>No comment as this is not a subject on which a Civic Society can offer an informed opinion. Peat bogs are, in any case, of varied character.</p>
<p>Setting the NSIP threshold for solar generating stations and onshore wind</p>	
<p><i>Question 75: Do you agree that the threshold at which onshore</i></p>	<p>See the response to Q.72.</p>

<i>wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?</i>	
<i>Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?</i>	No comment.
<i>Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?</i>	No comment.

Tackling climate change

<i>Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?</i>	<p>The existing NPPF mostly contains a series of general prescriptions. Future specific deliverable initiatives include the following:</p> <ol style="list-style-type: none"> 1) National guidance should require local councils to prepare ‘green and blue’ strategies that cover tree planting, the preservation of green space and the promotion of adequate space for water at times of high rainfall and flooding. These green and blue strategies would overlap measures to improve community health and well-being and to ensure nature recovery. 2) The development, repair and extension of hard-standings and car parks should be better controlled to reduce surface run-off. Materials and building techniques should be used to allow water to soak into the ground. Layout should also include vegetated areas that have the same function of reducing run-off. 3) New conditions should be placed on new industrial and commercial development so that they include solar panels on their roofs or in their grounds. 4) Local councils and/ or Mayoral and Combined Authorities should prepare local strategies for district heating networks using renewable sources such as waste heat from industrial processes or from underground sources, as in former mining areas. For areas covered by existing or planned district heating networks, councils should be clearly mandated to ensure that all new development is linked to that network.
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<p><i>Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?</i></p>	<p>The measurement of local carbon emissions is seldom discussed in the context of planning practice, including plan making. The revised NPPF should require local councils to include a quantified statement of carbon emissions as part of the Environmental/ Sustainability Assessment that accompanies the preparation of a development plan. Both the baseline emissions and the likely carbon emissions impact of the plan proposals need to be stated, together with a discussion of how emissions could be minimised. A date also needs to be specified for the publication of a carbon accounting statement, independently of plan preparation. The statement should be updated every other year (i.e. on a biannual basis).</p> <p>Carbon accounting commonly involves modelling exercises rather than actual measurements. The calculations are not always easy to understand and are subject to some uncertainty, like all models and forecasts. However, the same criticism could be made of other forecasts regularly used in planning, such as household projections and the assessment of housing need. Yet the reduction of carbon emissions is a national policy aim of exactly the same or even more importance than housing targets. Existing and projected carbon emissions data should be published and their assumptions explained.</p> <p>Councils should also be encouraged to work in local consortia with others nearby and with local universities to find ways of improving the accuracy, validity and clarity of carbon emission statements and projections.</p>
<p><i>Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?</i></p>	<p>It is difficult to understand or to see how new development could be liable to flooding once an up-to-date development plan is in place and councils implement the provisions of that plan. The flood risk zones are clearly indicated on a map and flood risk avoidance strategies- use of raised buildings and use of SUDs- are well understood. As in other aspects of planning, the preparation of an up-to-date development plan is the foundation of good practice</p>
<p><i>Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?</i></p>	<p>In general, as is implicit in the responses to Q.'s 78-80, climate change and carbon reduction should be made an operational aspect of planning practice rather than a vague aspiration. Nature protection and recovery should be treated under the same heading.</p>
<p><i>Availability of agricultural land for food production</i></p>	
<p><i>Question 82: Do you agree with removal of this text from the footnote?</i></p>	<p>No. Removal of the text suggests a lower importance of protecting high quality agricultural land.</p>
<p><i>Question 83: Are there other ways in which we can ensure that development supports and</i></p>	<p>Allotments are mentioned under various headings in the existing NPPF, notably 'promoting healthy and safe communities'. The existing references should be</p>

<i>does not compromise food production?</i>	strengthened so that areas used for communal food production are explicitly identified in a development plan. The sites should be protected from alternative uses and development. The term 'allotment' also needs to be defined in the glossary in such a way as to cover land used by voluntary groups.
Supporting water resilience	
Questions 84-86	No comment
Chapter 10 – Changes to local plan intervention criteria	
<i>Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?</i>	Without an up-to-date development plan, there can be little progress in improving and modernising the planning system in England. The existing rules for intervention do require strengthening. In addition to the specified modifications, poorly performing authorities should be told that their planning service will be subject to an inspection and review, with the review contents published.
<i>Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?</i>	No. See the response to Q.87
Chapter 11 – planning application fees + cost recovery related to National Infrastructure Projects	
Questions 89-102.	As members of a Civic Society we are not familiar with local government financial accounting systems. We are concerned, nevertheless, that increased charges for householder applications will lead to more cases of unauthorised development – cases that are very costly in all senses to resolve. Further we believe that planning is a public service and that non-fee generating activities such as plan making and consultation should be funded from taxation. The staff resources devoted to plan making and consultation need in any case to be increased to ensure a modern planning system, one that is responsive to economic change and the community.
Chapter 12 – The future of planning policy and plan making	
<i>Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?</i>	The Consultation states that authorities will need to revise their plans promptly to deal with the new emerging statement of housing requirements and in many cases will need to submit the plan for examination no more than 18 months after the publication of the revised NPPF. In determining whether a revised development plan is necessary, government should consider some way of

	<p>including a measure of the performance of the housebuilding industry and an assessment of the likelihood that the relevant dwellings will be completed within, say, five years. There is little or no point in the allocation of sites for housing where the housing either does not materialise or undermines the housing market in older areas of a town or city. Housebuilding rates go up and down and the housing market varies enormously from one place to another.</p> <p>As stated in the introduction to our response, an alternative, more locally sensitive and realistic policy would be to prepare variable regional editions of the NPPF alongside the national version and, in addition, to require the preparation of local housing market studies. Regional editions of the NPPF would ease transition difficulties but would also have longer term benefits. The local housing market studies would indicate feasibility of different rates of increased housebuilding, the conditions that would enable any increase and, in addition, would help clarify local priorities.</p>
<p><i>Question 104: Do you agree with the proposed transitional arrangements?</i></p>	<p>See the response to Q.103</p>
<p><i>Question 105: Do you have any other suggestions relating to the proposals in this chapter?</i></p>	<p>As stated in the response to Q.103, the housing element of local development plans should be prepared after a local housing market study. The spatial scale should be that of a Mayoral or Combined Authority or should involve a co-operative effort amongst nearby authorities where a combined authority does not exist. The final estimate of housebuilding rates should be adjusted to meet the findings of local housing market studies.</p>
<p>Chapter 13 – Public Sector Equality Duty</p>	
<p><i>Question 106: 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? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?</i></p>	<p>The provision of disabled persons' and wheelchair accessible housing is an omission from the Consultation and the NPPF. Minimum standards should be stated in a Local Plan, generally expressed as a minimum proportion of suitable types of housing in new schemes.</p> <p>Both the existing NPPF and the Consultation say little about public consultation and this is of concern. It is important that plan making and decision making is organised to ensure that comments can be obtained from representatives of a wide range of community groups, including those listed under the Equality Act. Without consultation and outreach work explaining the implications to local communities of various types, both area-based and demographic or non-area-based communities, it is possible that local councils will prepare policies that are unwittingly discriminatory. At present, consultation in local plan making is dominated by property interests. The</p>

proposed amended NPPF should state the importance of public consultation and outreach.