

Appendix 1 – Worcester City Council’s response to the Levelling-up and Regeneration Bill: reforms to national planning policy consultation

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

Worcester City Council strongly supports the proposal that Local Planning Authorities (LPAs) with an up-to-date plan (less than 5 years old from the date of adoption) will not need to continually demonstrate a 5YHLS. An up-to-date Plan should have the required supply of land for development (as tested at examination), and it therefore follows that an annual demonstration of 5YHLS is not required. This change will also allow resources currently used towards demonstrating a 5YHLS to be better used on the review of a current plan or formulation of a new plan. Housing completion figures will still be published within each LPAs Authorities Monitoring Report (AMR) (and through the government’s own DELTA system), therefore they will remain in the public domain.

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

Worcester City Council strongly agrees that buffers should not be required as part of the 5YHLS. As the standard method used to determine the housing requirement for Local Plans is a minimum, many LPAs decide to factor in a buffer to ensure that there is sufficient land available for development over the plan period, therefore it is not necessary to apply a further buffer as part of the 5 year calculation. The Housing Delivery Test (HDT) takes into account delivery and historic under-delivery, and therefore compounds the issue by requiring a greater buffer where housing delivery is not meeting the housing requirement. This can escalate the amount of land and housing needed to meet the undersupply by, in some instances, a whole extra year of housing requirement (due to the 20% buffer).

By removing the requirement of a buffer, this enables the 5YHLS calculation (where required subject to the proposals under question 1) to be a true measure of housing supply for five complete years, rather than 5.25 years (5% buffer), 5.5 years (10% buffer) or 6 years (20%) in some cases.

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

Worcester City Council strongly supports the inclusion of oversupply being taken into account when calculating a 5YHLS and believe this is a very fair and logical approach. This will align with the existing inclusion of undersupply in the HDT and provide guidance to those LPAs who have a current or historic oversupply but do not have a 5YHLS. Without being able to take into account oversupply, LPAs that have over-delivered are penalised later in a Plan period when they may not be able to

demonstrate a five year supply despite having delivered a greater quantum of development in their area than their minimum housing requirement.

Although it is generally agreed that the housing requirement for an area is the minimum, inclusion of oversupply in guidance (PPG) will allow LPAs to justify its use, where previously this has not been accepted by Inspectors at appeal. In addition, the timing of delivery of sites can be unpredictable so it would be helpful for councils to be able use their total supply delivered against their total requirement. There have been a number of s78 appeals within the wider South Worcestershire area (Worcester City, Malvern Hills and Wychavon District Councils) where Inspectors have stated that oversupply cannot be used. This has led to housing development in unsustainable locations and has led to increased pressures on local infrastructure via piecemeal speculative developments which undermines public confidence in the planning system and in particular at the beginning of the plan period.

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

Guidance should include a clear explanation on how oversupply and undersupply can be calculated and used in calculating 5YHLS where a Plan is over 5 years old (subject to the proposals under question 1 being adopted, or in all cases if not). Clear guidance on how this can be factored into Plan making is also essential.

Worcester City Council currently has a Plan that is more than 5 years old but as part a joint plan making approach (South Worcestershire Development Plan), can demonstrate consistent collective oversupply against the Plan target for a number of years across the combined South Worcestershire Councils area. To date this oversupply has been disregarded by Inspectors when dealing with s78 appeals and has resulted in Local Authorities within the wider South Worcestershire area being unable to demonstrate a 5YHLS which has in turn led to an increase in speculative unplanned housing development. Therefore, clear guidance on how historic oversupply can be included in future 5YHLS calculations (and in the production of local plans) will be extremely important.

It is noted that the proposed wording in paragraph 75 refers to planning practice guidance as setting out how to take account of over or undersupply. The full implications cannot be understood without knowing what is proposed to be included in the PPG and it would be helpful if this guidance could be produced as soon as possible.

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

Providing a Neighbourhood Plan includes policies and allocations to meet the Neighbourhood Area's housing requirement then the Neighbourhood Plan will benefit from the protection provided by paragraph 14 for 5 years (rather than the current 2 years), irrespective of whether the LPA has a supply of deliverable housing sites or the LPA's housing delivery record (neither of which neighbourhood planning bodies have any control over).

Worcester City Council consider that the proposed changes to paragraph 14 could provide a much greater incentive for Parish / Town Councils to develop Neighbourhood Plans and help meet the housing requirement through their Neighbourhood Plan. In addition, Neighbourhood Development Forums and Parishes often get concerned about having to update their plan every two years, and the cost and resource implications of this. This change will help alleviate their concerns in this regard.

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

Worcester City Council strongly agrees with the proposed minor changes to paragraphs 1 and 7.

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

Worcester City Council strongly agrees that the Standard Method should be the starting point for establishing a housing requirement for an area but have concerns about the use of the word 'advisory'. The Standard Method was introduced to provide consistency and a single approach to determining a housing requirement in an area. The Standard Method should be retained for all Local Plans, to avoid situations where a significant amount of public funds are expended on arguing over the various methods of calculating the housing need of an area at examination, which can significantly slow down the plan making process.

However, in terms of national household growth projections used to inform the Standard Method, Worcester City Council consider it would be more appropriate to use the most recent baseline data provided by the Office for National Statistics to avoid the projections being out of date. This would also avoid the issue of different or outdated baseline data scenarios being used to justify exceptional circumstances in diverging from the Standard Method.

However, Worcester City Council has concerns over how the standard method affordability adjustment is calculated and how this is then meaningfully disaggregated down to local authority policy requirements as the additional uplift requirement will not necessarily translate into increased affordable housing delivery.

The inclusion of exceptional circumstances relating to a specific LPA which justify an alternative approach resulting in a housing requirement above or below that of the Standard Method is supported, providing that the Standard Method remains the starting point for all LPAs.

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

Worcester City Council strongly agrees that policy and guidance should clearly state what may constitute an exceptional circumstance for the use of an alternative

approach for assessing local housing need. Prior to the Standard Method, the Objectively Assessed Housing Need (OAHN) was subject to extensive debate at examination, while the Standard Method leaves little room for debate. By providing clear policy and guidance on what constitutes an exceptional circumstance, there will remain little doubt on the subject and ensure all parties can achieve a swift agreement on the housing need for an area.

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

Worcester City Council strongly agrees that local planning authorities should not be required to review and alter Green Belt boundaries if this would be the only way of meeting the housing need in full (and consider the same should apply to employment land) but that they can do so if they wish to and can demonstrate exceptional circumstances; although it would be helpful to have more guidance on what might be considered exceptional circumstances in this case.

Worcester City Council also strongly agrees that if housing need can be met only by building at densities which would be significantly out-of-character with the existing area (taking into account the principles in local design guides or codes), this may be a reason for not meeting housing need, but account should also be taken of local plan policies on e.g. effective use of land, design, etc. but would urge that the government provides examples on what is meant by 'densities significantly out of character with the existing area'.

Worcester City Council agrees that national policy should be amended to enable past over-supply to be considered in plan making as well as decision taking. The current arrangements, whereby only undersupply can be taken into account, unfairly penalises councils who have had historic oversupply and would enable them to reduce their future allocations accordingly - an approach which it is felt would be better understood and more accepted by local communities. Further guidance on oversupply and how it should be measured and accounted for including where councils are working on a joint-plan, would be welcomed.

It would also be helpful if national policy recognises that slower delivery of large strategic sites or new settlements can be expected as these developments take longer to implemented with the appropriate levels of supporting infrastructure, and greater recognition of this should be given.

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

Worcester City Council urges that the government to provide further guidance on what is meant by 'densities significantly out of character with the existing area'. It is noted that the use of local level design coding is proposed as an approach to help understand local character and densities to help establish appropriate future

development densities but further guidance is necessary. This can then be used as one of the methods for determining the housing supply figure. Achieving district wide design codes will present local planning authorities with several challenges. Not least resources and expertise as the character analysis and interpretation of these to steer appropriate densities will require inhouse urban design skills or consultant support. Additional on-off funding should be made available for this work given how complex character and density analysis can be especially where councils are working jointly on Local Plans and covering city, towns and village densities which differ considerably across areas and can be multi-layered, particularly in urban areas.

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

Worcester City Council strongly agrees that Local Plan policies should be supported by robust, but proportionate, evidence which supports the choices made and the approach taken.

For most planning policies the proportionate and robust evidence effectively justifies the choices made and the approach taken.

Worcester City Council does not agree however, that “justified” does not need to be a test of soundness. This is because it’s removal could dilute the effectiveness of plan-making and increase the risk of poor choices of strategies in local plans because they wouldn’t need to be tested against alternatives. It would also make any meaningful consultation on this matter redundant. Testing of alternatives as part of the “justified” test of soundness would still be required as part of Strategic Environmental Assessment (SEA) work.

Worcester City Council note that the proposed change will not affect the current review of the joint local plan, the South Worcestershire Development Plan Review (SWDPR), because it has already reached Regulation 19 stage and is therefore subject to footnote 4 in Chapter 4, para 13.

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

Whilst the draft SWDPR reached the Regulation 19 consultation stage in late 2022, Worcester City Council recognise the need for transitional arrangements and the need to ensure continuity for Local Plans that have reached an advanced stage of preparation.

In light of this, Worcester City Council consider the Government’s proposal that the revised tests of soundness only apply to plans that reach pre-submission consultation stage more than 3 months after the introduction of the policy change to be appropriate.

Worcester City Council would however, expect to see confirmation of precisely when the policy change is to be introduced – I.e. is this Spring 2023?

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

The urban uplift requirement does not directly impact on Worcester City Council. However, with the proposals to remove the duty to cooperate and green belt not needing to be reviewed (if this would be the only way of meeting the housing need in full), nearby urban centres to Worcester, such as Birmingham, which are subject to the urban uplift, have a history of not being able to meet their housing need, and may be placed under increased pressure to meet their urban uplift requirement. This could have the potential to impact on nearby local authorities such as Worcester City and the south Worcestershire Councils in terms 'overspill' of any identified unmet need.

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

Policy or guidance should include potential exceptional circumstances which justify an alternative approach to assessing housing need, as it may be difficult in some instances for LPAs to meet their housing need with an additional 35% uplift. It could also mean that due to the uplift requirement 'gentle densities' in these areas may be desirable because of the potential impact on the character of the area, but difficult to achieve within highly constrained urban areas.

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

Neighbouring and nearby authorities should not need to apply the urban uplift, or be required to meet any unmet need arising from the uplift, however, as is currently the case, discussion with neighbouring authorities on their ability to meet some of the need may still be required to take place. Assessments within neighbouring authorities on their functions as part of a wider economic, transport and / or housing market for a core town / city will continue, due to the nature of their proximity and relationship with that urban centre.

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

Worcester City Council welcomes the introduction of 4-year housing land supply requirement for emerging plans but consider that it is unclear from the question and the consultation material whether LPAs that are at an advanced stage of Plan making (e.g., Regulation 18 or 19) but that choose not to review their Plan based on revised national policy or to consider past over-supply would still benefit from this reduced land supply requirement; clarification is needed.

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

Whilst paragraph 220 of the existing Framework has no real bearing on Worcester City Council's current plan making process for the SWDPR, the City Council is in general agreement with this suggested approach for plans which were submitted on or before 24 January 2019 and have yet to be examined.

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

Worcester City Council strongly support this approach. However, clarification is sought on what can be counted as a 'permission', for example are s73 permissions to be included? There is potential for double counting.

Q.19: Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

A 115% switch off figure is considered to be appropriate in principle but this is a view given without further information on the data used in the Government's assessment. Further, clarification is sought on what can be counted as a 'permission'. See answer to Q18.

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

Worcester City Council agree that the proposal to use permissioned dwellings appears to be sound (although clarification is sought on what can be counted as a 'permission'), however, the percentage of permissions not implemented, or which are revised, should be looked at across England, as in urban areas this may greatly differ from rural areas, and again differ in areas with more development restrictions, such as AONB and Green Belt. It is suggested that it might be more appropriate to consider local lapse rates.

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

Worcester City Council are uncertain why the Housing Delivery Test (HDT) should be frozen to reflect the 2021 results while work continues on proposals to improve it, as this may be detrimental to Councils across the country. The 2022 HDT results should be published, and either amended to include any changes, or depending on the date of confirmed changes, include them in the publication of the 2023 HDT.

Q.22: Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

Worcester City Council consider that more weight should be given to Social Rent in planning policies and decisions because this is the level of rent that is most affordable to those in housing need. It is suggested that this could be achieved by stipulating a minimum percentage requirement for social rented dwellings in new developments. For example, the emerging policy in the draft SWDPR seeks 69% social rent, with 25% for First Homes and the remaining 6% as other forms of affordable home ownership.

In addition, it might be helpful to apply the exemption for First Homes on schemes proposed by Community Led Housing Groups and this could also increase the delivery of social rented homes.

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

Worcester City Council agree that it would be helpful to include specific reference to retirement housing, housing-with-care and care homes in an amendment to the existing paragraph 62 as it is considered that this will provide greater focus on the needs of older people, provided there is an evidenced need for such a requirement.

Worcester City Council suggest this could be supported by an exceptions policy for specialist older people's housing which allows such development in sustainable locations which could be outside but adjoining development boundaries of larger settlements where there is good access to services and facilities for residents, employees and visitors subject to other planning considerations.

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

As part of the emerging SWDPR, Worcester City Council, alongside Malvern Hills and Wychavon District Councils, are currently meeting the requirements of paragraph 69 of the Framework and support this aim as it encourages a wider diversity of sizes and designs of dwellings increasing choice in the housing market. Neighbourhood Plans can also be a vehicle for allocating smaller sites. Nevertheless, Worcester City Council are concerned that the number of smaller developers has reduced significantly over the years because of the reduced availability of smaller sites and increasing development cost, the spiralling costs of labour and materials, the availability and cost of finance. Like most local planning authorities however, the majority of applications for new housing schemes in south Worcestershire are from the large housebuilders. In addition, very small sites, i.e., those less than 5 dwellings are not usually allocated and therefore come forward as windfall development.

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

Worcester City Council suggest that paragraph: 023 Reference ID: 23b-023-20190901 from [Planning obligations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414222/Planning_obligations_-_GOV.UK.pdf) in the NPPG is

removed or revised so that smaller sites (i.e. those under 10 dwellings and not in designated rural areas) provide affordable housing, or contributions towards it.

Furthermore, whilst the percentage requirement for small sites could be increased there is concern that many local planning authorities might find this unattainable because of the paucity of smaller sites or where there is a focus on larger, strategic sites to deliver housing.

Worcester City Council consider that there are opportunities for affordable housing to be delivered on small sites in the wider South Worcestershire area – e.g., through the Rural Exceptions policy but take up of these by e.g. Registered Providers (RP) is low and seems to be reducing further as it is understood they are turning their attention to larger sites for funding and delivery reasons where there are economies of scale both financially in terms of development costs but also in terms of future long-term management of the dwellings. It would be helpful if RPs could be encouraged and financially incentivised to bring forward smaller sites, particularly in the rural areas focussing on more sustainable villages as these sites are crucial to those living in rural areas or those with local connections to rural areas.

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

Worcester City Council consider that rather than amending the definition, it would be better to provide a separate definition for rented accommodation delivered by community-led housing groups that are not a Registered Provider (RP). The Framework should recognise that they are not a RP and give them more flexibility to define their own affordable rented product based on locally identified need/income levels.

For example, in the neighbouring authority of Malvern Hills District, there are two community-led housing groups who would like to deliver a different type of “affordable housing for rent” such as allowing rents to be set at no more than 30% of gross household income (they want the rent to relate to the tenant rather than the unit being rented out at as a specific rent level) or no more than 50% of private rent levels.

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

Worcester City Council support the principle of development of community-led housing in the wider South Worcestershire area but note that these schemes are relatively few and often take many years to come to fruition for reasons, including, difficulty in finding suitable and available sites, uncertainty about funding, lack of local support and a lack of understanding about the planning system. This is despite housing and planning teams working collaboratively and constructively with these groups. It could be strengthened by giving greater weight to the benefits of using exception sites for affordable housing delivery by community-led housing groups.

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

As part of contributing to the wider South Worcestershire area, Worcester City Council suggest the following:

- Specific funding for community-led housing groups to bring forward and deliver affordable housing on exception sites.
- Neighbourhood planning groups encouraged to give consideration to the opportunities for community-led housing development.
- Provide a capital funding programme specifically for community-led housing delivering affordable housing and open to groups that aren't Registered Providers.

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

As part of the wider South Worcestershire area, Worcester City Council welcome the proposals to strengthen the role of community-led groups within Chapter 5 of the Framework to ensure there is more emphasis on community-led development in supporting the provision of more locally led affordable homes.

Worcester City Council agree with point 13 that specifically referencing community-led groups in delivering affordable housing – including on exception sites – would be useful.

Local authorities should support the development of community-led housing on appropriate sites where there is a locally identified need for community-led housing/affordable housing need.

Worcester City Council also suggest that a new definition of community-led developments is added to the Glossary of the Framework.

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

Worcester City Council consider this proposal is likely to have strong support from the local community and local councillors. There have been instances across south Worcestershire, with the submission of retrospective applications, non-compliance with conditions and sites being cleared of all trees prior to submitting planning applications. However, the Framework would need to clearly set out what "past behaviour" is to be taken into account and should be regarded as irresponsible. For example, should it include: land banking, slow build out rates, parties being difficult in negotiations, submission of retrospective applications, providing insufficient or incorrect information at the planning application stage, building without planning permission, non-compliance with conditions? Clear guidance would be required in the Framework to avoid councils being accused of being unreasonable.

Q.31:

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

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

Worcester City Council consider that option 2 would be preferable to option 1 but have reservations about how this would work in practice and presume that an appeal process would be required for applicants who felt that the LPAs decision was unfair.

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

Worcester City Council support any measures that incentivise developers to promptly build-out permitted housing sites and enable local authorities to act against those who fail to deliver these commitments.

Worcester City Council therefore support the Government's proposals to:

- Require housebuilders to notify the local authority, via a Development Commencement Notice (DCN), when they commence development;
- Produce national publication of data on developers of sites over a certain size which have failed to build out according to their commitments as 'naming and shaming' approach could influence developers change their ways in order to avoid poor reputational perceptions;
- Developers explaining how they propose to increase the diversity of housing tenures to increase the rate at which homes are sold or occupied as often they need to provide such information to meet the requirements of local housing mix policies;
- Require housing developers to report annually to the local authority on actual delivery against a submitted trajectory – but more clarity is needed on the process and action to be taken if developers fail to meet the trajectory and what the level of tolerance should be for any failure; and
- Give local authorities discretion to decide whether to consider future planning applications made by developers who fail to build out earlier permissions granted on the same land.

However, Worcester City Council is not convinced that the following build out measures below would result in developers building out more quickly:

- a) Streamline powers for local authorities to serve a completion notice (where planning permission for unfinished development lapses). It is not clear how this would work and how long would a site have to have 'lapsed' for before it is declared 'complete'. Further, what would be the approach for half-finished buildings and if the associated ancillary infrastructure (roads, landscaping, etc) is not in place when the site lapses – sites could end up not having essential infrastructure and provide poor living environments for its residents; and
- b) Making delivery a material consideration in planning applications so that applications with trajectories that propose a slow delivery rate could be refused. The measure is considered unsuitable because of the uncertainty over how LPAs would effectively judge whether a delivery rate is slow and there may be valid reasons why a slow delivery is necessary e.g., if there are site constraints.

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

Yes, Worcester City Council agree that this reinforces the emphasis on high quality design and beauty in the Framework and will help provide weight to the Development Management design policies in local plans going forward. However, beauty is a subjective concept and there are concerns regarding how this will be objectively measured on a consistent basis locally and nationally.

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

Yes, Worcester City Council agree to the proposed insertion of the word 'beautiful' in paragraphs 84c and 124c. It is considered that this reflects the output of the Building Better, Building Beautiful Commission 2020 'Living with Beauty' report. However, beauty is a subjective concept and there are concerns regarding how this will be objectively measured on a consistent basis locally and nationally.

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

Yes, Worcester City Council support this suggestion to support future planning enforcement action but could go further and make it a mandatory requirement/condition, not just encouraged.

Q.36: Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing

densification/creation of new homes? If no, how else might we achieve this objective?

Worcester City Council support the principle of creating extra living space in roof voids, but does not agree with the emphasis in Q36 that it is helpful in encouraging LPAs to employ as a means creating more homes or achieving better densities. LPA have very limited control over this type of redevelopment, which often rests with the property owner. Although a policy in a local plan may be enabling, there are many other factors such as viability, property ownership, building regulations and in particular buildings with suitable roof designs that will determine if this is a successful policy intervention. Furthermore, any reference in the Framework to the use of roof voids should be general in nature and not entirely focused on mansard roofs to increase supply of residential space.

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

Worcester City Council support the strengthening of national policy on small scale nature interventions. In terms of artificial grass, one suggestion could be that it is made clear that planning permission is required for all types of artificial grass. Furthermore, it could be stated that artificial grass is only appropriate for limited uses such as 3G sports pitches and should not be used elsewhere because it does not have any environmental benefits.

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

In principle, Worcester City Council support any measures to increase food security. Worcester City Council would therefore strongly support the addition to footnote 58 regarding the consideration that should be given to the relative value of agricultural land for food production, providing that the policy/footnote is clear and unambiguous so that decision makers could apply it consistently and with confidence when determining planning applications. For example, how will high value farmland and its food production value be defined, assessed and/or aligned with best and most versatile agricultural land when making planning related decisions.

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

Worcester City Council is fully supportive of the Government's view that the planning system should support the transition to a low carbon future in a changing climate. However, whilst local planning policy has a role to play in reducing carbon emissions arising from new development, its role is very limited in reducing emissions from existing development.

To assess the impact of plan-making and planning decisions on carbon emissions firstly requires an evaluation of the different emission sources in a local authority area (e.g., housing, industry, agriculture, waste, transport etc) to provide a baseline. There then needs to be an assessment of the impact local planning policies are likely to have on these emission sources, whilst also taking account of national trends (e.g., increase in housing) and taking into account requirements set in national legislation (e.g., Building Regulations).

Worcester City Council (together with most other local authorities) does not have the data, resources or expertise to assess the impact of plan-making and planning decisions on carbon emissions. For consistency of approach and to provide economies of scale, it is considered that carbon emission estimates by local authority area are best prepared at a national level and that the measures should include emissions from housing, industry, agriculture, waste and transport. If there is a clear and transparent methodology outlining how local authority figures have been estimated nationally, local authorities may then be able to use the methodology to estimate the impact of additional housing allocations, additional employment floorspace, waste etc.

In relation to emissions from housing and industry, Worcester City Council consider that regulated energy, which is covered by Building Regulations, is a very poor indicator of carbon emissions. Regulated energy includes that used for space heating, hot water, lighting, and to run pumps and fans. Building Regulations do not cover unregulated energy which includes that used to run appliances / equipment and for cooking. Unregulated energy (used for cooking and appliances) typically accounts for 30% to 40% of energy consumption in a new domestic dwelling. Any measure for calculating carbon demand arising from plan-making and planning decisions should therefore be based on total predicted energy use, not just regulated energy.

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

The Government has not proposed any specific changes to the Framework to support climate change adaptation. However, Worcester City Council consider that the Framework should go further to support climate change adaptation, including policies to:

- Ensure that the built performance of development (e.g., energy use, carbon emissions, overheating risk etc) matches the design performance to minimise the potential performance gap between design aspiration and the completed development. A nationally recognised performance gap / assured performance and monitoring tool to implement this would be helpful.
- Encourage agriculture and farm diversification which supports carbon sequestration – e.g., Community Forests / increased woodland / new crops.
- Enhance and extend natural habitats so that opportunities for species migration are supported and biodiversity can adapt to climate change. The

extended habitats could also reduce 'heat islands' and act as carbon 'sinks', absorbing flood water.

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

The Government's proposed change to paragraph 155 of the existing Framework is additional wording to say that plans should not only provide a positive strategy for renewable and low carbon energy, but also "*their future re-powering and maintenance.*"

Whilst Worcester City Council support the principle of existing renewable or low carbon energy developments being re-powered where the technology has become out-of-date or inefficient, we have some concern about the potential implications arising from a presumption in favour of re-powering such developments.

Currently, solar and wind farms are considered to be a temporary use, which means that the development of a greenfield site as a solar or wind farm will not change the status of that site from greenfield to previously developed land. Currently, consents are granted on a temporary basis, usually for around 25 years, to allow the solar or wind farm to be decommissioned in the event that other (even) more sustainable forms of renewable energy come on stream and allow the land to be restored to its previous use. Whilst granting consent on a temporary basis does not preclude future re-powering, it is considered that the proposed change to paragraph 155 may have the unintended consequence of changing the status of many sites in rural areas from greenfield to previously developed land. In the long-term, this could significantly increase the amount of previously developed land in remote rural areas, which in turn could lead to speculative applications for other types of development on these sites.

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

The Government's proposed change to paragraph 158 of the existing Framework is an additional paragraph saying that local planning authorities should "*approve an application for the repowering and life-extension of existing renewables sites, where its impacts are or can be made acceptable.*" Also, "*the impacts of repowered and life-extended sites should be considered for the purposes of paragraph 158 from the baseline existing on the site.*"

Worcester City Council support the proposed change which supports the re-powering of existing renewables sites where the impacts are, or can be made, acceptable. However, we have concerns about the "life-extension" of existing sites. As outlined in our comments to question 41, granting consent on what was previously a temporary renewable energy site for "life" is likely to change the status of many sites in rural areas from greenfield to previously developed land. In the long-term, this could significantly increase the amount of previously developed land in remote rural areas, which in turn could lead to speculative applications for other types of development on these sites.

Worcester City Council consider that the proposed new sentence relating to re-powering being considered “*from the baseline existing on the site*” to be unclear.

Q.43: Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?

Do you have any views on specific wording for new footnote 62?

The Government’s proposed changes to **footnote 54** provide slightly more support for onshore wind energy development than the existing Framework because it enables areas suitable for wind energy development to be identified in a Supplementary Planning Document (rather than just the development plan). Also, revisions to footnote 54 propose that the planning impacts identified by the affected community are “*satisfactorily*” (rather than “fully”) addressed and that the proposal has “*community support*” (rather than their “backing”) but this could still result in too few approvals due to insufficient support from the local community.

In principle, Worcester City Council support the proposed new footnote 54, particularly the proposal which enables local planning authorities to identify suitable areas for wind energy development in a Supplementary Planning Document (subject to the Development Plan having a supportive renewable energy policy).

Worcester City Council note, however, that local planning authorities are not required to identify suitable areas for wind energy development, but it would be helpful if national guidance could be produced on what criteria LPAs should be using to assess such areas when looking at individual proposals in terms of the best areas for wind, aside from the consideration of other planning considerations. Also, to help provide clarity, and to assist decision makers, Worcester City Council consider that it would be helpful if Planning Practice Guidance provided some guidance on the definitions of “affected community”, “satisfactorily addressed” and “community support”.

New **footnote 62** supports the granting of onshore wind energy development, through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders, if it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

In principle, Worcester City Council support the proposed new footnote 62. However, it is clear from footnote 54 (now 63) that the ability to grant onshore wind turbines through LDO’s, NDO’s and CRBO’s is dependent on the local planning authority or neighbourhood planning body having identified the area as being suitable for wind energy development. Given that local planning authorities and neighbourhood planning bodies are not required to identify areas suitable for wind energy development then the effectiveness of footnote 62 is likely to be limited.

It is noted that footnote 54 (now 63) refers to impacts identified by the affected local community being “*appropriately addressed*”, whereas footnote 63 says “*satisfactorily addressed*”. It is unclear whether the difference in terminology is intentional or significant.

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

The Government's proposed new paragraph 161 seeks to support energy efficiency improvements through the adaptation of existing buildings, particularly large non-domestic buildings, to improve their energy performance (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Paragraph 161 notes that proposals affecting Conservation Areas and Listed Buildings should also take account of policies set out in Chapter 16 of the Framework (Conserving and Enhancing the Historic Environment).

In principle Worcester City Council are very supportive of any national policies which seek to support energy efficiency improvements in existing buildings. Whilst the intention of paragraph 161 is commendable, Worcester City Council consider that the impact may be limited because most energy efficiency improvements benefit from permitted development rights. It is also noted that buildings in Conservation Areas and Listed Buildings would still need to be conserved in a manner appropriate to their significance.

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

Worcester City Council agree with the proposed timeline for finalising local plans etc insofar as how they are currently proposed, but stress that PINS will need to have sufficient capacity to be able to examine all local plans being assessed under NPPF 2021 and that this does not cause LPAs to fail to meet the timelines.

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

Worcester City Council agree with the proposed transitional arrangements for plan-making insofar as how they are currently proposed.

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

Worcester City Council agree with the proposed timeline for preparing Neighbourhood Plans insofar as how they are currently proposed.

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

Worcester City Council agree with the proposed transitional arrangements for supplementary planning documents insofar as how they are currently proposed.

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

The proposed suggestions of the scope of NDMPs are generally understood and considered broadly appropriate by Worcester City Council. The proposed approach has the ability to streamline the amount of repetition of Policies within the system which is currently complex and overly burdensome.

The scope of the Policies is set out in 3 areas. The first, which would take existing policies within the Framework (or as subsequently revised). This approach would underpin some of the established approach to existing National Policy and provide clear and specific justified Development Management policies which would assist achieving greater consistency across the planning system and deliver on matters deemed to be national priorities.

If this approach is taken forward it may also be prudent to consider limiting the repetition of policies at lower local plan level including Neighbourhood Development Plans, it is unclear whether this is the intention. Often the same or similar policies are repeated at various plan levels and the proposed approach should see a shift to more focused policies to address local factors at each level rather than it being necessary to repeat, or slightly reword, those already covered at higher levels of the plan. This will also highlight that the Development Plan should be read as a whole and help integrate policies prepared at different levels by different individuals / organisations. It is unclear how the new NPPF and Development Policies would interact with each other and this needs to be carefully considered as this could not only result in another layer of National Planning Policy to be considered but may limit the ability of the NDMPs to be amended and updated in a way that responds to changing circumstances.

The second scoping point relates to new additions to reflect new national priorities. This is broadly considered to be a sensible approach to ensure such objectives are prioritised in a consistent way regardless of geographical area and will aid the focus to deliver the requirements of those policies. However, it is unclear how the “important national issues” will be identified when creating these Policies as not all of them will be feasible or appropriate in all locations and this could result in unintended consequences. This approach also has the potential to reduce the burden on LPA’s when formulating the evidence base for policies, although locally derived evidence specific to an area will still be required. It may also provide greater flexibility as national Development Policy may be able to be updated and reviewed more regularly than is possible at a local level to reflect changing national priorities or other developments, e.g., changing renewable technology. A regular (e.g., annual) review of these policies (but not necessarily a full review of the evidence base underpinning these policies) would ensure the national policies remain relevant, reflect the constant changing Development Management landscape and would also result in some efficiencies removing the burden, of each LPA each doing similar.

The NPPF is inevitably silent in a number of key areas and the result of this is an overreliance of the Planning System on the Courts to rule on such matters. This has a significant burden on LPAs resources and stifles the delivery of sites in a timely

manner therefore the third area of the scope, selective new additions, has the potential to significantly improve how the system operates. It would be important that provisions are in place which allow NDMPs to be amended and updated on a regular basis to close gaps and respond to emerging case law.

Worcester City Council agree that whilst there will be some cross cutting issues, the focus should be on planning issues and NDMPs should not seek to replicate other legislation as this would put further burdens on the planning system. In addition, a clear and more precise identification of Policies would be beneficial, the current Framework (and the associated NPPG) are lengthy when combined and not split into clear and obvious Policies and their justification. NDMPs should seek to address this.

Finally, whilst there are several clear benefits of the nationalised approach to some Development Management Policies it is important that the selection of the Policies to be included do not limit LPA's ability to form and deliver more localised policies to address specific issues with their communities, as informed by local evidence. In addition, there is some concern that nationalising policies may hamper the ability of LPA's to produce more pioneering policies or require higher standards, based on local evidence, than those set out at national level. Careful consideration of this should be given and mechanisms put in place to avoid any unintended consequences which could result in the creation of a more a homogenised England.

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

Worcester City Council consider that it is important that the scope is wider than national issues. It needs to start by considering global issues such as climate change, protected species, decline of flora and fauna, internationally important heritage sites, food security, housing for refugees etc. The NDMPs should then set out the national response to addressing these matters as well as other nationally important areas which fall within its scope.

There must be an ability to readily update these national policies and their associated guidance to respond to changing national priorities and subsequent case law. Without the appropriate mechanisms in place the effectiveness of the system will continue to be stifled where Policies are silent or where circumstances are changing at pace. Consideration about how this can be achieved should form part of the scope.

It would also be helpful if a clear hierarchy of Development Management Policy can be set out and a clear shift away from repetition of Policy at each level of plan making. Chapter 10 Para 18 suggests that this would be avoided through provisions in the proposed Bill however it only seems to suggest this will be applied to National Policy and their interaction with localised plans, but this approach should be expanded through the hierarchy of plans and Development Management Policies.

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

This is considered to be a prudent and proportionate approach by Worcester City Council. This process has the ability to support the operation of the planning system by identifying gaps and providing a clear Policy response. This approach also has the potential to reduce the Planning system's overreliance on the courts to rule on such identified gaps. As discussed in our response to Q.49 there needs to be the ability for such Policies to be updated and / or formed, in a timely manner, to respond to gaps as and when they are identified.

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

Housing Delivery

Clearly the approach to housing delivery is of national importance. Whilst it is critical that the method of delivery is set at a local level, the national role in clearly defining the high-level approach is an important factor and could limit disputes between parties which in turn could aid delivery.

Designated Landscapes and Valued Landscapes

National Policy has a role in protecting and directing only the right development to designated landscapes (e.g., AONB) however there is also a role in providing clear policy on the protection of valued landscapes, whilst this is unlikely to replace the need for these areas to be identified at local plan level, valued landscapes are vulnerable to development pressures at a national level and therefore their protection should be considered on that basis.

Green Belt, Green Wedges, Gaps etc.

Coalescence of settlements is an important national issue with many communities seeing their towns and villages grow significantly over past years. Responses to these concerns are addressed in different ways across the country including national and local designations. Green Belt Policy is a well-established national issue, but more localised designations also have a similar role to play in protecting the identity of our settlements for our communities. Their importance should not be underestimated and should be underpinned clearly in NDMPs.

Design

General design Policies, linked to national design guide / space standards is important in increasing the importance of design in the planning process. Care should be given not to undermine LPAs who choose to advance their own local design guides and design codes and policies so there is a need for National Policy to underpin this, providing guidance where no design guides or standards are in place and support the delivery and status of LPAs localised standards, where relevant.

Heritage

Designated Heritage Assets should be included in the scope of national policies and the current Framework offers reasonable clarity which could be built on in providing a

specific NDMP. It is also important that the weight to be attributed to such factors is clear and this also applies to non-designated heritage assets.

LPA's should have the ability to add more localised DM policies to supplement a national development policy which would be a sensible and proportionate approach.

Flood Risk and SUDs Drainage

These are matters which are common across the country, albeit some areas are of course more susceptible to these issues than others.

National Policy should be clear about flood risk and the acceptable land uses. In addition, Sustainable Drainage solutions are important features of new development and a new emphasis on integrating SuDS and the benefits they can bring (Including boosting Biodiversity net gain) should be reflected in NDMPs.

Locational Sustainability

Significant weight should be afforded to directing new development to the most locationally sustainable areas. Too often local new development has expanded settlements with limited services and this results on heavy reliance on the private motor car to access most services. Whilst the argument is often that a critical mass of development can help to boost or sustain existing services in practice this is usually not the medium to long term result. Affordable Housing Rural Exception sites often gain policy support in areas with limited services which again raises issues about the suitability of such settlements to support the day to day needs of some of our most vulnerable residents. NDMPs which clearly set out the requirement of infrastructure to be present or deliverable in the short term to support communities and weight that should be attributed to this area should be within the scope of NDMPs.

Renewable Energy

The global response should be considered when informing the national response to developments through the NDMPs. Where LPA's are able to evidence base the need for more stringent Policies than national policy there should be an ability for this to occur.

Worcester City Council would support nationally prescribed minimum levels of renewable energy technology to be designed into new dwellings and industrial/commercial developments, or to be off-set if this cannot be achieved on site for genuine technical reasons.

Sustainable Development

National Guidance on the material matters of national importance and the weight to be attributed to these against more localised policies should be made more clearly. There are concerns that if the intention is to place more weight on national policies above local policies in the "Planning Balance" this could significantly undermine local plan making.

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

In general, planning policies can provide the opportunities to help achieve public transport improvements, health and wellbeing improvements (including healthier lives and life expectancy), local pride of place, housing delivery and strategies to design out crime, which are all linked features of some the 12 levelling up missions set out in the Levelling up White Paper.

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

Worcester City Council consider that the levelling up agenda should prioritise and encourage greater redevelopment of unused and/or abandoned brownfield land for economic growth/employment generating uses and provide the necessary incentives to help achieve this.

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

Yes, but brownfield land redevelopment can be inherently complex and costly. Too often, to unlock the delivery of a brownfield site LPAs have to sacrifice the delivery of affordable homes and other community benefits. Incentives should be provided to local authorities which provide the means to facilitate increased brownfield land redevelopment in towns and cities. Clarification is sought on what 'gentle densification' would mean in practice as high-quality beautiful design, good amenity and access to open space must not be diluted.

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

Worcester City Council recommend that the Framework is amended to place considerably more emphasis on making sure that women, girls and other vulnerable groups feel safe in using public spaces, (including parks, streets, town centres, etc) both during the day and in the evening. The needs of these groups should be considered at the very earliest stages of designing schemes to ensure that their needs are properly catered for and to encourage these groups to actively use these newly planned areas, public and open spaces and to participate in recreation and activity that they might otherwise feel excluded from The National Development Management Plan Policies could include policies on planning for women, girls and other vulnerable groups.

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

Whilst it is functional in its current form, Worcester City Council suggest that the NPPG could be improved in terms of overall presentation and accessibility, and how updates are shown.

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

Worcester City Council have no comments with regard to the Public Sector Equality Duty in this context.