



## National Planning Policy Framework Prospectus Consultation

December 2022 – March 2023

### Chiltern Society Comments

The Chiltern Society is a charitable body with 7000 members. We campaign for the conservation and enhancement of the Chilterns National Character Area, which includes the Chilterns Area of Outstanding Natural Beauty (AONB) and part of the London Green Belt. Our supporters are passionate about the protection of the Chilterns, which is a special area of landscape within easy travelling distance of several towns and the City of London. Much of the area is classified as both AONB and Green Belt and should receive extensive protection under the national policies in the National Planning Policy Framework (NPPF).

Question Number	Question Wording
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|---|---|
| 1 | Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old? |
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The lack of a 5-year housing supply has often been used to justify developments that were not allocated in the Local Plan. In our view, this undermines the plan-led system and threatens protected areas such as the Green Belt and the Chilterns AONB with speculative housing developments.

The implication is that where an up-to-date Local Plan does not exist then a local authority will still need to demonstrate a 5-year housing supply. Many of the local authorities in the Chilterns do not have up-to-date plans, so there is a threat particularly to the Green Belt. It is the presence of the Green Belt and the reluctance of local communities to accept Green Belt development that has held up Local Plans and prevented them from being adopted. Reforms proposed elsewhere in the NPPF Prospectus on reviewing Green Belt boundaries should help to resolve this by removing the need for local authorities to allocate large areas of Green Belt to meet nationally set housing targets.

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- 2            Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

Yes, this will greatly simplify the calculations and make the Local Plan allocations more understandable to local communities. It will help to remove some of the 'grey areas' that can be bones of contention when speculative applications are submitted.

Having the buffer is likely to increase the number of cases where the LPA cannot demonstrate a 5-year supply and therefore paragraph 11 of the NPPF is required. As many of the Chilterns LPAs do not have Local Plans in place, this would create an unnecessary threat to the Chilterns countryside.

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- 3            Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?

Yes. The local authority should be able to set out in the Local Plan their timetable for releasing sites for development. Where there is an oversupply early on that should not mean that they have to find additional sites, providing they meet the 5-year target set out in the Local Plan. In sensitive areas, such as the Chilterns, where there is also major pressure for development, the Local Plan must be the primary tool for guiding development. For many environmental organisations, the cost of opposing speculative developments is prohibitive.

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

No comments

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- 5            Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

We support the proposed changes as they will provide greater certainty for local communities and help to reduce speculative development.

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**Question Number**    **Question Wording**

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6                    Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

The change to paragraph 1 is welcome as the planning system needs to be plan-led and based on up-to-date Local Plans. At the present time, this is clearly not the case.

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

These changes could make a huge difference in the Chilterns, where land is protected by both Green Belt and AONB status. The need to meet very high mandatory housing targets has led to many sites being taken out of the Green Belt to allow development, or speculative applications where LPAs do not have an up-to-date Local Plan. To save the Chilterns from overdevelopment, these changes must be brought in so that LPAs no longer need to invent 'exceptional circumstances' to justify altering the Green Belt to allow development that local people clearly do not want.

Introducing local flexibility to reduce numbers in areas that are predominantly Green Belt should help to speed up the Local Plan process as well as delivering development that is more appropriate to the locality given the environmental constraints. In the Chilterns, several Local Plans have been held up due to local opposition to revising Green Belt boundaries to allow for housing development.

Using the 2021 Census data makes sense as housing targets must be based on the most up-to-date information. During the pandemic there were significant changes in working patterns with increased working from home. This trend is likely to continue and therefore housing does not necessarily need to be concentrated in the South East for commuting to London every day.

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8                    Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

We support these housing figures becoming advisory rather than mandatory. The flexibility in the methodology is also welcome as it will allow local planning authorities to make adjustments as a result of constraints such as Green Belt and AONB.

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**Question Number**    **Question Wording**

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This is particularly important in the Chilterns where the existing system consistently threatens the Chilterns countryside, both in the Green Belt and the AONB. Allowing councils to adjust their numbers due to these constraints is wholly consistent with paragraph 11 of the Framework.

If Levelling Up is to be successfully delivered it is essential that development pressure is taken off the South East and redirected to regenerating other parts of the country.

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- 9            Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

We totally agree with the proposed change relating to the Green Belt. The current system has forced councils in our area to allocate large areas of the Green Belt for development and to try to find reasons why this constitutes exceptional circumstances to alter the boundaries of the Green Belt. Development on the scale proposed would totally alter the character of the Chilterns and is often vehemently opposed by local communities. Giving councils with high percentages of Green Belt more flexibility would make a huge difference and would allow councils to identify sites for quality developments rather than just having to provide numbers at all costs.

It should be up to each local authority to identify what is best for their local area and to consult with the local community in the process. An assessment as to what is locally distinctive to that area and local design codes should inform the development of the Local Plan rather than an emphasis on delivering very high numbers.

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- 10            Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

For developments affecting an AONB or its setting, we would expect a full Landscape and Visual Impact Assessment to be prepared to assess each site.

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**Question Number**    **Question Wording**

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11            Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

No. If the planning system is to continue to be evidence-led then it is essential that policy decisions are fully justified.

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

No comment

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

We support the proposal to develop more homes in sustainable urban locations, taking pressure off developing in Green Belt and AONBs.

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14            What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

The guidance must contain a strong ‘brownfield first’ policy to ensure that opportunities are maximised on previously developed sites in urban areas before greenfield sites are considered for development.

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**Question Number**    **Question Wording**

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15                      How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

We are supportive of local authorities working more closely together, particularly in taking a consistent approach to protection of the Chilterns landscapes. The Glover Review of Protected Landscapes suggested the development of a 'local plan' for the Chilterns to try to achieve this consistency. A strategic approach to identifying development sites across the whole area should help to direct development to the least damaging areas and reduce the risk of overdevelopment.

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16                      Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?

Yes, these plans need to fully incorporate the changes proposed in relation to constraints such as the Green Belt.

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17                      Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?

Yes, these plans need to fully incorporate the changes proposed in relation to constraints such as the Green Belt.

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18                      Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

Yes. Land banking by developers can lead to additional speculative applications being submitted when the LPA cannot deliver its housing target.

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Question Number	Question Wording
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19	Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?
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Yes, that sounds about right.

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20	Do you have views on a robust method for counting deliverable homes permissioned for these purposes?
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No comments.

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21	What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?
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No comments.

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22	Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?
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No comments.

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23	Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?
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No comments.

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**Question Number**    **Question Wording**

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24            Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

No comments.

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25            How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

No comments.

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26            Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

No comments.

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27            Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

No comments.

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

No comments.

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**Question Number**    **Question Wording**

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

No comments.

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

Yes, in principle. It makes sense that developers who do not follow their legal obligations under a planning permission should be restricted from having similar applications approved elsewhere. One specific concern relates to the implementation of Biodiversity Net Gain and whether the new habitats created will be allowed to develop and be protected in the long term.

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

Both mechanisms should be considered further.

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32            Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

Yes, all 3 should be helpful in speeding up development and avoiding land-banking by developers.

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**Question Number**    **Question Wording**

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33            Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

Yes. It is essential that the planning system requires high quality developments encompassing both beauty and placemaking. The national policies and local design codes also need to emphasise the importance of 'local distinctiveness' in furthering the character of local areas. This is essential in areas of high-quality landscapes, such as the Chilterns AONB. There is also more scope for requiring developments in the Green Belt to enhance the character of the area.

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34            Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?

Yes, but there would need to be a definition of what is 'beautiful', and that is likely to vary from area to area. It needs to assess not just the design of a new building, but also how it fits within its locality.

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

Yes, this would help to ensure the quality of the design.

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36            Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

No. We are not clear why mansard roofs have been singled out as opposed to other ways of extending properties. They are more likely to be appropriate in urban areas, rather than in the open countryside.

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**Question Number**    **Question Wording**

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37            How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?

Whilst we support Biodiversity Net Gain as part of the mix of policy options to aid nature recovery and halt species decline by 2030, we still have reservations as to how it will operate. We share the concerns set out in paragraph 6 about developers deliberately damaging sites before submitting their applications. Also, there is always going to be a time lag between previous habitats being destroyed and replacement habitats becoming properly established and acting as a functioning wildlife habitats. There needs to be a mechanism to create short term gain, in addition, during the period before a habitat is established. This is particularly important in relation to woodlands which take a long time to establish and to provide habitats for the species they support.

In a time of critical nature decline, there is no place for artificial grass in any housing developments. This would go against the establishments of connected wildlife networks through new developments.

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

Yes, the importance of food production needs to be recognised when considering land for development. There needs to be an appropriate balance struck between food production and creating networks of linked habitats such as hedgerows, woodlands and field margins to aid nature recovery. The importance of field patterns in the landscape also needs to be considered.

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

No comments.

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**Question Number**    **Question Wording**

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

Planning policy could support climate change adaptation better by reducing the impacts of development on the water environment. Water usage is becoming a critical factor and, in the Chilterns, over abstraction to supply developments is having a critical impact on internationally important chalk streams.

Measures could be incorporated to encourage the wider adoption of Sustainable Urban Drainage Systems (SUDS) and developer-funded upgraded water treatment facilities to protect our rivers.

The River Chess and its catchment in the Chilterns, for example, support valuable habitats and species that are under pressure from climate change; over-abstraction for drinking water; water quality issues from human activities; and altered river flows due to modifications. These combined pressures lead to a river with poor ecological health and reduced wildlife.

It's critical that we protect and enhance the health of this precious chalk stream by looking at the landscape as a whole – improving it for people and wildlife, for today and into the future.

To help protect and enhance the River Chess and its catchment, a pilot project – the Chess Smarter Water Catchment – is now underway. It is being funded by Thames Water and delivered by a mix of partners from statutory agencies, non-governmental organisations, water companies and academic institutions – all with an interest in the welfare of the Chess.

<https://chesssmarterwatercatchment.org/>

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

No comments.

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

No comments.

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**Question Number**    **Question Wording**

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43            Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

No comments.

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

Yes, we support the inclusion of this paragraph.

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45            Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

Yes, 2 years seems a reasonable timescale.

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

No comments.

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

No comments.

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**Question Number**    **Question Wording**

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

No comments.

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

Yes, this should help to ensure consistent decision-making across local authority boundaries. There does need to be scope for taking more local approaches at regional or district level where the issues may not be the same as the national ones. One key example for us is the Chilterns AONB, where a consistent approach needs to be taken across the AONB, but not necessarily the same as for all AONBs.

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

No comments.

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

Yes, a clear 'brownfield first' policy and a standard approach to determining 'very special circumstances' in the Green Belt would be very helpful.

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**Question Number**    **Question Wording**

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52            Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

A clear policy relating to development in the settings of AONBs would be very helpful.

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53            What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

No comments.

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54            How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

No comments.

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55            Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

No comments.

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56            Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?

No comments.

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**Question Number**    **Question Wording**

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57            Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

No comments.

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58            We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

No comments.

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