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### Scrutiny Co-ordination Committee

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**Time and Date**

10.00 am on Thursday, 19 September, 2024

**Place**

Diamond Rooms 1 and 2 - Council House

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**Public Business****1. Apologies and Substitutions****2. Declarations of Interest****3. Minutes**

(a) To agree the minutes of the previous meeting held on 21 August, 2024  
(Pages 3 - 10)

(b) Matters Arising

**4. Consultation Response to the Ministry of Housing, Communities and Local Government on proposed reforms to the National Planning Policy Framework (Pages 11 - 102)**

Report of the Director of City Services and Commercial

**5. Scrutiny Co-ordination Committee Work Programme and Outstanding Issues 2024/25 (Pages 103 - 108)**

Report of the Director of Law and Governance

**6. Any Other Items of Public Business**

Any other items of public business which the Chair decides to take as a matter of urgency because of the special circumstances involved.

**Private Business**

**Nil**

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Julie Newman, Director of Law and Governance, Council House, Coventry

Wednesday, 11 September, 2024

Note: The person to contact about the agenda and documents for this meeting is

Suzanne Bennett, Governance Services - Telephone: 024 7697 2299 E-mail: [suzanne.bennett@coventry.gov.uk](mailto:suzanne.bennett@coventry.gov.uk)

Membership: Councillors M Ali, A Jobbar, L Kelly (Deputy Chair), J Lepoidevin, G Lloyd (Chair), C Miks, G Ridley, R Singh and CE Thomas

By invitation: Councillors S Agboola, N Akhtar, R Bailey, G Duggins, S Gray

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**Coventry City Council**  
**Minutes of the Meeting of Scrutiny Co-ordination Committee held at 11.00 am on**  
**Wednesday, 21 August 2024**

- Present: Councillor L Kelly) (Chair for the meeting)
- Members:
- Councillor B Christopher (Sub for Councillor M Ali)  
Councillor J Innes (Sub for Councillor A Jobbar)  
Councillor J Lepoidevin  
Councillor G Lewis (Sub for Councillor G Lewis)  
Councillor G Ridley  
Councillor R Singh  
Councillor CE Thomas
- Non-voting Member: Councillor S Gray
- Other Members:
- Councillor S Agboola, Deputy Cabinet Member for  
Communities and Housing  
Councillor P Akhtar, Deputy Cabinet Member for Policing and  
Equalities  
Councillor G Hayre
- Other Present:- Detective Sergeant Lewis and Inspector Moran, West  
Midlands Police
- Employees (by Service  
Area):
- Law and Governance: J Adams, S Bennett, D Blackburn, A Chowns, G Holmes,  
L Nagle
- City Services and  
Commercial: S Elliott, P Hibberd
- Apologies: Councillors M Ali, N Akhtar, A Jobbar, AS Khan, C Miks

## **Public Business**

### **16. Chair**

In the absence of Councillor N Akhtar, the meeting was Chaired by Councillor L Kelly.

### **17. Declarations of Interest**

There were no disclosable pecuniary interests.

## 18. Minutes

The Minutes of the meeting held on 26 June, 2024 were agreed and signed as a true record.

There were no matters arising.

## 19. Update on City Centre Public Spaces Protection Order (PSPO)

The Committee considered a Briefing Note of the Director of Law and Governance which provided an update on the action taken in relation to the City Centre Public Spaces Order (PSPO) further to the Order being amended in November, 2023 to include restrictions to e-bikes and e-scooters in the City Centre.

At their meeting in November 2023, Cabinet considered a report on the amendment of the City Centre PSPO which included the requirement for e-bikes and e-scooter riders to dismount when entering the designated area in the City Centre. Cabinet approved the amendment to the Order, and authorised officers to bring the Order into effect from the 20th November 2023. At that meeting, Cabinet noted Scrutiny Co-ordination Committee's concerns regarding enforcement of the amendments to the PSPO in terms of police capacity and priority within the City Centre.

Since the authorisation of the Order, a range of measures have been taken to require e-bike and e-scooter riders to dismount when entering the designated area in the City Centre. This has included:

- An engagement and education campaign with the public, local businesses and e-bike/scooter riders;
- The erection of new signage surrounding the designated area;
- Training and authorising Business Improvement District (BID) officers;
- Completing Enforcement Patrols within the city centre; and
- Completing joint action days with the Police and other partner agencies.

The Briefing Note provided a detailed update on the following areas:-

- Education
- Signage - Images of the signs and a map of the locations were provided in Appendix A of the Briefing Note.
- Enforcement
- Results - The results were summarised in Appendix 2 of the Briefing Note.

The Committee noted that, overall, the engagement and enforcement campaign has had a positive impact on the use of e-bikes/scooters in the pedestrian area. The number of e-bikes travelling through the restricted area has reduced, and e-bike riders are actively using other routes such as Corporation Street to exit out of the City Centre. There are several steps that will be taken to improve the compliance of the City Centre PSPO as follows:

- Action days with partners in West Midlands Police and the BID will continue. This will also include partners from Immigration Services to check the work status of riders.
- Neighbourhood Enforcement Officers will continue to patrol in the City Centre, and Business Improvement District officers will continue to be trained to issue FPNs for e-bike offences.
- As part of Operation Eternity, funding will be used from the Home Office to employ an Environmental Case Officer for a 12 month period to focus on compliance of the City Centre PSPO. They will also be supported by a Business Compliance Officer, who will be focussing on educating businesses about the City Centre PSPO.

The Committee made comments, asked questions and sought assurances on a number of issues including:-

- Clarification in relation to the legality of e bikes and work undertaken by Trading Standards and the Business Compliance Team to educate delivery riders about purchasing e bikes which have been adapted and which are not legal.
- Work being undertaken by other Local Authorities (LA) in this regard. It was noted that Coventry has been contacted by other LAs for best practice advice.
- Lessons learnt during the implementation process, including the need to embed education.
- The extensive and robust consultation process prior to implementation was recognised and welcomed.
- How the Order is enforced on a practical level, noting that warnings are given for first offences.
- Clarification in relation to the legality of e scooters and the need for this issue to be tackled at a national level, including the provision of education and information. It was noted that locally, the Police undertaken work with schools on road safety issues and that e scooters are included in that work.
- Action taken by the Police in relation to bike riders travelling at night without lights.
- Work to be undertaken by the Business Compliance Team in relation to educating delivery riders on all aspects of safety, including using a bell.

**RESOLVED that the Briefing Note be noted and the proposed next steps as outlined above be supported.**

**20. Update on Consultation for City Wide Public Safety Protection Order (PSPO)**

The Committee considered a Briefing Note of the Director of Law and Governance, together with a detailed presentation at the meeting, which provided an overview of the public consultation exercise on the proposed City Wide PSPO relating to public consumption of alcohol and off-road bikes.

In July, 2024, Cabinet approved the consultation on a City-Wide Public Space Protection Order (PSPO) which would bring in powers to allow the police to take

action against the unauthorised use of 'off-road' motorbikes and other specific mechanically propelled vehicles in the city. The Order would also provide the police with powers to control the drinking of alcohol in public spaces, including the power to order persons consuming alcohol in public places to stop drinking and also permit them to confiscate or dispose of opened and unopened cans or bottles.

Under the Anti-Social Behaviour Crime and Policing Act 2014, Local Authorities are required to undertake a statutory consultation. They must consult with the Local Chief of Police, the Police Crime Commissioner, owners and occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. A City wide 4-week consultation commenced on the 19 July 2024 and closed on Monday 19 August 2024.

The Briefing Note outlined a range of measures have been used to publicise the consultation process and encourage people to make their views known including:-

- An online survey on Coventry City Council – “Let’s Talk” pages
- Press releases to promote the consultation
- A Social Media campaign to promote the consultation
- Emails to elected members and community groups publicising the consultation
- Council Staff conducting surveys with members of the public – where?

In addition the Council has consulted directly with key statutory and non-statutory partners, these included:

- West Midlands Police
- Citizen Housing
- West Midlands Police and Crime Commissioner
- Business Improvement District (BID)
- Parks and Greenspaces (Coventry City Council)
- Public Health (Coventry City Council)

The presentation outlined the results of the consultation, which showed a high level of support for the proposed PSPO.

The Committee made comments, asked questions and sought assurances on a number of issues including:-

- Circumstances regarding the expiration of the previous PSPO. Assurances were provided in relation to steps being undertaken to ensure that this doesn't happen again.
- Police action and powers available in relation to Anti Social Behaviour (ASB) in Broadgate
- A breakdown of the consultation responses received
- Others powers available City-wide in relation to ASB. It was noted that the proposed PSPO was another tool in a kit of powers available for the Police and Council to take action.

It was noted that a report would be submitted to Cabinet on 1 October, 2024 outlining the outcome of the consultation and proposing a course of action and that

that report would be considered by the Committee at their meeting on 25 September, 2024.

**RESOLVED that the outcome of the consultation be noted and the proposed course of action supported.**

21. **Additional HMO Licensing Scheme 2025 - 2030.**

The Committee considered a report of the Director of Law and Governance which provided the results of a statutory consultation carried out in relation to the future of additional licensing in Coventry and which sought Cabinet approval to designate the whole of the City as subject to additional licensing under section 56(1)(a) of the Housing Act 2004 in relation to the size and type of Houses in Multiple Occupation specified in the recommendations of this report for a period of 5 years commencing on the 4 May 2025. The report would be considered by Cabinet at their meeting on 27 August, 2024.

The report indicated that HMOs are properties that are occupied by a least 3 people in two or more households who share at least one basic amenity i.e. a kitchen, bathroom or toilet. The definition of a HMO includes bedsits, shared houses, flats, lettings with their own facilities and some types of poorly converted self-contained flats.

The Housing Act 2004 provides a power to the Council to introduce an Additional Licensing Scheme in its area. The power was intended to address the impact of poor-quality HMOs that fall outside of the mandatory licensing HMO definition and address management issues and poor property conditions.

On the 4 May 2020 the Council introduced a citywide Additional Licensing Scheme which required all HMOs in Coventry to be licensed. The scheme runs for a period of 5 years and as such will cease on the 4 May 2025. Within the Act there is a legal requirement to review the scheme "from time to time". To fulfil this requirement a consultation exercise was undertaken between July and October 2023 to seek views from all stakeholders on the progress of the scheme so far.

The review showed that the licensing scheme has made good progress in improving standards in a large number of HMOs, for example, the Council has added around 11,598 conditions to licences that has resulted in approx. £1.6m being invested into improving conditions. This investment would not have happened without the scheme, but there are still a significant number of properties that remain unlicensed and there continues to be issues with non-compliance and poor management.

The Council has been proactive in its approach to enforcement of unlicensed HMOs and non-compliance, so much so that this was recognised by the National Residential Landlord Association (NRLA) in their paper - the Enforcement Lottery: civil penalty usage by local authorities, which acknowledged that Coventry ranked first for issuing the most civil penalties for HMO offences in England.

It is clear however, that more needs to be done as a significant proportion of HMOs in the Council's area are still being managed ineffectively, and unlicensed properties are still present. The focus of this scheme will therefore be to

proactively target those unlicensed and non-compliant properties whilst ensuring that those properties that are already licensed continue to provide the standards required under the requirements of the licensing regulatory framework.

Cabinet considered a report on the 13 February 2024 (Minute 69/23 refers) and approved recommendations to proceed with a statutory consultation on the designation of a further scheme from the 4 May 2025 to the 4 May 2030. The city-wide consultation, details of which were outlined in the report, ran for 12 weeks from the 26 of February 2024 to the 17 of May 2024. The report outlined the results of this statutory consultation, details of which were appended to the report and sought a decision from Cabinet to consider the designation of the whole of Coventry as subject to additional HMO licensing for a further five years following the expiry of the existing scheme.

A further appendix to the report outlined the proposed timetable for implementation. The report indicated that, as any Additional Licensing Scheme can only run for a period of 5 years, this is in effect a new designation and a such the process is being implemented to ensure the continuous delivery of the first scheme. Once this designation comes into force it will also be subject to a statutory review and can only last a maximum of five years.

The Committee made comments, asked questions and sought assurances on a number of issues including:-

- The different powers under the Article 4 Direction and the Additional Licensing Scheme and work undertaken with Planning colleagues.
- A summary of the definition of an HMO
- That the licensing process required a period of time for checks to be made before issuing a licence and if that extended beyond 20 weeks then tacit approval is given but that there was confidence this timescale could be met.
- Whether ward level data was available on current licenses as well as enforcement actions.
- Clarification that the landlord was responsible for large items of furniture that was left outside at the end of a tenancy, however, refuse management was the responsibility of the tenants.
- The work that officers had done to engage students in the consultation, as well as work with the universities to raise awareness with students of their rights under the licensing scheme. This included engagement in open day activities, as well as sharing information with the student unions.
- The estimated numbers of HMO's in the city compared to the number of licenses issued and ways to improve data collection and analysis.
- The change in focus from working with good landlords to raise awareness of the scheme, to identifying those landlords that are avoiding licensing and to pro-actively work towards bringing properties into compliance.
- The focus of work shouldn't just be with students are there are other transient populations which will be affected.



The Committee requested further information/action on:

- The link to the register of licensed HMO's and whether this information could be provided on a ward map.
- Information on enforcement activity, to be provided at a ward level
- That action be taken to engage students in future consultations.
- That the Communities and Neighbourhoods Scrutiny Board (4) be kept updated on this issue.
- That officers provide information on Coventry's performance nationally with regard to enforcement and additional licensing.

**RESOLVED that Scrutiny Co-ordination Committee support the proposals contained in the report.**

22. **Proposed Renewal of the City-Wide Public Space Protection Order - Dog Control 2024-2027**

The Committee considered a report of the Director of City Services and Commercial which sought Cabinet approval to renew the dog related Public Space Protection Order (PSPO) that was last approved in 2021. The renewal of the City-Wide PSPO was first introduced in 2016 and provides for the continued use of powers to address matters pertaining to the control and management of dogs in the city and with a particular focus within parks. The report would be considered by Cabinet at their meeting on 27 August, 2024.

The Order is required to assist with the enforcement of dog fouling offences, but also to specify where dogs should be kept on leads, where dogs are prohibited, the maximum number of dogs that can be walked by one person and enabling officers to request that a dog be put on a lead if problems are ensuing.

The Order in its current format was devised following extensive consultation and collaboration with a number of stakeholders in the City. Further consultation has been undertaken with key partners on the proposed renewal of the Order and all of those who responded supported the renewal. Details of responses received were appended to the report.

The report indicated that the Order is currently working very well, is fit for purpose and enables people to enjoy parks and public spaces whilst providing clear guidance as to when it is and isn't appropriate to allow dogs to exercise off leads or when they need to be under the direct control of their owner. There is a high level of compliance with the Order and this can be seen by reference to the relatively low levels of enforcement Council officers have had to use.

The Committee made comments, asked questions and sought assurances on a number of issues including:-

- The fact that enforcement powers are held by Council officers not the police.
- That officers are able to issue immediate fines if they see dog fouling which is zero tolerance. The dogs on lead requirements are often initiated by a warning before a ticket is issued.

- The use of surveillance information, including that from the public and whether CCTV could be a deterrent.
- All parks are covered by the Order, the five premier parks have designated areas, which is why the maps for those parks are included in the report.
- That responsibility for dogs' behaviour and adherence to the orders are the responsibility of the dog owners.
- How members of the public can raise concerns regarding dog behaviour.

**RESOLVED that the Scrutiny Co-ordination Committee supports the proposals as set out in the report and recommends that Cabinet :-**

- 1) Approves the renewal of the Public Space Protection Order – Dog Control for a further three years and to make this Order effective on 28th August 2024**
- 2) Identifies ways to raise the public's awareness of how to report their concerns about dog behaviour, such as signage on site with QR codes.**

**23. Scrutiny Co-ordination Committee Work Programme and Outstanding Issues - 2024-25**

The Committee considered and noted their Work Programme and Outstanding Issues for 2024/25.

**24. Any Other Items of Urgent Public Business**

There were no other items of urgent public business.

(Meeting closed at 1.20pm)



**Public report**  
Cabinet Member

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Scrutiny Co-ordination Committee  
Cabinet Member for Housing and Communities

19 September 2024  
20 September 2024

**Name of Cabinet Member:**

Cabinet Member for Housing and Communities – Councillor N Akhtar

**Director Approving Submission of the report:**

Director of City Services and Commercial

**Ward(s) affected:**

All

**Title: Consultation Response to the Ministry of Housing, Communities and Local Government on proposed reforms to the National Planning Policy Framework**

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**Is this a key decision?**

No - This report is a response to a government consultation document titled "National Planning Policy Framework". The decision regarding the Policy Framework will be taken by Government

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**Executive Summary:**

This report outlines the consultation currently being undertaken by the Ministry of Housing, Communities and Local Government on proposed reforms to the National Planning Policy Framework and seeks approval to submit a proposed response to that consultation.

Due to the short timescales involved and the complexity of the consultation document, the City Council's proposed response document is still being finalised. A copy of the draft response will be circulated and published prior to the Scrutiny Co-ordination Committee meeting on 19 September 2024 and a presentation on the consultation document and the proposed response will be provided at the meeting.

**Recommendations:**

Scrutiny Co-ordination Committee is recommended to:

1. Consider the report, and the proposed consultation response and make any comments/recommendations to Cabinet Member for Housing and Communities for consideration at the meeting on 20<sup>th</sup> September 2024

The Cabinet Member for Housing and Communities is recommended to:

1. Consider any comments/recommendations from Scrutiny Co-ordination Committee following their consideration of this matter at their meeting on 19 September 2024.
2. Recommend that the Leader of the Council approves the draft consultation response attached at Appendix II in accordance with the Constitution and
3. Delegate the submission of the approved consultation response to the Strategic Lead for Planning before the deadline on 24 September 2024.

**List of Appendices:**

Appendix I – National Planning Policy Framework: draft text for consultation

Appendix II - Draft Response to Consultation – To be circulated and published prior to the meeting.

**Background papers:**

Consultation document - Proposed reforms to the National Planning Policy Framework and other changes to the planning system (online only)

<https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system#scope-of-consultation>

**Other useful documents:**

None.

**Has it been or will it be considered by Scrutiny?**

Yes. This report will be considered by Scrutiny Coordination Committee on 19<sup>th</sup> September

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No.

**Will this report go to Council?**

No.

**Report title: Consultation Response to the Ministry of Housing, Communities and Local Government on proposed reforms to the National Planning Policy Framework**

**1. Context (or background)**

- 1.1 Government is consulting on a series of proposed changes to national planning policy. This includes specific changes to the National Planning Policy Framework (NPPF) and broader reforms relating to planning fees, local plan intervention and the thresholds used for determining applications under the Nationally Significant Infrastructure Project (NSIP) regime.
- 1.2 The consultation runs from 30 July – 24 September 2024 and the Government has indicated that a new version of the NPPF will be published before the end of 2024. The purpose of this report is to provide an overview of the proposed changes highlighting where possible, any implications for Coventry and to seek approval to the submission of a proposed response to that consultation.
- 1.3 The proposed draft response will be circulated and published prior to the Scrutiny Co-ordination Committee on 19 September to afford Members the opportunity to consider that consultation in advance of their meeting. In addition, the Scrutiny Co-ordination Committee will receive a presentation on the consultation and proposed response at the meeting.
- 1.4 Paragraph 6 of Part 2 A of the Constitution sets out how the Council will respond to Government Consultation papers. Due to the short timescale and complexity, it has not been possible to submit a report to either Council or Cabinet. Where time does not permit the submission of a report to Council or Cabinet, the Constitution requires that responses shall be agreed by the Leader, the appropriate Cabinet Member and the appropriate Director following consultation with the appropriate Shadow Cabinet Member. In this case, the appropriate Cabinet Member has the authority, at their discretion, to refer a consultation to the relevant Scrutiny Board In light of the importance and high profile of the consultation process,
- 1.5 With the agreement of the Cabinet Member for Housing and Communities and the Chair of the Scrutiny Co-ordination Committee, given the importance and high profile of this consultation and in order to ensure transparency and afford cross party consideration of the response, it has been agreed that Scrutiny Co-ordination Committee and the Cabinet Member for Housing and Communities will formally consider the proposed response prior to recommending the response to the Leader of the Council, in accordance with the Constitution. The Shadow Cabinet Member for Housing and Communities is invited to attend the Scrutiny Co-ordination Committee on 19 September and the Cabinet Member meeting on 20 September 2024.
- 1.6 Since December 2022, the City Council has been undertaking a Local Plan Review in order to update the 2017 Local Plan. To this end, a Regulation 18 (Issues and Options) consultation was undertaken between July and September 2023. Led by the Local Plan Advisory Panel, officers are now at an advanced

stage of the Local Plan Review process and a Regulation 19 (draft revised Local Plan) consultation is scheduled to commence before the end of 2024.

## **1.7 Proposed Changes – Summary of Key Points**

- 1.8 The following provides a summary of the Government's proposed changes to the NPPF. It does not provide an exhaustive list of every proposal and instead focusses on the issues that are considered the most important for Coventry.
- 1.9 In summary, the consultation proposals have the following significant implications for the City:
- I. Councils at the Regulation 18 stage of their Local Plan (such as Coventry) will have to prepare their plans against the revised NPPF unless a Regulation 19 consultation can commence within one month of the revised NPPF being published. In that scenario, the emerging Local Plan would be prepared in accordance with the current NPPF (December 2023).
  - II. The requirement for social rented housing from new developments would be increased, and First Homes would be removed as an affordable housing tenure. The consultation also seeks views on the most appropriate way to promote high percentage social rent / affordable housing developments. Delivering more affordable housing, particularly social rented housing, is a Council priority and these proposed changes are welcomed.
  - III. The consultation proposals include various changes to national Green Belt policies, including introducing the concept of 'Grey Belt' land within the Green Belt.
  - IV. The Government proposes changes to the national method of determining housing need for individual local authorities. The number of homes the Government calculates to be needed in the city through the "standard method" is 1,527 homes per year or 30,540 over a twenty-year Local Plan period. This contrasts with the current methodology which suggests 3,081 homes per year or 61,620 over twenty years. These proposed changes align with the Council's position and are strongly welcomed.
  - V. The housing need figure would become a mandatory starting point for determining the Local Plan housing requirement for all local authorities and for calculating 5 Year Land Supply. If the proposed approach is implemented, it is significantly more likely that Coventry will be able to demonstrate at least 5 years of future supply. Government anticipate that some local authorities will be unable to demonstrate a 5 year housing land supply as a result, although the Government says, "This is necessary to ensure that we urgently address the issue of chronic undersupply of land that has underpinned the housing crisis and support our drive to deliver 1.5 million new homes over the next five years."
  - VI. It is proposed to strengthen expectations that plans should promote an uplift in density in urban areas such as Coventry.

- VII. Brownfield (previously developed) land “within settlements” would become “acceptable in principle” for homes and other development needs.
- VIII. Local planning authorities and other relevant public bodies will continue to be under a duty to cooperate with each other and new mechanisms would be introduced to strengthen cross-boundary strategic planning. These mechanisms have not yet been specified but the principle of a return to effective strategic planning is welcomed.
- IX. The proposals include increased support for onshore renewable energy schemes and the updated NPPF would direct decision-makers to give “significant weight” to the benefits associated with renewable and low carbon energy generation, and proposals contributing to meeting a net zero future. These proposals would strengthen the Council’s ability to deliver the objectives of the One Coventry Plan and are welcomed.
- X. Government proposes to clarify that “significant weight” should be placed on the importance of facilitating new, expanded or upgraded public service infrastructure when considering development proposals.
- XI. Within the consultation, Government has confirmed it will not implement the Infrastructure Levy as introduced in the Levelling-Up and Regeneration Act 2023. Further proposals on the use of S106 agreements to deliver infrastructure are expected next year.
- XII. The proposed changes continue Government support for effective design coding to be prepared by local planning authorities. Government proposes the preparation of localised design codes, masterplans and guides “for areas of most change and most potential”. This approach will be particularly helpful for Coventry and is welcomed.
- XIII. The Levelling-Up and Regeneration Act 2023 introduced the ability of Government to produce National Development Management Policies (NDMPs), which are set to take precedence over local and neighbourhood. The current consultation does not include these policies but it does confirm the Government’s intention to do so from summer 2025.

## **2. Options considered and recommended proposal**

### **2.1 Do Nothing (Not Recommended)**

The Council could choose not to respond to this consultation. However, given the significance of the proposed changes it is recommended that it is important to make an appropriate representation to the consultation.

### **2.2 Respond to the Government Consultation (Recommended)**

In light of the significance of the proposed changes, it would be sensible for the Council to provide its view on the consultation proposals as well as any key concerns the Council may have so that this can be considered as part of the Government’s final decision.

### **3 Results of consultation undertaken**

- 3.1 Consultation with Scrutiny Coordination Committee will take place on 19 September and the outcomes of that consultation will be reported at the Cabinet Member for Housing and Communities meeting on 20 September before finally being agreed with the Leader of the Council.

### **4 Timetable for implementing this decision**

- 4.1 The consultation closes on 24<sup>th</sup> September and subject to approval, the response will be submitted by the deadline.

### **5 Comments from the Director of Finance and the Director of Law and Governance**

#### **5.1 Financial implications**

There are no direct financial implications associated with this report.

#### **5.2 Legal implications**

There are no direct legal implication at this stage.

Going forward, the main legal implications will relate to the ongoing Local Plan Review and the impact of the proposed changes on the determination of planning applications and related matters.

### **6 Other implications**

#### **6.1 How will this contribute to achievement of the Council's Plan?**

It is considered that the proposed changes to the NPPF will assist in the delivery against the following priorities of the One Coventry Plan:

- Increasing the economic prosperity of the city and region;
- Improving outcomes and tackling inequalities within our communities;
- Tackling the causes and consequences of climate change

#### **6.2 How is risk being managed?**

There are no risks associated with this report

#### **6.3 What is the impact on the organisation?**

No direct impact.

#### **6.4 Equalities / EIA**

A full Equality and Impact Assessment (ECA) will be undertaken as part of the Local Plan Review process as the main vehicle for the delivery of national



planning policy. As part of that analysis, the Council will have due regard to its public sector equality duty under section 149 of the Equality Act (2010).

### 6.5 Implications for (or impact on) climate change and the environment

There are no implications identified of the submission or consultation response, however the consultation references the climate change agenda, and CCC Climate Change Team have contributed to the response.

### 6.6 Implications for partner organisations?

There are no implications identified.

#### Report author:

Chris Styles  
Head of Planning Policy & Environment

#### Service Area

Planning Policy and Environment  
City Services

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Contributor/approver name	Title	Service	Date doc sent out	Date response received or approved
<b>Contributors:</b>				
Suzanne Bennett	Governance Services Officer	Governance Services	09/09/24	10/09/24
Adrian West	Head of Governance	Governance Services	09/09/24	11/09/24
Rob Back	Strategic Lead Planning	City Services	09/09/24	10/09/24
<b>Names of approvers for submission: (officers and members)</b>				
Helen Williamson	Finance Manager, Business Partnering,	Financial Services	09/09/24	10/09/24

Oluremi Aremu	Head of Legal and Procurement Services	Legal Services	09/09/24	11/09/24
Andrew Walster	Director of City Services and Commercial	City Services and Commercial	09/09/24	10/09/24
Councilor N Akhtar	Cabinet Member for Housing and Communities	-	09/9/24	10/09/24



Ministry of Housing,  
Communities &  
Local Government

## **National Planning Policy Framework**



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# Contents

1. Introduction	4
2. Achieving sustainable development	5
3. Plan-making	8
4. Decision-making	13
5. Delivering a sufficient supply of homes	17
6. Building a strong, competitive economy	24
7. Ensuring the vitality of town centres	26
8. Promoting healthy and safe communities	28
9. Promoting sustainable transport	31
10. Supporting high quality communications	34
11. Making effective use of land	36
12. Achieving well-designed <del>and beautiful</del> places	39
13. Protecting Green Belt land	42
14. Meeting the challenge of climate change, flooding and coastal change	46
15. Conserving and enhancing the natural environment	52
16. Conserving and enhancing the historic environment	57
17. Facilitating the sustainable use of minerals	61
Annex 1: Implementation	65
Annex 2: Glossary	67
Annex 3: Flood risk vulnerability classification	77
<u>Annex 4: Viability in relation to Green Belt release</u>	<u>84</u>

# 1. Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied<sup>1</sup>. It provides a framework within which locally-prepared plans can provide for ~~sufficient~~ housing and other development in a sustainable manner. Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.
2. Planning law requires that applications for planning permission be determined in accordance with the development plan<sup>2</sup>, unless material considerations indicate otherwise<sup>3</sup>. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
3. The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3.
4. The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.
5. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.
6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission. ~~This includes the Written Ministerial Statement on Affordable Homes Update (24 May 2021) which contains policy on First Homes.~~

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<sup>1</sup> This document replaces the previous version of the National Planning Policy Framework published in ~~September~~ December 2023.

<sup>2</sup> This includes local and neighbourhood plans that have been brought into force and any spatial development strategies produced by combined authorities or elected Mayors (see Glossary).

<sup>3</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

## 2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs<sup>4</sup>. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection<sup>5</sup>.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
  - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11)

### The presumption in favour of sustainable development

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<sup>4</sup> Resolution 42/187 of the United Nations General Assembly.

<sup>5</sup> Transforming our World: the 2030 Agenda for Sustainable Development.

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas<sup>6</sup>, unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area<sup>7</sup>; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies for the supply of land<sup>8</sup> which are most important for determining the application are out-of-date<sup>9</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, in particular those

<sup>6</sup> As established through statements of common ground (see paragraph 287).

<sup>7</sup> The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 742); and areas at risk of flooding or coastal change.

<sup>8</sup> Policies for the supply of land are those which set an overall requirement and/or make allocations and allowances for windfall sites for the area and type of development concerned.

<sup>9</sup> This includes, for applications involving the provision of housing, situations where: ~~(a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with the appropriate a buffer, if applicable, as set out in paragraph 7677) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.~~



12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
  - a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
  - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68);

### 3. Plan-making

15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
16. Plans should:
  - a) be prepared with the objective of contributing to the achievement of sustainable development<sup>10</sup>;
  - b) be prepared positively, in a way that is aspirational but deliverable;
  - c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
  - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
  - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
  - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

#### The plan-making framework

17. The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area<sup>11</sup>. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:
  - a) joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or
  - b) a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred.
18. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.
19. The development plan for an area comprises the combination of strategic and non-strategic policies which are in force at a particular time.

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<sup>10</sup> This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act 2004).

<sup>11</sup> Section 19(1B-1E) of the Planning and Compulsory Purchase Act 2004.

## Strategic policies

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places ~~(to ensure outcomes support beauty and placemaking)~~, and make sufficient provision<sup>12</sup> for:
  - a) housing (including affordable housing), employment, retail, leisure and other commercial development;
  - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
  - c) community facilities (such as health, education and cultural infrastructure); and
  - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
21. Plans should make explicit which policies are strategic policies<sup>13</sup>. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.
22. Strategic policies should look ahead over a minimum 15 year period from adoption<sup>14</sup>, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery<sup>15</sup>.
23. Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies)<sup>16</sup>.

## Maintaining effective cooperation

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<sup>12</sup> In line with the presumption in favour of sustainable development.

<sup>13</sup> Where a single local plan is prepared the non-strategic policies should be clearly distinguished from the strategic policies.

<sup>14</sup> Except in relation to town centre development, as set out in chapter 7.

<sup>15</sup> Transitional arrangements are set out in Annex 1.

<sup>16</sup> For spatial development strategies, allocations, land use designations and a policies map are needed only where the power to make allocations has been conferred.

24. Effective strategic planning across local planning authority boundaries will play a vital and increasing role in how sustainable growth is delivered and key spatial issues, including meeting housing needs, delivering strategic infrastructure, and building economic and climate resilience, are addressed. Local planning authorities and county councils (in two-tier areas) are continue to be under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.
25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including ~~Local Enterprise Partnerships~~, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).
26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
27. Once the matters which require collaboration have been identified, strategic policy-making authorities should make sure that their plan policies are consistent with those of other bodies where a strategic relationship exists on these matters, and with the relevant investment plans of infrastructure providers, unless there is a clear justification to the contrary. In particular their plans should ensure that:
- a) a consistent approach is taken to planning the delivery of major infrastructure, such as major transport services/projects, utilities, waste, minerals, environmental improvement and resilience, and strategic health, education and social infrastructure (such as hospitals, universities, major schools, major sports facilities and criminal justice accommodation);
  - b) unmet development needs from neighbouring areas are accommodated in accordance with paragraph 11b; and
  - c) any allocation or designation which cuts across the boundary of plan areas, or has significant implications for neighbouring areas, is appropriately managed by all relevant authorities.
- ~~27-28.~~ In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency. Plans come forward at different times, and there may be a degree of uncertainty about the future direction of relevant development plans or plans of infrastructure providers. In such circumstances strategic policy-making authorities and Inspectors will need to come to an informed decision on the basis of available information, rather than

## Non-strategic policies

~~28~~29. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

~~29~~30. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies<sup>17</sup>.

~~30~~31. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

## Preparing and reviewing plans

~~31~~32. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

~~32~~33. Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements<sup>18</sup>. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).

~~33~~34. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary<sup>19</sup>. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing

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<sup>17</sup> Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

<sup>18</sup> The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.

<sup>19</sup> Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

## Development contributions

~~34~~35. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

## Examining plans

~~35~~36. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs<sup>20</sup>; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

~~36~~37. These tests of soundness will be applied to non-strategic policies<sup>21</sup> in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.

~~37~~38. Neighbourhood plans must meet certain 'basic conditions' and other legal requirements<sup>22</sup> before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

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<sup>20</sup> Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph ~~62~~4 of this Framework

<sup>21</sup> Where these are contained in a local plan.

<sup>22</sup> As set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).



## 4. Decision-making

~~38~~39. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

### Pre-application engagement and front-loading

~~39~~40. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

~~40~~41. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

~~41~~42. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.

~~42~~43. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.

~~43~~44. The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.

~~44~~45. Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every



two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.

45.46. Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.

46.47. Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process. Planning performance agreements are likely to be needed for applications that are particularly large or complex to determine.

## Determining applications

47.48. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

48.49. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)<sup>23</sup>.

49.50. However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

50.51. Refusal of planning permission on grounds of prematurity will seldom be justified

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<sup>23</sup> During the transitional period for emerging plans, consistency should be tested against the version of the Framework as applicable, as set out in Annex 1.

where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

## Tailoring planning controls to local circumstances

~~51.~~52. Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.

~~52.~~53. Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination.

~~53.~~54. The use of Article 4 directions to remove national permitted development rights should:

- a) where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)
- b) in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)
- c) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.

~~54.~~55. Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

## Planning conditions and obligations

~~55.~~56. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

~~56.~~57. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-

making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification<sup>24</sup>.

57:58. Planning obligations must only be sought where they meet all of the following tests<sup>25</sup>:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

58:59. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

## Enforcement

59:60. Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

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<sup>24</sup> Sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply.

<sup>25</sup> Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

## 5. Delivering a sufficient supply of homes

~~60-61.~~ To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet ~~as much of~~ an area's identified housing need ~~as possible~~, including with an appropriate mix of housing types for the local community.

~~61-62.~~ To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. ~~The outcome of the standard method is an advisory starting point for establishing a housing requirement for the area (see paragraph 67 below). There may be exceptional circumstances, including relating to the particular demographic characteristics of an area<sup>26</sup> which justify an alternative approach which to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals.~~ In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for<sup>27</sup>.

~~62.~~ ~~The standard method incorporates an uplift which applies to certain cities and urban centres, as set out in national planning guidance. This uplift should be accommodated within those cities and urban centres themselves except where there are voluntary cross boundary redistribution agreements in place, or where it would conflict with the policies in this Framework<sup>28</sup>.~~

63. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children<sup>29</sup>; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers<sup>30</sup>; people who rent their homes and people wishing to commission or build their own homes<sup>31</sup>.

~~<sup>26</sup> Such particular demographic characteristics could, for example, include areas that are islands with no land-bridge that have a significant proportion of elderly residents.~~

<sup>27</sup> Transitional arrangements are set out in Annex 1

~~<sup>28</sup> In doing so, strategic policies should promote an effective use of land and optimise site densities in accordance with chapter 11. This is to ensure that homes are built in the right places, to prioritise brownfield and other under-utilised urban sites, to utilise existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.~~

<sup>29</sup> Evidence of need for looked after children can be found in the relevant Local Authority's Children's Social Care Sufficiency Strategy.

<sup>30</sup> Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.

<sup>31</sup> Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough

64. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required)<sup>32</sup>, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
65. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount<sup>33</sup>.
66. Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across both affordable housing for rent and affordable home ownership tenures. at least 10% of the total number of homes to be available for affordable home ownership<sup>34</sup>; ~~unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:~~
- ~~a) provides solely for Build to Rent homes;~~
  - ~~b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);~~
  - ~~c) is proposed to be developed by people who wish to build or commission their own homes; or~~
  - ~~d) a) is exclusively for affordable housing, an entry-level a community-led development exception site or a rural exception site.~~
67. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern

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suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

<sup>32</sup> Applying the definition in Annex 2 to this Framework.

<sup>33</sup> Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

<sup>34</sup> ~~As part of the overall affordable housing contribution from the site.~~

and scale of development and any relevant allocations<sup>35</sup>. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.

68. Where it is not possible to provide a requirement figure for a neighbourhood area<sup>36</sup>, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

69. Mixed tenure sites can provide a range of benefits including creating diverse communities and supporting timely build out rates and local planning authorities should support their development through their policies and decisions. Mixed tenure sites can include a mixture of ownership and rental tenures, including rented affordable housing and build to rent, as well as housing designed for specific groups such as older people's housing and student accommodation, and plots sold for custom or self-build.

## Identifying land for homes

69.70. Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- a) specific, deliverable sites for five years following the intended date of adoption<sup>37</sup>; and
- b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period.

70.71. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;

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<sup>35</sup> Except where a Mayoral, combined authority or high-level joint plan is being prepared as a framework for strategic policies at the individual local authority level; in which case it may be most appropriate for the local authority plans to provide the requirement figure.

<sup>36</sup> Because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted; or in instances where strategic policies for housing are out of date.

<sup>37</sup> With an appropriate buffer, as set out in paragraph 767. See Glossary for definitions of deliverable and developable.



- b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;
- c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;
- d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
- e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

~~71.~~72. Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 710a) suitable for housing in their area.

~~72.~~73. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

~~73.~~74. Local planning authorities should support the development of exception sites, or community-led development<sup>38</sup> (as defined in Annex 2) on sites that would not otherwise be suitable as rural exception sites. These sites should be on land which is not already allocated for housing and should:

- a) comprise community-led development that includes one or more types of affordable housing as defined in Annex 2 of this Framework. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding; and
- b) be adjacent to existing settlements, existing settlements, proportionate in size to them<sup>39</sup>, not compromise the protection given to areas or assets of particular importance in this Framework<sup>40</sup>, and comply with any local design policies and standards.

~~74.~~75. The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and

<sup>38</sup>-This exception site policy does not replace the First Homes exception policy set out in the Affordable Homes Update Written Ministerial Statement, dated 24 May 2021, which remains extant policy.

<sup>39</sup> Community-led development exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement, unless specific provision to exceed these limits is made in the development plan.

<sup>40</sup> i.e. the areas referred to in footnote 7.

designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:

- a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;
- b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;
- c) set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community;
- d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations)<sup>41</sup>; and
- e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

## Maintaining supply and delivery

~~75-76.~~ Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should ~~monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies~~ identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing<sup>42</sup> against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old<sup>43</sup>. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

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<sup>41</sup> The delivery of large scale developments may need to extend beyond an individual plan period, and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated.

<sup>42</sup> For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document.

<sup>43</sup> Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.



a) 5% to ensure choice and competition in the market for land; or

~~b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or~~  
b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply<sup>44</sup>.

~~76. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:~~

~~a. their adopted plan is less than five years old; and~~

~~b. that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.~~

~~77. In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over supply can be addressed.~~

~~78. Where the criteria in paragraph 76 are not met, a local planning authority may confirm the existence of a five year supply of deliverable housing sites (with a 20% buffer, if applicable through an annual position statement which:~~

~~a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and~~

~~b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.~~

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<sup>44</sup> This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

~~79.~~77. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:

- a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;
- b) where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph ~~76.~~77 of this framework, in addition to the requirement for an action plan.
- c) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote ~~98.~~98 of this Framework, in addition to the requirements for an action plan and 20% buffer.

~~80.~~78. The Housing Delivery Test consequences set out above will apply the day following the annual publication of the Housing Delivery Test results, at which point they supersede previously published results. Until new Housing Delivery Test results are published, the previously published result should be used.

~~81.~~79. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.

## Rural housing

~~82.~~80. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

~~83.~~81. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

~~84.~~82. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
  - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

## 6. Building a strong, competitive economy

~~85-83.~~ Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation<sup>45</sup>, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

~~86-84.~~ Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
- b) set criteria, ~~or~~ and identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period. Appropriate sites for commercial development which meet the needs of a modern economy should be identified, including suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics.
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

~~87-85.~~ Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:

- a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);
- b) storage and distribution operations at a variety of scales and in suitably accessible locations, that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation;
- c) the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.

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<sup>45</sup> ~~The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. HM Government (2017) Industrial Strategy: Building a Britain fit for the future.~~

## Supporting a prosperous rural economy

~~88~~-86. Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, ~~beautiful~~ new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

~~89~~-87. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

## 7. Ensuring the vitality of town centres

~~90-88.~~ 90-88. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

~~91-89.~~ 91-89. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

~~92-90.~~ 92-90. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

~~93-91.~~ 93-91. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

94.92. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

95.93. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 924, it should be refused.

## 8. Promoting healthy and safe communities

96.94. Planning policies and decisions should aim to achieve healthy, inclusive and safe places ~~and beautiful buildings~~ which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of ~~beautiful~~, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

97.95. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

98.96. Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.

99.97. It is important that a sufficient choice of ~~early years, school and post-16~~ places ~~is~~ are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:



- a) give great weight to the need to create, expand or alter early years, schools and post 16 facilities through the preparation of plans and decisions on applications; and
- b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

~~400.98.~~ To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.

~~401.99.~~ Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:

- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate<sup>46</sup>. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
- b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

## Open space and recreation

~~402.100.~~ Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

~~403.101.~~ Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

<sup>46</sup> This includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

~~404.~~102. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

~~405.~~103. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

~~406.~~104. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

~~407.~~105. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

## 9. Promoting sustainable transport

~~408~~.106. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

~~409~~.107. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

~~440~~.108. Planning policies should:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
- d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

- e) provide for any large scale transport facilities that need to be located in the area<sup>47</sup>, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and
- f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy<sup>48</sup>.

~~411.109.~~ If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

~~412.110.~~ Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

~~413.111.~~ Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.

## Considering development proposals

~~414.112.~~ In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

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<sup>47</sup> Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

<sup>48</sup> Department for Transport (2015) *General Aviation Strategy*.

- a) ~~appropriate opportunities~~ A vision led approach to promote promoting sustainable transport modes can be – or have been – taken up, given is taken, taking account of the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code<sup>49</sup>; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.

113.115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in all tested scenarios.

114.116. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

115.117. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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<sup>49</sup> Policies and decisions should not make use of or reflect the former Design Bulletin 32, which was withdrawn in 2007.

# 10. Supporting high quality communications

~~118~~.116. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

~~119~~.117. The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

~~120~~.118. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:

- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

~~121~~.119. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
- b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

422.120. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.



# 11. Making effective use of land

~~123.~~121. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land<sup>50</sup>.

~~124.~~122. Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be regarded as acceptable in principle, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)<sup>51</sup>; and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions – including mansard roofs – where the development would be consistent with the prevailing ~~height and~~ form of neighbouring properties and the overall street scene, is well- designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. ~~They should also allow mansard roof extensions on suitable properties<sup>52</sup> where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard. Where there was a tradition of mansard construction locally at the time of the building's construction, the extension should emulate it with respect to external appearance.~~ A condition of simultaneous development should not be imposed on an application for multiple mansard upward extensions unless there is an exceptional justification.

<sup>50</sup> Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

<sup>51</sup> As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

<sup>52</sup> ~~See glossary for further details.~~



~~425.~~123. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.

~~426.~~124. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

~~427.~~125. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

## Achieving appropriate densities

~~428.~~126. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting

(including residential gardens), or of promoting regeneration and change; and

- e) the importance of securing well-designed ~~and beautiful~~, attractive and healthy places.

~~129.~~ 127. Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;
- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

~~130. In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority wide design code which is adopted or will be adopted as part of the development plan.~~

## 12. Achieving well-designed ~~and beautiful~~ places

~~131-128.~~ The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

~~132-129.~~ Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.

~~133-130.~~ To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.

~~134-131.~~ Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.

~~135-132.~~ Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>53</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

~~136-133.~~ Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined<sup>54</sup>, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

~~137-134.~~ Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

~~138-135.~~ Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. ~~The National Model Design Code is~~ the primary ~~basis means of doing so should be through for~~ the preparation and use of local design codes, ~~in line with the National Model Design Code~~. For assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life<sup>55</sup>. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning

<sup>53</sup> Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

<sup>54</sup> Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.

<sup>55</sup> Birkbeck D and Kruczkowski S et al (2020) *Building for a Healthy Life*

authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

~~139-136.~~ 136. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design<sup>56</sup>, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

~~140-137.~~ 137. Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate. This will provide greater certainty for those implementing the planning permission on how to comply with the permission and a clearer basis for local planning authorities to identify breaches of planning control. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

~~141-138.~~ 138. The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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<sup>56</sup> Contained in the National Design Guide and National Model Design Code.

# 13. Protecting Green Belt land

~~142.~~139. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

~~143.~~140. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

~~144.~~141. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:

- a) demonstrate why normal planning and development management policies would not be adequate;
- b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
- c) show what the consequences of the proposal would be for sustainable development;
- d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
- e) show how the Green Belt would meet the other objectives of the Framework.

~~145.~~142. Once established, there is no requirement for Green Belt boundaries should only to be altered reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the preparation or updating of plans plan-making process. Exceptional circumstances include, but are not limited to, instances where an authority cannot meet its identified need for housing, commercial or other development through other means. In these circumstances authorities should review Green Belt boundaries and propose alterations to meet these needs in full, unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of



the plan as a whole. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non- strategic policies, including neighbourhood plans.

~~146.~~143. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land;
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

~~147.~~144. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where ~~it has been concluded that~~ it is necessary to release Green Belt land for development, plans should give first consideration to previously-developed land in sustainable locations, then consider grey belt land in sustainable locations which is not already previously-developed, and only then consider other sustainable Green Belt locations. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

~~148.~~145. When defining Green Belt boundaries, plans should:

- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- b) not include land which it is unnecessary to keep permanently open;
- c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of

safeguarded land should only be granted following an update to a plan which proposes the development;

- e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
- f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

~~149.~~146. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

~~150.~~147. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. Where Green Belt land is released for development through plan preparation or review, development proposals on the land concerned should deliver the contributions set out in paragraph 155 below.

~~151.~~148. The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts.

## Proposals affecting the Green Belt

~~152.~~149. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

~~153.~~150. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

~~154.~~151. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;



- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.:
  - ~~not have a greater impact on the openness of the Green Belt than the existing development; or~~
  - ~~not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.~~

152. In addition to the above, housing, commercial and other development in the Green Belt should not be regarded as inappropriate where:

- a. The development would utilise grey belt land in sustainable locations, the contributions set out in paragraph 155 below are provided, and the development would not fundamentally undermine the function of the Green Belt across the area of the plan as a whole; and
- b. The local planning authority cannot demonstrate a five year supply of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 76) or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years; or there is a demonstrable need for land to be released for development of local, regional or national importance.
- c. Development is able to meet the planning policy requirements set out in paragraph 155.

455.153. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and

substantial construction;

- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

~~156-154.~~ 154. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

155. Where major development takes place on land which has been released from the Green Belt through plan preparation or review, or on sites in the Green Belt permitted through development management, the following contributions should be made:

- a. In the case of schemes involving the provision of housing, at least 50% affordable housing [with an appropriate proportion being Social Rent], subject to viability;
- b. Necessary improvements to local or national infrastructure; and
- c. The provision of new, or improvements to existing, green spaces that are accessible to the public. Where residential development is involved, the objective should be for new residents to be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

156. Regarding the provision of green space, development proposals should meet local standards where these exist in local plans, for example local planning policies on access to green space and / or urban greening factors. Where no locally specific standards exist, development proposals should meet national standards relevant to the development. These include Natural England standards on accessible green space and urban greening factor and Green Flag criteria.

157. Additional guidance on viability considerations for development in the Green Belt is provided in Annex 4.

# 14. Meeting the challenge of climate change, flooding and coastal change

~~157-158.~~ The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

## Planning for climate change

~~158-159.~~ Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures<sup>57</sup>. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

~~159-160.~~ New development should be planned for in ways that:

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

~~160-161.~~ To help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);
- b) ~~consider identifying~~ identify suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

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<sup>57</sup> In line with the objectives and provisions of the Climate Change Act 2008.

~~161. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.~~

162. In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

163. ~~In determining planning applications~~ Local planning authorities should also give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.

164. ~~In determining planning applications~~ Local planning authorities should support planning applications for all forms of renewable and low carbon development. When determining planning applications<sup>58</sup> for ~~renewable and low carbon~~ these developments, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the proposal's contribution to renewable energy generation and a net zero future;
- b) recognise that even small-scale and community-led projects provide a valuable contribution to significant cutting greenhouse gas emissions;
- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, ~~and approve the application if its impacts are (or can be made) acceptable~~<sup>59</sup>.

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<sup>58</sup> ~~Wind energy development involving one or more turbines can also be permitted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders. In the case of Local Development Orders, it should be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.~~

<sup>59</sup> ~~Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.~~

165. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

## Planning and flood risk

165. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
166. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.
167. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:
- a) applying the sequential test and then, if necessary, the exception test as set out below;
  - b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
  - c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
  - d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
168. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
169. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

170. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
171. Both elements of the exception test should be satisfied for development to be allocated or permitted.
172. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.
173. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment<sup>60</sup>. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
174. Applications for some minor development and changes of use<sup>61</sup> should not be

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<sup>60</sup> A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

<sup>61</sup> This includes householder development, small non-residential extensions (with a footprint of less than 250m<sup>2</sup>)

subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote <sup>59</sup>.

175. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) where possible, provide multifunctional benefits.

## Coastal change

176. In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.
177. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:
- a) be clear as to what development will be appropriate in such areas and in what circumstances; and
  - b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.
178. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:
- d) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
  - e) the character of the coast including designations is not compromised;
  - f) the development provides wider sustainability benefits; and
  - g) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast<sup>62</sup>.
179. Local planning authorities should limit the planned lifetime of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of

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and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

<sup>62</sup> As required by the Marine and Coastal Access Act 2009.

future risk to people and the development.



# 15. Conserving and enhancing the natural environment

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:
- h) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - i) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
  - j) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
  - k) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - l) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
  - m) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
181. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework<sup>63</sup>; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks

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<sup>63</sup> Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. ~~The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.~~

and the Broads<sup>64</sup>. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

183. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development<sup>65</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
184. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 182), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

## Habitats and biodiversity

185. To protect and enhance biodiversity and geodiversity, plans should:
- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity<sup>66</sup>; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation<sup>67</sup>; and
  - b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

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<sup>64</sup> *English National Parks and the Broads: UK Government Vision and Circular 2010* provides further guidance and information about their statutory purposes, management and other matters.

<sup>65</sup> For the purposes of paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

<sup>66</sup> Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

<sup>67</sup> Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

186. When determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
  - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
  - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>68</sup> and a suitable compensation strategy exists; and
  - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
187. The following should be given the same protection as habitats sites:
- a) potential Special Protection Areas and possible Special Areas of Conservation;
  - b) listed or proposed Ramsar sites<sup>69</sup>; and
  - c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.
188. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

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<sup>68</sup> For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

<sup>69</sup> Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

## Ground conditions and pollution

189. Planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
  - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
  - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
190. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>70</sup>;
  - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
  - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
192. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

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<sup>70</sup> See Explanatory Note to the *Noise Policy Statement for England* (Department for Environment, Food & Rural Affairs, 2010).

193. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
194. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

# 16. Conserving and enhancing the historic environment

195. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value<sup>71</sup>. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations<sup>72</sup>.
196. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
- d) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
  - e) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
  - f) the desirability of new development making a positive contribution to local character and distinctiveness; and
  - g) opportunities to draw on the contribution made by the historic environment to the character of a place.
197. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.
198. Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
- h) assess the significance of heritage assets and the contribution they make to their environment; and
  - i) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

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<sup>71</sup> Some World Heritage Sites are inscribed by UNESCO to be of natural significance rather than cultural significance; and in some cases they are inscribed for both their natural and cultural significance.

<sup>72</sup> The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

199. Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.

## Proposals affecting heritage assets

200. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
201. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
202. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
203. In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
204. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

## Considering potential impacts

205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
  - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional<sup>73</sup>.
207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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<sup>73</sup> Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.



210. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
211. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible<sup>74</sup>. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
212. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
213. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph x or less than substantial harm under paragraph x, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
214. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

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<sup>74</sup> Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

# 17. Facilitating the sustainable use of minerals

215. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
216. Planning policies should:
- a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
  - b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
  - c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas<sup>75</sup>; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
  - d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
  - e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
  - f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
  - g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
  - h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.
217. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy<sup>76</sup>. In considering proposals

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<sup>75</sup> Primarily in two tier areas as stated in Annex 2: Glossary

<sup>76</sup> Except in relation to the extraction of coal, where the policy at paragraph 223 of this Framework applies.

for mineral extraction, minerals planning authorities should:

- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
- b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source<sup>77</sup>, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- d) not grant planning permission for peat extraction from new or extended sites;
- e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- f) consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

218. Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

## Maintaining supply

219. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;
- c) making provision for the land-won and other elements of their Local Aggregate

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<sup>77</sup> National planning guidance on minerals sets out how these policies should be implemented.

Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;

- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised<sup>78</sup>;
- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

220. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

- a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;
- b) encouraging safeguarding or stockpiling so that important minerals remain available for use;
- c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment<sup>79</sup>; and
- d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

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<sup>78</sup> Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.

<sup>79</sup> These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

## Oil, gas and coal exploration and extraction

221. Minerals planning authorities should:

- a) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for;
- b) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;
- c) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;
- d) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and
- e) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.

222. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.

223. Planning permission should not be granted for the extraction of coal unless:

- a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or
- b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).

# Annex 1: Implementation

## For the purposes of decision-making

224. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication<sup>80</sup>. Plans may also need to be revised to reflect policy changes which this Framework has made.
225. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- ~~226. From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old<sup>84</sup>, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.~~

## For the purposes of plan-making

- ~~226. The policies in this Framework (published on [publication date]) will apply for the purpose of preparing local plans<sup>82</sup> from [publication date + one month] unless one or more of the following apply:~~

~~<sup>80</sup> As an exception to this, the policy contained in paragraph 76 and the related reference in footnote 8 of this Framework should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework.~~

~~<sup>84</sup> Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a four year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.~~

~~<sup>82</sup> Under the Town and Country Planning (Local Planning) (England) Regulations 2012.~~

- a. the emerging annual housing requirement<sup>83</sup> in a local plan that reaches or has reached Regulation 19<sup>84</sup> (pre-submission stage) on or before [publication date + one month] is no more than 200 dwellings below the published relevant Local Housing Need figure<sup>85</sup>;
- b. the local plan is a Part 2 plan that does not introduce new strategic policies setting the housing requirement unless the relevant Local Plan Part 1 has been prepared applying the policies in this version of the Framework;
- c. the local plan is or has been submitted for examination under Regulation 22<sup>86</sup> on or before [publication date + one month].

Where a, b or c applies, the plan will be examined under the relevant previous version of the Framework<sup>87</sup>

227. Where paragraph 226 c) applies, local plans that reach adoption with an annual housing requirement<sup>84</sup> that is more than 200 dwellings lower than the relevant published Local Housing Need figure<sup>86</sup> will be expected to commence plan-making in the new plan-making system at the earliest opportunity to address the shortfall in housing need.

228. After applying the policies of this version of the Framework, local plans that have reached Regulation 19 (pre-submission stage) on or before [publication date + one month] with an emerging<sup>88</sup> annual housing requirement<sup>84</sup> that is more than 200 dwellings lower than the relevant Local Housing Need<sup>86</sup> figure should proceed to examination<sup>89</sup> within a maximum of 18 months from [publication date].

229. For Spatial Development Strategies, this Framework applies to strategies that reach consultation under section 335(2) of the Greater London Authority Act 1999 on or after [publication date + one month]. Strategies that reach this stage on or before this date will be examined under the relevant previous version of the Framework.

~~229. For the purposes of the policy on renewable and low carbon energy and heat in plans in paragraph 160 apply to plans that have reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage, or that reach this stage within three months, of the publication~~

<sup>83</sup> Defined as the total housing requirement, divided by the number of years in the plan period. The housing requirement can include any unmet need arrangements. Where a joint local plan is in preparation, to determine whether a shortfall exists between the emerging annual housing requirement and the relevant Local Housing Need figure, any shortfall should be apportioned to each local authority equally to determine whether a shortfall exceeds 200 dwellings per annum. Where there is an operative Spatial Development Strategy (SDS) that is less than 5 years old, the SDS will continue to provide the housing requirement for relevant emerging local plans.

<sup>84</sup> Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>85</sup> As published on [insert date] at [insert web link].

<sup>86</sup> Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>87</sup> The policies in the version of this Framework (published on 19 December 2023) may apply for the purpose of preparing plans that reach or reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage between 19 March 2024 and [publication date plus one month].

<sup>88</sup> Set out in the most recent Regulation 19 (pre-submission stage) consultation.

<sup>89</sup> Meaning the plan has reached Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

~~of the previous version. For Spatial Development Strategies, paragraph to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999, or that within three months of the date of publication of the previous version of this Framework published on 5 September 2023.~~

a.

~~226.230.~~ -For the purposes of the policy on larger-scale development in paragraph 22, this applies only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage at the point the previous version of this Framework was published on 20 July 2021 (for Spatial Development Strategies this would refer to consultation under section 335(2) of the Greater London Authority Act 1999).

~~230.~~ The policies in this Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. For Spatial Development Strategies, this Framework applies to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999 after 19 March 2024. Strategies that reach this stage on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. Where plans or strategies are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan or strategy produced for the area concerned.

~~227.231.~~ The policies in the original National Planning Policy Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019, unless such plans are withdrawn or otherwise do not proceed to become part of the development plan.

~~228.232.~~ Where plans or strategies are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan or strategy produced for the area concerned.

~~229.233.~~ The Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered.



# Annex 2: Glossary

**Affordable housing:** housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions<sup>90</sup>:

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **First Homes:** is as set out in the 'Affordable Homes Update' Written Ministerial Statement dated 24 May 2021. First Homes come forward through the First Homes exception sites and through developer contributions.

~~**Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.~~

b)c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

e)d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

**Air quality management areas:** Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

**Ancient or veteran tree:** A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not

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<sup>90</sup> This definition should be read in conjunction with relevant policy contained in the Affordable Homes Update Written Ministerial Statement published on 24 May 2021.

all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

**Ancient woodland:** An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

~~**Annual position statement:** A document setting out the 5-year housing land supply position on 1st April each year, prepared by the local planning authority in consultation with developers and others who have an impact on delivery.~~

**Archaeological interest:** There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

**Article 4 direction:** A direction made under [Article 4 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) which withdraws permitted development rights granted by that Order.

**Best and most versatile agricultural land:** Land in grades 1, 2 and 3a of the Agricultural Land Classification.

**Brownfield land:** See Previously developed land.

**Brownfield land registers:** Registers of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town and Country Planning (Brownfield Land Registers) Regulations 2017. Local planning authorities will be able to trigger a grant of permission in principle for residential development on suitable sites in their registers where they follow the required procedures.

**Build to Rent:** Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.

**Climate change adaptation:** Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

**Climate change mitigation:** Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

**Coastal change management area:** An area identified in plans as likely to be affected by physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion.

**Community forest:** An area identified through the England Community Forest Programme to revitalise countryside and green space in and around major conurbations.

**Community Right to Build Order:** An Order made by the local planning authority (under

the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

**Community-led developments:** A development instigated and taken forward by a not-for-profit organisation ~~set up and that is~~ primarily for the purpose of meeting the housing needs of its members and the wider local community, rather than being a primarily commercial enterprise. The organisation is created, managed and democratically controlled by its members. It may take any one of various legal forms including a community land trust, housing co-operative and community benefit society. Membership of the organisation is open to all beneficiaries and prospective beneficiaries of that organisation. The organisation should own, manage or steward the homes in a manner consistent with its purpose, for example through a mutually supported arrangement with a Registered Provider of Social Housing. The benefits of the development to the specified community should be clearly defined and consideration given to how these benefits can be protected over time, including in the event of the organisation being wound up.

**Competent person (to prepare site investigation information):** A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

**Conservation (for heritage policy):** The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

**Decentralised energy:** Local renewable and local low carbon energy sources.

**Deliverable:** To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

**Design code:** A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.

**Design guide:** A document providing guidance on how development can be carried out in accordance with good design practice, often produced by a local authority.

**Designated heritage asset:** A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

**Designated rural areas:** National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985.

**Developable:** To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

**Development plan:** Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.

**Edge of centre:** For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

**Environmental impact assessment:** A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

**Essential local workers:** Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

**General aviation airfields:** Licenced or unlicenced aerodromes with hard or grass runways, often with extensive areas of open land related to aviation activity.

**Geodiversity:** The range of rocks, minerals, fossils, soils and landforms.

**Green infrastructure:** A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

**Grey belt:** For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the green belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes (as defined in para 140 of this Framework), but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt).

**Habitats site:** Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

**Heritage asset:** A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

**Heritage coast:** Areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

**Historic environment:** All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

**Historic environment record:** Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

**Housing Delivery Test:** Measures net homes delivered in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England annually.

**International, national and locally designated sites of importance for biodiversity:** All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

**Irreplaceable habitat:** Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

**Local Development Order:** An Order made by a local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a specific development proposal or classes of development.

**Local Enterprise Partnership:** A body, designated by the Secretary of State for Housing, Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

**Local housing need:** The number of homes identified as being needed through the application of the standard method set out in national planning guidance ~~(or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 61 of this Framework).~~

**Local Nature Partnership:** A body, designated by the Secretary of State for Environment, Food and Rural Affairs, established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

**Local planning authority:** The public authority whose duty it is to carry out specific

planning functions for a particular area. All references to local planning authority include the district council, London borough council, county council, Broads Authority, National Park Authority, the Mayor of London and a development corporation, to the extent appropriate to their responsibilities.

**Local plan:** A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

**Main town centre uses:** Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

**Major development<sup>91</sup>:** For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m<sup>2</sup> or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Major hazard sites, installations and pipelines:** Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.

**Mansard roof:** A type of roof that is characterised by two slopes, the lower steep and the upper shallow. It is generally regarded as a suitable type of roof extension for buildings which are part of a terrace of at least three buildings and at least two stories tall, with a parapet running the entire length of the front façade (reference: Create Streets, 2021, *Living Tradition*).

**Minerals resources of local and national importance:** Minerals which are necessary to meet society's needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), coal derived fly ash in single use deposits, cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas (including conventional and unconventional hydrocarbons), tungsten, kaolin, ball clay, potash, polyhalite and local minerals of importance to heritage assets and local distinctiveness.

**Mineral Consultation Area:** a geographical area based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development.

**Mineral Safeguarding Area:** An area designated by minerals planning authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

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<sup>91</sup> Other than for the specific purposes of paragraphs 182 and 183 in this Framework.

**National trails:** Long distance routes for walking, cycling and horse riding.

**Natural Flood Management:** managing flood and coastal erosion risk by protecting, restoring and emulating the natural 'regulating' function of catchments, rivers, floodplains and coasts.

**Nature Recovery Network:** An expanding, increasingly connected, network of wildlife-rich habitats supporting species recovery, alongside wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation. It includes the existing network of protected sites and other wildlife rich habitats as well as and landscape or catchment scale recovery areas where there is coordinated action for species and habitats.

**Neighbourhood Development Order:** An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

**Neighbourhood plan:** A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

**Non-strategic policies:** Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

**Older people:** People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

**Open space:** All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

**Original building:** A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

**Out of centre:** A location which is not in or on the edge of a centre but not necessarily outside the urban area.

**Out of town:** A location out of centre that is outside the existing urban area.

**Outstanding universal value:** Cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations. An individual Statement of Outstanding Universal Value is agreed and adopted by the UNESCO World Heritage Committee for each World Heritage Site.

**People with disabilities:** People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.



**Permission in principle:** A form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.

**Planning condition:** A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

**Planning obligation:** A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

**Playing field:** The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

**Primary shopping area:** Defined area where retail development is concentrated.

**Priority habitats and species:** Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

**Ramsar sites:** Wetlands of international importance, designated under the 1971 Ramsar Convention.

**Renewable and low carbon energy:** Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

**Rural exception sites:** Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

**Recycled aggregates:** aggregates resulting from the processing of inorganic materials previously used in construction, e.g. construction and demolition waste.



**Safeguarding zone:** An area defined in Circular 01/03: *Safeguarding aerodromes, technical sites and military explosives storage areas*, to which specific safeguarding provisions apply.

**Secondary aggregates:** aggregates from industrial wastes such as glass (cullet), incinerator bottom ash, coal derived fly ash, railway ballast, fine ceramic waste (pitcher), and scrap tyres; and industrial and minerals by-products, notably waste from china clay, coal and slate extraction and spent foundry sand. These can also include hydraulically bound materials.

**Self-build and custom-build housing:** Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.

**Setting of a heritage asset:** The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

**Significance (for heritage policy):** The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

**Special Areas of Conservation:** Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.

**Special Protection Areas:** Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.

**Site investigation information:** Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 Investigation of Potentially Contaminated Sites – Code of Practice).

**Site of Special Scientific Interest:** Sites designated by Natural England under the Wildlife and Countryside Act 1981.

**Spatial development strategy:** A plan containing strategic policies prepared by a Mayor or a combined authority. It includes the London Plan (prepared under provisions in the Greater London Authority Act 1999) and plans prepared by combined authorities that have been given equivalent plan-making functions by an order made under the Local Democracy, Economic Development and Construction Act 2009 (as amended).

**Stepping stones:** Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

**Strategic environmental assessment:** A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

**Strategic policies:** Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.

**Strategic policy-making authorities:** Those authorities responsible for producing strategic policies (local planning authorities, and elected Mayors or combined authorities, where this power has been conferred). This definition applies whether the authority is in the process of producing strategic policies or not.

**Supplementary planning documents:** Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

**Sustainable transport modes:** Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport.

**Town centre:** Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

**Transport assessment:** A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.

**Transport statement:** A simplified version of a transport assessment where it is agreed the transport issues arising from development proposals are limited and a full transport assessment is not required.

**Travel plan:** A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

**Wildlife corridor:** Areas of habitat connecting wildlife populations.

**Windfall sites:** Sites not specifically identified in the development plan.

# Annex 3: Flood risk vulnerability classification

## ESSENTIAL INFRASTRUCTURE

- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.
- Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distribution systems; and water treatment works that need to remain operational in times of flood.
- Wind turbines.
- Solar farms

## HIGHLY VULNERABLE

- Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding.
- Emergency dispersal points.
- Basement dwellings.
- Caravans, mobile homes and park homes intended for permanent residential use.
- Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure'.)

## MORE VULNERABLE

- Hospitals
- Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels.
- Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels.
- Non-residential uses for health services, nurseries and educational establishments.
- Landfill\* and sites used for waste management facilities for hazardous waste.
- Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.

## LESS VULNERABLE

- Police, ambulance and fire stations which are not required to be operational during flooding.

- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill\* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.
- Car parks.

## **WATER-COMPATIBLE DEVELOPMENT**

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel working.
- Docks, marinas and wharves.
- Navigation facilities.
- Ministry of Defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
- Water-based recreation (excluding sleeping accommodation).
- Lifeguard and coastguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.

\* Landfill is as defined in Schedule 10 of the Environmental Permitting (England and Wales) Regulations 2010.

## Annex 4: Viability in relation to Green Belt release

- 1) To determine land value for a viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a reasonable and proportionate premium for the landowner. For the purposes of plan-making and decision-taking, it is considered that a benchmark land value of [xxxx] allows an appropriate premium for landowners. Local planning authorities should set benchmark land values informed by this, and by local material considerations.
- 2) When determining planning applications, if land released from Green Belt is transacted above the benchmark land value and cannot deliver policy-compliant development, then planning permission should not be granted, subject to other material considerations.
- 3) Where policy compliant development can be delivered, viability assessment should not be undertaken, irrespective of the price at which land is transacted, and higher levels of affordable housing should not be sought on the grounds of viability.
- 4) Where land is transacted below the benchmark land value but still cannot deliver policy-compliant development, it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. Where a viability negotiation to reduce policy delivery has been undertaken, a late-stage review should be conducted to assess whether further contributions are required.

# Agenda Item 5

SCRUCO Work Programme 2024-25

Last updated 10<sup>th</sup> September 2024

Please see page 2 onwards for background to items

<b>10<sup>th</sup> June 2024</b>
LGA Peer Review Findings Draft Scrutiny Annual Report 2023-24
<b>26<sup>th</sup> June 2024</b>
Serious Violence Duty Proposed Consultation for the Community Safety Partnership Plan 2024-2027
<b>21<sup>st</sup> August 24</b>
City Centre PSPO Monitoring City-wide PSPO Consultation Additional Licensing of HMO's (Cabinet Report) Dog Control PSPO (Cabinet Report)
<b>19<sup>th</sup> September 24</b>
National Planning Policy Framework Consultation
<b>25<sup>th</sup> September 24 (moved from 18<sup>th</sup> September)</b>
One Coventry Plan Performance report (Cabinet Report) City-wide PSPO (Cabinet Report)
<b>23<sup>rd</sup> October 2024</b>
Coventry City Council Transformation Programme Climate Change Strategy (Cabinet Report) Temporary Accommodation (Cabinet Report) Domestic Abuse
<b>20<sup>th</sup> November 2024</b>
Shareholder Committee Reports Strategic Energy Partnership Performance Update
<b>18<sup>th</sup> December 2024</b>
Community Safety Plan 2024-27 Coventry Cultural Strategy – progress report. Including major Cultural Events WMCA Corporate Update and Scrutiny Annual Report
<b>29<sup>th</sup> January 2025</b>
Peer Review Progress Update Communications Strategy
<b>5<sup>th</sup> March 2025</b>
<b>9<sup>th</sup> April 2025</b>
WMCA Activity – Coventry City Council Area
<b>2024-25</b>
Refreshed Complaints Policy and Process Health Inequalities and Marmot Adaption and Resilience Plan Cost of Living and Poverty Planning Performance Fly-tipping Prosecutions (Cabinet Report) Strategic Energy Partnership Projects The Local Plan External Partnerships Offender Management Shareholders Reports

<b>Date</b>	<b>Title</b>	<b>Detail</b>	<b>Cabinet Member/ Lead Officer</b>
<b>10<sup>th</sup> June 2024</b>	LGA Peer Review Findings	Following a visit by a peer review team in January 2024 Scrucoco will consider the recommendations and actions	Vanessa Millar / Michelle McGinty Cllr Duggins
	Draft Scrutiny Annual Report 2023-24	To consider the draft report before it is presented to Council	
<b>26<sup>th</sup> June 2024</b>	Serious Violence Duty	At their meeting in November 2023 the Committee requested a 6-month progress update, including the measurables identified by the Police and Crime Board to measure success. Check whether guidance has been sent to schools. Including the inspection report on tackling the risk of serious youth violence and criminal exploitation	Cllr AS Khan Allison Duggal Caroline Ryder Neil Macdonald WMP
	Proposed Consultation for the Community Safety Partnership Plan 2024-2027	To consider the consultation plan for the Community Safety Partnership Plan 2024-27	Joy Adams Cllr AS Khan
<b>21<sup>st</sup> August 24</b>	City Centre PSPO Monitoring	As requested, Scrucoco will consider progress on implementation of the new PSPO agreed at Cabinet 13 <sup>th</sup> June 2023	Liam Nagle Cllr AS Khan
	City-wide PSPO Consultation	Summary of findings from the Public Consultation and opportunity for members to be part of the consultation process which will form part of the final report to Cabinet.	Joy Adams Cllr AS Khan
	Additional Licensing of HMO's (Cabinet Report)		Adrian Chowns Cllr Welsh
	Dog Control PSPO (Cabinet Report)		Cllr A Khan
<b>19<sup>th</sup> September 24</b>	National Planning Policy Framework Consultation	To consider the response from the Council to the governments consultation on the National Planning Policy Framework	Rob Back Cllr N Akhtar
<b>25<sup>th</sup> September 24 (moved from 18<sup>th</sup> September)</b>	One Coventry Plan Performance report (Cabinet Report)		Valerie De Souza Cllr Duggins



SCRUCO Work Programme 2024-25

<b>Date</b>	<b>Title</b>	<b>Detail</b>	<b>Cabinet Member/ Lead Officer</b>
	City-wide PSPO (Cabinet Report)		Joy Adams Cllr AS Khan
<b>23<sup>rd</sup> October 2024</b>	Coventry City Council Transformation Programme	To review the impact of the CCC Transformation Programme and funding associated with it.	Cllr Duggins Michelle McGinty
	Climate Change Strategy (Cabinet Report)		Rhian Palmer Cllr O'Boyle
	Temporary Accommodation (Cabinet Report)	Referred from SB4 as meeting schedules do not match with Cabinet.	Jim Crawshaw Cllr N Akhtar
	Domestic Abuse	A regular update item on the progress of delivery on the Domestic Violence and Abuse Strategy	Jayne Ross Cllr AS Khan Cllr P Akhtar
<b>20<sup>th</sup> November 2024</b>	Shareholder Committee Reports	A chance for Scrucro to consider the reports ahead of the Shareholder Panel. The Board asks that future reports are shared after the audited accounts are published.	Cllr Duggins Andrew Walster
	Strategic Energy Partnership Performance Update	Shareholder Panel Report	Anna Livesey Cllr O'Boyle
<b>18<sup>th</sup> December 2024</b>	Community Safety Plan 2024-27	Results of consultation and approval of a three-year community safety partnership plan	Joy Adams Cllr AS Khan
	Coventry Cultural Strategy – progress report. Including major Cultural Events	Following their meeting on 20 <sup>th</sup> December 2023, the committee requested a further update on progress in delivering the Cultural Works model, including communication with Members.	David Nuttall Cllr N Akhtar
	WMCA Corporate Update and Scrutiny Annual Report		James Hughes

<b>Date</b>	<b>Title</b>	<b>Detail</b>	<b>Cabinet Member/ Lead Officer</b>
<b>29<sup>th</sup> January 2025</b>	Peer Review Progress Update	12-month progress review report	Cllr Duggins Michelle McGinty
	Communications Strategy		Matt Burrows
<b>5<sup>th</sup> March 2025</b>			
<b>9<sup>th</sup> April 2025</b>	WMCA Activity – Coventry City Council Area		James Hughes
<b>2024-25</b>	Refreshed Complaints Policy and Process		
	Health Inequalities and Marmot	To look at what the Council is doing to address health inequalities and to monitor progress OCP Indicators for Male/Female Life expectancy	Allison Duggal Cllr Caan
	Adaption and Resilience Plan	To consider what the Council is doing to protect the city from the impact of climate change, including partners involved in the delivery and represented on the Climate Change Board	Cllr O’Boyle Colin Knight Rhian Palmer Bret Willers
	Cost of Living and Poverty	To update on support offered to low -income families as well as the OCP indicator of % of children living in relatively low-income families.	Kirston Nelson Cllr Duggins
	Planning Performance	Development Management function - overall performance against Government targets. Annual monitoring report (AMR).	Cllr N Akhtar, Rob Back
	Fly-tipping Prosecutions (Cabinet Report)	To consider increasing the maximum fine that can be issued for fly-tipping	Cllr AS Khan / Cllr Hetheron Martin McHugh / Sarah Elliott
	Strategic Energy Partnership Projects	Further from 11 <sup>th</sup> of March SB meeting to refer future Cabinet Reports for projects that reach Gateway 4 (Detailed Business	Cllr O’Boyle Rhian Palmer

Date	Title	Detail	Cabinet Member/ Lead Officer
		Case) to the relevant Scrutiny Board. And regular updates from the SEP (a) Data on the criteria and priority of retrofitting homes (b) Data on EPC ratings (including privately owned properties) (c) Possibility of installation of charging points for mobility scooters (d) Possibility of generating energy from Coventry’s rivers. (e) How value for money is ensured at each stage of the process (f) Income generation from EV charging (noted that this would be considered by Scrutiny Board 3) (g) Future investment from Severn Trent in water quality	
	The Local Plan		Cllr N Akhtar
	External Partnerships		Cllr G Duggins
	Offender Management	Following an item on Local Policing Update at their meeting 21 <sup>st</sup> February 24 the committee agreed to consider a further item on Offender Management	Cllr A Khan
	Shareholders Reports		Andrew Walster Cllr G Duggins

### Work Programme Decision Flow Chart

