

Draft NPPF 2018

Royal Town Planning Institute Response

GENERAL ISSUES

Valuable Consolidation

We welcome the government's initiative to incorporate policy changes and clarifications made since the creation of the NPPF. However, we would like to seek assurance that Policy will remain in situ for a reasonable period of time. The draft NPPF recognises that its contents can be overturned at any time by Written Ministerial Statements (see para 6), while key parts of national policy are not found in the NPPF at all, such as for traveller sites and on waste.

Housing

We strongly support the government's clear emphasis on housing within national policy. Low quality housing is a key determinant of poor health and quality of life and having housing in the wrong places relative to jobs is a drag on the economy and generates exhausting and unsustainable commuting patterns. [Our research published today](#) shows that better planning shapes urban form and delivers the housing we need in a way that improves people's quality of life, health and well-being.

Housing is a key national issue and all parts of government not just MCHLG should be working together to assist the accelerated delivery of housing which is affordable to people in all parts of the country, and under all varying individual circumstances. This can only be fully realised with the willing involvement of infrastructure providers and the proper coordination of investment *within places* to support the additional housing needed. We welcome the increased resources being made available to Homes England to achieve this, and its increasing prominence.

It should be clear that the role of plan making and decision taking in the planning system is only one part of the wider efforts needed in response to problems of housing location and affordability. We support a diverse and disruptive market to accelerate delivery of and innovation in new homes. Our recent research into local authority housebuilding shows that alternative models have the potential to make a much greater contribution - *alongside* (and not in place of) the role played by housebuilding firms. And it is not just the public sector. The RTPI supports the Right To Build Task Force which is assisting local authorities in helping individual people procure their own homes.

National policy should recognise that whilst the number of planning permissions is a useful measure, this is a complex area since planning authorities cannot require permissions to be implemented. Delivery and build out rates in the hands of developers are equally important. And a national planning system, while correctly focussing on the key issue of housing, must function as a whole and place housing in a wider context.

Evidence

As a chartered learned society dedicated to the art and science of town planning, it is vital to the RTPI that national policy is backed up by evidence. We welcome the publication of evidence concerning developer contributions, but we think more could be done. The CLG

Select Committee called for the original NPPF to be monitored. In response to that call the RTPI made a comprehensive study of the sustainability (as well as the overall volume) of over 220,000 new homes in 12 fast-growing city-regions between 2012 and 2017, including Cambridge, Brighton, Leeds and Newcastle. The study is divided into two 'rounds' – 2012 to 2015 and 2015 to 2017, which allows comparison on how spatial issues are changing since the NPPF came into force in 2012. It finds that 51% of new housing between 2015 and 2017 has been permitted over 2km from railway stations. This compares with 53% in the same study conducted for the period 2012 – 2015.

Planning Law

We strongly welcome the key concept behind the original NPPF was to simplify 550 or so pages of government policy into one straightforward and accessible document. However a possibly unintended consequence has been that some of the policies have required clarification in the courts. Some of parts of the original NPPF (e.g. paras 14 and 49) which were later clarified in court decisions have now been altered. We would like to seek assurance that these clarifications remain valid.

Spatial considerations

The government has given a welcome and strong emphasis to “strategic planning” in the draft NPPF. We would certainly commend planning over areas such as suitable city regions or other wider areas. However as our key paper on Strategic Planning has shown, an essential element of successful strategic planning is the relationship *between* strategic planning areas. We have taken a lead, along with partners, to work towards a Great North Plan which addresses these issues and tackles the challenges outside just transport infrastructure which need consideration at pan-North level.

The redrafted NPPF offers a real opportunity to present a clear, unified, vision of how the Government sees key initiatives like the Northern Powerhouse and the Midlands Engine should actually work in planning terms, and we consider that the government has the opportunity to seize it. We consider that in North for example the building blocks and appetite are already there. We also consider that the national planning framework for England needs to set out how it relates to the Scottish Planning Framework and the emerging National Development Framework for Wales.

Omissions

In our detailed comments in response to the consultation questions we have identified a number of cases where the new draft NPPF has appeared to omit or dilute important policy, for example we seek reassurance that the garden city principles remain valid; and reiteration of the need to implement the Climate Change Act 2008.

CHAPTER 2 – ACHIEVING SUSTAINABLE DEVELOPMENT

Q2 – Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

Reference to any UK sustainable development strategy, as included in the 2012 NPPF, appears now to be absent. The UK Government has signed up to the UN Sustainable Development Goals. Reference to the SD Goals *and how the UK Government intends to implement them*, especially SDG11, through the planning system in England would help highlight the outcomes sought, and would be a valuable insertion in Chapter 2.

Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

The retention of the core principles section would be very helpful. It is useful to our Members working in local authorities in explaining the purpose of the planning system to councillors and the public alike. It also stands to illustrate how planning is a unified system with sustainable development at its heart.

Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

Footnote 7

The reason for the continued inclusion of green belts in footnote 7 not immediately obvious. Green belts are tools for city regional growth management, not designations based on the attributes of land, as in all the other topics listed in the Footnote. Certainly without a national review of green belt policy (see our comments on Chapter 13) the inclusion of green belts here is incongruous and could contribute to public misunderstanding of, an even disenchantment with, the policy.

We have previously raised objection to the amending of footnote 7 (previously footnote 9) because its prescriptiveness disproportionately reduces weight afforded to policies at local level, which should enhance and protect areas of the built and natural environment (see RTP1 response to Housing White Paper para 34-37). Our concern is further confounded now because policies in the draft NPPF that would provide a clear reason for refusing development do not include “policies in development plans”.

Whilst paragraph 12 does state that “this does not change the statutory status of the development plan as the starting point for decision making” it would seem that the last sentence in footnote 7 would, in practice conflict with s38 (6) of the Planning and Compulsory Purchase Act 2004.

CHAPTER 3 PLAN MAKING

Q5 Do you agree with the further changes proposed to the tests of soundness, and to other changes to this chapter that have not been consulted on?

“An” appropriate strategy

We generally support this change. It permits the consideration of political and deliverability concerns (e.g. a less sustainable option but with fewer landowners involved so can actually be delivered).

Moreover in the commendable drive to speed up processes, there is a risk of unintended consequences. It is not only easier for the council to demonstrate that it has “an” appropriate strategy, it is also easier for everyone else. There is a risk that more participants in the examination of plans will claim their own particular strategy is “appropriate”, leading to more delay or possibly even challenge. This reinforces the need for the assessment of alternative strategies in the sustainability appraisal process to be done and recorded by the LPA thoroughly and transparently.

Q6 Do you have any other comments on the text of Chapter 3?

“Strategic Policies” and comprehensive plan coverage

It is important to ensure that plan making activity focusses on top priorities so the increased focus on “strategic policies” is to be welcomed. However we are concerned that changes in the architecture of plan making could be introduced without sufficient debate. It could be construed from the draft NPPF that it is no longer essential to have a local plan in the model established in 1991 and reiterated in 2012. There may well be good reason to debate at this juncture at what administrative and geographical scale different kinds of plan making should best be undertaken and how scarce resources can best be raised and deployed. But there does not seem to have been any such discussion or evidence based thinking such as preceded the reforms of 1968 or 2004.

The intention may be to permit different models in different parts of the country, in which case in the public interest it would be helpful to make this clearer. The RTPI would be keen to be involved in any such discussions.

We are keen to make the most of plan making expertise especially as [our surveys](#) of local authority plan making show that resources for plan making have declined substantially since 2010. It remains important to justify this activity to councils’ chief finance officers and the relevant portfolio holder. Whereas at least development management does draw in (some) fees, there is limited external budget and no fee income for plan making.

If there is indeed a reduction in the emphasis placed on district-wide local plans (as could be inferred from footnote 7 and later paragraph 32) there could be unintended consequences. The NPPF provides a form of development management policy but it is not (as it admits) S38-compliant. Therefore to provide a proper framework for decision making for the benefit of communities and developers some kind of development plan is needed. “Strategic policies” as might be put together by either individual councils, or (preferably) groups of councils also as defined in the NPPF would not provide development management coverage on all necessary topics.

The desire for plan coverage may come at the expense of comprehensive policy coverage, with negative implications for place-making. There is a need to recognise that in the context of austerity and limited LPA resourcing, some councils may take the choice to have very light-touch plans which do not provide sufficient steer to deliver good place-making, nor have increased focus on smaller sites.. In the absence of detailed local policies, strategic developments may occur in a policy vacuum and have to fall back on the NPPF.

A solution may be to change para 30 to say that local policies ‘*should*’ rather than ‘*can*’ be used to set out more detailed policies. Or a footnote could specify the types of policies that could be included at the Local Plan level (e.g. design, noise pollution).

It may be argued that neighbourhood plans would fill the vacuum, although it is not clear from the draft NPPF whether this is the government’s intention. Getting strategic policies adopted should provide more certainty to neighbourhood plans. However we have concerns about the extent to which neighbourhood plans can be relied upon to pick up policies previously elaborated at local plan level and even if they did, what happens to policies for areas without neighbourhood plans.

Review of Strategic Policies

We are not clear whether the review process for strategic policies is separate from the review process for authority/annual monitoring reports (AMRs) – it would be more efficient if AMR data could inform and influence the review of strategic policies.

“Strategic policies” and planning over wider areas:

We welcome the emphasis given to the concept of strategic planning in the new NPPF which is a great advance on the current one. The question will be whether it works in practice and whether it makes the necessary links to other investment decisions.

It is important for the planning system to keep up with the direction of travel in local government generally. The planning system should be an integral part of the management of investment in cities and in other areas. Great strides are being made by the Government in partnership with local government in widening and deepening the operation of local government over wider areas (e.g. West Midlands, Oxfordshire) and yet it is not clear from the draft NPPF how MHCLG envisages the planning system working in these contexts. In particular what happens with a combined authority which doesn't have a *statutory* spatial plan? How does “strategic planning” fit with the emerging subnational transport bodies? The NPPF would be a good place to set out how the Government sees various strategies *working together* to achieve desired outcomes.

Statement of Common Ground (SCG) Para 29

We welcome Ministers' commitment to addressing the challenges associated with the duty to cooperate and the absence of statutory strategic planning. The proposed SCG has the potential to sort out problems of inconsistency. However we fear that the SCG may not be sufficiently well defined on the face of the NPPF to ensure that it makes the step change in cooperation sought. We look forward to the promised publication of guidance on SCGs at the time of the publication of the final NPPF. We think this guidance should cover:

- What is the purpose of the SCG
- What does the government mean by referring to “one or more” SCGs
- Who needs to sign it apart from planning authorities (see para 28)
- When in the plan making process the SCG is to appear
- Should it have councillor sign off
- What is the geography for the SCG (including role of HMAs, and especially round Greater London)
- How is the SCG tested and enforced?
- How as a policy matter does it sit next to the Duty to Cooperate which is a statutory matter?
- Should it be clear where there is *not* common ground as well?

We ask these questions because our members have for some time reported great difficulties with the duty to cooperate – showing that legal duties are always much less likely to deliver results than incentives such as the Oxfordshire Growth Deal announced in the 2017 Budget.

The reference to infrastructure providers in para 28 is welcome, although the NPPF makes no reference to Infrastructure Delivery Plans and their role in backing up plans at examination. That could usefully be corrected, or referred to in Guidance.

The implications for infrastructure providers of *really* supporting an efficient planning system are immense and only gradually have they come to realise their obligations in this regard. An illustration may help here. Anglian Water is an organisation which has shown enthusiasm to embrace contributing to plan making, but within its area there are 63 planning authorities.

At present the great pressure to deliver plans to government timetables means that some local plans have been submitted with little consideration of, for example, the transport implications. And some infrastructure providers are much more well disposed to cooperate than others. We would strongly encourage respective Government Departments - to argue strongly for the infrastructure providers over which they have influence to engage positively

with the plan making process. If SCGs simply concern themselves with “housing numbers” they may be ineffective when it comes to delivery.

In some local plan examinations our members have encountered problems around cooperation and strategic issues where it is not clear an SCG (unless clearly defined) would make any difference. For example in one county where a “framework document” was produced at one of the local plans’ examinations, it was not clear where it was from or who agreed it. Another example is where one district in the East of England was planning to displace housing need to another district nearby within the housing market area, but the first plan within the wider area which was tested did not test *this* issue .

Lack of clarity on the right territory over which the SCG should apply means that an authority which has followed the housing market area as the basis for joint working may find that painstaking work on this is jettisoned.

Digital planning

The reference in para 16 (e) is useful. More tools and data are needed for both ongoing monitoring and land analysis so that plan review is less time and resource intensive. The RTPi has been working to supporting the Future Cities Catapult on its Future of Planning programme. Our Better Planning project on [Smart City Regions](#) is now getting under way.

Climate Change

The footnote 11 to para 16 should refer in addition to the obligation under S19 of the Planning and Compulsory Purchase 2004 (as amended by S182 of the Planning Act 2008) that development plan documents must taken as a whole include policies designed to secure that the development and use of land contribute to the mitigation of and adaptation to climate change.

Paragraph 34 Development Contributions – Basis for Determining

We welcome the deletion of the old para 173. This was flawed and as a matter of principle made it possible for landowners to argue they were only “willing” if given very high returns.

However, it is still very important to define *in the NPPF itself* what is meant by ‘viable’ for Plan Making and Decision Taking. There are clues to this in the draft Planning Practice Guidance (PPG), but the test needs to be clear in the NPPF otherwise the guidance is unfounded with no policy.

Based on the draft PPG we can infer that the viability test is that the residual land value (RLV) > Existing Use Value (EUV) + a premium. However, the NPPF does not specify this anywhere so viability could mean that the RLV is positive or that the RLV is > EUV. We recommend that the NPPF includes a clear paragraph which states that the viability test is to be based on policy compliant $RLV \geq EUV + \text{premium}$ approach.

We also note that the old NPPF para 176 has been deleted. This said “where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements.’ This was a very important safeguard / test and should be retained.

We also have detailed technical comments on the section of the PPG concerned with viability. These are attached to this document as an Annex.

Development Contributions: Viability Assessments Timing

Para 34 is being interpreted as meaning that there is a presumption against viability assessments being undertaken at decision making stage. We commend the Government's initiative to listen to public concerns about the viability assessment system. For too long it has been possible for developers to purchase land on the assumption that non-policy compliant schemes would eventually be permitted. However we do not consider that "plan-only" viability assessment will work because there is a need for flexibility over time. In the first instance local authorities (and even landowners or developers) do not have sufficient evidence to make thorough assessments at plan making stage. Developers may not be prepared to make such assessments either, before sites are allocated. There is a risk therefore that levels of developer contributions will trend downwards for lack of sufficient evidence to justify them. This can hardly be an ideal outcome or response to the levels of public concern.

The issue would be resolved if it were simply much more difficult to achieve permission without compliance with policy. This would restore the confidence in the system which has been recently lost. The decision of the High Court in *Parkhurst Road Limited v Secretary of State for Housing Communities & Local Government and London Borough of Islington* would seem to offer hope that a way forward can be found using application stage assessments.

CHAPTER 4 – DECISION MAKING

Q7 The revised draft framework expects all viability assessments to be made publically available. Are there any circumstances where this would be problematic?

The issue of commercial confidentiality is the most commonly cited reason why openness in viability is problematic and why the planning system is running the risk of falling out of favour with many local communities. So we welcome Ministers' preparedness to make changes in this area. The question is whether it will achieve the necessary resumption of confidence, and how it will impact on the operation of plan making and decision taking.

We have general support for greater transparency in viability assessments – it is recognised that this is needed to restore public trust and reflect changing economic circumstances (i.e. we are no longer coming out of a recession, so rationale of cutting affordable housing to get development going should no longer apply).

There are some potential downsides which should however be borne in mind. Viability assessments are complex, and may prove difficult for the public to understand and scrutinise in a valuable way. We hope the introduction of methodology via the new Guidance will help here. And it is important that any unintended consequences of releasing all this information are fully considered.

The transparency may shine a light on the fact that margins in this sector can be so much higher than others, but this could have the negative effect of making it even harder for small builders to compete (if public pressure drives down margins across the board, including for these small builders).

Q8 Would it be helpful for national planning policy guidance to go further and set out the circumstances in which viability assessments to accompany planning applications would be acceptable?

Yes, if the plan wide presumption is kept. But we would still maintain plan level assessments will not substitute satisfactorily in all cases for application stage assessments. See our detailed response to Question 6.

Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of large or multi-phased development?

That it would permit development to get off the ground quickly in the first instance without at the same time compromising on the need to deliver full value to the community. This is something we [have argued for](#) in the past.

Q 10 Do you have any further comments on the text of Chapter 4?

Statutory Consultees

We are pleased to a reference to statutory consultees taking a pro-active approach and respond in a timely manner. On the whole, we do think they are good at doing this and conscious of work to improve service (e.g. Natural England's development Industry Group). However, as they are still not bound by the same time constraints as local authorities for processing applications, there is still a missing lever.

CHAPTER 5 – DELIVERING A SUFFICIENT SUPPLY OF QUALITY HOMES

Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

General Comments

The NPPF needs to be clear whether the objective is to encourage SME builders or encourage the subdivision of large sites and speed up delivery. Both principles are sound but require different actions. SME finance is a much more important issue in general than planning permission. The RTPI is a great supporter of small planning enterprises and we wish to see the strongest encouragement given to small builders to use qualified planners to submit schemes. This would go a long way to smoothing the path to permission and need not be as expensive as it sometimes feared.

We would also wish to raise awareness that increasing the proportion of sites built by SME builders within a fixed supply governed by local housing need methodology could compromise housing delivery because in a recession SME builders are more vulnerable to fail irrespective of planning policy.

There is a further concern around the risk to delivery of plans which are currently working on different ratios of large and small sites. MHCLG should definitely allow for extended transition in order to safeguard work of allocation and plan making which is well advanced.

Small sites of 0.5 ha or less are not plentiful even in a rural area. For example the last 'call for sites' for South Cambridgeshire resulted in only 34 sites of 0.5 ha or less out of a total of 341 sites (10%). To a large degree this can be explained by the fact that most agricultural fields are larger than 0.5ha, the small paddocks and orchards which used to surround

villages having been developed for housing over the last 30 years. However, approximately 27% of the submitted sites were 1ha in area or smaller which would provide a more practical and achievable target locally for the allocation of small sites (and which could typically be developed for around 30 dwellings).

There are other ways of encouraging the work of SME builders such as councils contracting them directly to build, or to work under direct contract to Homes England. The award-winning [Plymouth Plan for Homes](#) shows how a really pro-active council working across its various functions (and not operating the planning system in isolation) is providing opportunities for different kinds of builders to enter the market.

In addition more opportunities could be made available by government encouragement to land owners to divide up large sites and measures to use public land to provide small sites. The reference at para 69(d) on splitting up large sites is welcome, but it rather seems to lack teeth. We would question what happens if the owners of large sites are unwilling to do this.

We are pleased to note that Homes England is working to make some of its own sites available in smaller parcels. Brownfield registers Part 2 will also help here, and there are pilots taking place. The encouragement of small builders could also be facilitated through use of One Public Estate: when surplus public land across the whole public sector is disposed of, social value should be a top consideration. And social value can include facilitating the SME sector.

Resources

This policy effectively *transfers* the work of finding and assessing (and consulting on) small sites from SME builders to local planning department staff. For example In a rural area such as South Cambridgeshire around 15 homes (each) can be accommodated on such small sites (at 30 dph). If for example 20% of local housing need amounted to 4,000 homes this would require the allocation of around 260 such sites. This is not practical or achievable unless something can be done regarding additional resources *for plan making*.

Our preferred phrasing:

For the reasons above we consider that a policy which is more flexible and more able to respond to local circumstances should be pursued. The wording would be as follows:

Local plans must provide for a reasonable variety of site sizes including a significant proportion less than 1 hectare,

A cut off of 1 hectare is preferable to half a hectare. This would allow for things like broadband investment (and other infrastructure). Open Reach for example will link up with sites over 30 dwellings.

This alternative policy could be accompanied by strong wording in the NPPF about the value of diversity in the market and the value of small sites in speedy delivery. This would support a plan-led system and account for regional and urban/rural variation.

Government's detailed policy wording

Should Ministers wish to pursue a policy of this kind being consulted on, we have various detailed suggestions to improve it. The policy would need to be amended to refer to "plots" (or "homes") not "sites. Otherwise in a local plan with a small number of sites altogether 10% of *sites* might mean very little in terms of increasing the numbers of homes coming forward on small sites.

The term "identified": Using this term – which we support - rather than "allocated" suggest to us that government intends the whole stream of plots to be the basis for the calculation i.e.

including windfall sites and sites in neighbourhood plans. We certainly think that would be the right interpretation but it needs making clear. Neighbourhood plans are a great resource in this respect and we acknowledge the valuable support MHCLG has continued to put into them. We have reports that neighbourhood plans supported via the government scheme in Suffolk have resulted in a good supply of small sites coming forward.

Q12 Do you agree with the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

We recognise that the Housing Delivery Test is existing policy and that MHCLG is now consulting on making it tougher. We maintain our view that the Test is generally setting up local authorities to fail as they at best are only responsible for permissions not completions. Even a local authority such as Croydon with its in house building company could not implement any relevant action plan. We completely agree with the Government that there is no point in permissions being granted which are not deliverable and are simply serving to make up numbers. However the Test seems to be repeating the safeguards already in the examination in public to guard against the allocation of sites which are not deliverable.

A further consideration is that the application of the Test may mean that there is a perverse incentive for local authorities to go for lower figures in plans (i.e. the minimum to meet local housing need) as they would find these easier to deliver.

The Test runs the risk of not taking into account the risk of possible future downturns in the housing market. In many parts of the country private housing delivery is of marginal viability. A downturn would lower the number of completions coming forward but would not necessarily mean more permissions were needed. (Although we would hope that through the local housing need calculation improving incomes/prices ratios would kick in here.)

We note the Build Out Review under Sir Oliver Letwin is underway and appreciate the opportunity we have been given to participate and submit detailed evidence to it. The Letwin Review has highlighted a number of concerns which include developers building out slowly to manage the market - as well as both a skills and materials shortage. Sir Oliver also refers to concerns regarding the availability of capital, constrained logistics on site, and constraints from utilities, land remediation and problems with local transport infrastructure. All of these issues are currently outside the control of Local Planning Authorities and need to be addressed. We consider it is premature to be giving greater emphasis to the housing delivery test in advance of the receipt of that report.

Should this test be retained and as proposed intensified there should be similar thresholds in place which trigger *incentives* for LPAs (e.g. New Homes Bonus, infrastructure investment, Growth Deals like Oxfordshire) which go above meeting the minimum local housing need. It is important to reward positive planning rather than just penalising poor delivery.

Q13 Do you agree with the new policy on exception sites for entry level homes?

This new policy is challenged for the following reasons:

- 1) The term “entry level” is too vague to function in a quasi-legal context. This should be linked properly to the Glossary if it is to work
- 2) The local plan is meant to cater for housing needs of all kinds. So it is not clear why there is a need for any exceptions (other than the very specific issues around rural exception sites)
- 3) The caveats within para 72 make no mention of infrastructure
- 4) It could deter landowners from offering rural exception sites which meet the need for genuinely affordable housing such as social renting

Q14 Do you have any other comments on Chapter 5?

Annual reviews

In our response to the Housing white paper we said that we agree with proposals now in para 76 of the draft NPPF, providing the annual review is optional. However it now appears it is not optional. We also said that there is a question of whether the Planning Inspectorate will also have the capacity to deal with an increase in frequency of annual reviews. We believe that the Inspectorate should just judge the approach rather than an assessment of the supply figure.

The 5/10/20% buffer has been brought forward. In our response to the right homes in the right places we suggested 4 options for overcoming the demand led pattern this would lead to; *Improve guidance, factor in economic growth strategy, introduce parallel economic needs strategy and introduce sensitives into the MHCLG housing projections* (para 16 to 21). These have not been taken into account.

Different types of need

It would be helpful if the NPPF could indicate how the Government intends local authorities should meet the needs of specific sections of the population *other than* “elderly” ? It is difficult to see how a genuine assessment of local housing need can be made by both taking into consideration one identified segment of the population but not others such as those needing different kinds of affordable housing.

There is also a difficulty in plan making if the overall assessment covers a specific group but there is no encouragement to identify which sites are going to be catering for different kinds of needs. At present for example if there is a shortage of sites suitable for older people’s housing but it is not clear how a local plan would address this.

Neighbourhood plans’ specific housing requirement (para 66-67)

We welcome the appreciation of the potential difficulty of providing neighbourhood level figures. This is particularly a problem in urban areas where a supply of sites will be coming forward as windfalls. The policy seems to presume that neighbourhood plans equate to parish plans. We would welcome some clarity regarding what happens if a Neighbourhood Forum does *not* request a housing figure. Does the new NPPF mean that it should nevertheless be given one?

Garden city principles

We would query the reason for the removal of reference to garden city principles from the NPPF. We recommend that para 73 is amended to say

“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 that follow the principles of Garden Cities. Working with the support of their communities, and other authorities if appropriate, strategic plan-making authorities should identify suitable opportunities for such development where this can help to meet identified needs in a sustainable way locations.”

Various local plans (e.g. in Essex/Herts) have already incorporated garden city principles into their policy. It would be disappointing if this approach is possibly undermined by changes at national policy level.

CHAPTER 6 BUILDING A STRONG COMPETITIVE ECONOMY

Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

It is preferable to address local business challenges through policy rather than Permitted Development rights, so we think this is the correct approach. Building dedicated speculative office developments in rural areas is not viable therefore the initiative is welcomed. We have heard that in some cases (e.g. Maldon) sites have been allocated in local plans for new rural business development but not built out. Therefore re-using agricultural buildings is a good idea and it would be helpful to enable non-farm businesses to be able to expand within a given farm complex. It is vitally important however that LPAs restrict the change of these new businesses into C3 (housing). We would welcome the government's support for Article 4 Directions in these circumstances.

We are not however clear from the NPPF wording whether the policy on supporting business growth is limited to reuse of buildings or merely that use of previously developed land should be "encouraged". The status of applications on open countryside is not clear.

Para 84a should be reworded as the phrase 'all businesses' is not helpful – some are better for rural areas than others.

Q16 Do you have any other comments on the text in chapter 6?

The chapter on the economy is surprisingly short and half of it is dedicated to the relatively small proportion of the total economy represented by rural areas. The Industrial Strategy is confined to a footnote and yet urban planning is vital in order address *all* of the four "challenges" of AI/data, clean technology, mobility and catering for an ageing society.

Our work on [creating economically-successful places](#) has demonstrated the role of urban planning in creating and sustaining successful places – attractive, liveable, accessible, connected, vibrant places that are able to attract people and investment that will be crucial to healthy economies that meet people's needs. Indeed, planners are in a unique position to identify the critical qualities of places that can be built on, keeping in mind current and future generations. In these ways and others, planners then need to be at the forefront of a much broader approach to the economic development of places, helping policy- and decision-makers, and communities themselves, to avoid complacency and prepare for a fast-changing world. The wording in paragraph 83 (a) goes some way towards this but it could arguably be enhanced.

The existing NPPF refers to the role of economic growth in "meeting the twin challenges of global competition and of a low carbon economy". One of the drawbacks to removing the core principles is that this key objective has been dropped. A reference to towards moving to a low carbon economy should be inserted in paragraph 82.

The urban areas of England outside London perform poorly compared to their counterparts in competitor countries. The Core Cities have estimated that if their economies could be brought up to the national average it would add a figure equal to the economy of Denmark to that of the UK. An objective promoting growth in all parts of the national system of cities could usefully be included.

We think the NPPF should refer to the Oxford-MK-Cambridge arc which the government recognises as making a significant contribution to national economic growth and to the role of planning in delivering the Northern Powerhouse and Midlands Engine. It is not clear why

the NPPF gives so much attention to one spatial policy – Green Belts – but no other references to any other strategic locations.

CHAPTER 7 – ENSURING THE VITALITY OF TOWN CENTRES

Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

The changes proposed to the sequential test could be to deal with existing out-of-centre retail parks some of which are now struggling. But there is then a risk that weakening the town centre first approach could impact land values if peripheral locations are considered more favourably for development. We consider that out of centre offices should continue to require impact assessment.

Q18 Do you have any other comments on the text of Chapter 7?

This chapter could benefit from a stronger vision on the changing nature of retail and the future of town centres. It does not refer to the spatial implications of where economic activity takes place. Policy should be more rigorous in encouraging other uses (e.g. mixed use housing schemes, education and healthcare facilities, dining and tourism) to locate in town centres as these are inherently more sustainable locations for a clusters or “hubs” of services, not just traditional retail (based on access by sustainable modes of transport, contribution to place-making agenda, social benefits etc.).

Detailed points

Para 86d: it is very difficult to plan for town centres looking ten years ahead given how fast retail is changing. Is this realistic?

Para 87 should define ‘reasonable period’ as this will be challenged (guidance may help too).

Para 90 should include transport impacts.

CHAPTER 8 - PROMOTING HEALTHY AND SAFE COMMUNITIES

Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

No

Q20. Do you have any other comments on the text of Chapter 8?

Our [research](#) report published today on Settlement Patterns Urban Form and Sustainability shows that larger settlements, with higher densities and mixed land use, can increase physical activity by promoting accessibility by walking, cycling and public transport. This improves physical and mental health, reduces absenteeism and reduces the prevalence and severity of chronic lifestyle-related diseases. The negative impacts of density on health can be mitigated through measures to limit car use and the provision of high quality green space, equitably distributed across the urban area.

The draft NPPF should refer to the role of location and wider urban form in generating health and wellbeing in addition to the references to the design of places referred to in para 92 (c).

CHAPTER 9 - PROMOTING SUSTAINABLE TRANSPORT

Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

We support the intention to improve the range of issues that are considered when planning for transport and assessing transport impact. However we feel that the proposed changes to this chapter could go further in order to ensure that the planning system supports housing delivery while also tackling critical issues of congestion, air pollution and rising transport emissions. It should also tackle the negative impacts of car dependency on both individual health and wider place-making. The evidence on these is clearly demonstrated in our [research](#) on *Settlement Patterns, Urban Form & Sustainability* published today.

Our answer to Q23 contains recommendations which will strengthen the delivery of sustainable transport through the planning system while supporting development.

Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?

It is not clear what the importance of general aviation facilities is, nor how a national network of them relates to “promoting sustainable transport”. We would welcome a further discussion on this issue.

Q23 Do you have any other comments on the text of Chapter 9?

We welcome paragraph 103 which refers to the opportunities created by strategic transport investment. However it is important that *choices* around strategic transport investment are not made simply in isolation, but take account of the opportunities to support housing and economic growth that they might engender. (So for example building transport infrastructure in AONBs or in green belts might limit its value in generating growth.) Transport and housing investment should be planned together, not in series.

Under paragraph 103, the wording should reflect the need to consider transport issues from the earliest stages of plan-making and *site identification*, so that the most accessible locations for development are identified. An objective for existing and proposed transport infrastructure should be to *deliver sustainable settlement patterns* by informing the scale, location, density and accessibility of development. This reflects that fact that transport is more than an infrastructure input to new development, but rather a significant driver of changing settlement patterns, economic activity and social interaction.

We welcome the reference in Para 103 (c) to walking cycling and public transport. We also consider that it could be improved by saying that opportunities to promote and enhance walking, cycling and public transport must be *available when the development is completed*. This will help to ensure that travel behaviour does not default to the car. Similarly, para 108a should require that, when considering development proposals, appropriate opportunities to promote sustainable transport modes *have been implemented*, given the type of development and its location.

Para 103 (d) can provide further support by requiring that patterns of movement, streets, parking and other transport considerations be integrated into schemes' design *to prioritise accessibility by sustainable modes*, as well as contribute to making high-quality places. Para 108b should similarly require that safe, *sustainable* and suitable access to sites be achieved for all users.

Para 104 provides a number of clauses which could prevent the delivery of sustainable transport. To avoid this, it should require that *all development* be focused on locations which

are or can be made sustainable, not just significant development, and should require that *tailored approaches in plan-making and decision-making* are used to maximise sustainable transport solutions in urban and rural areas. While paragraph 105b is a welcome improvement that should improve coordination between relevant stakeholders, this should also be strengthened to require that *plans, strategies and investments influence development patterns so as to maximise accessibility by sustainable modes*, taking into account existing Local Transport Plans.

We welcome the caution regarding maximum parking standards in Para 107 but are concerned that it suggests that the only reason for maximum parking standards is to manage the local road network. Parking standards can also reduce car ownership and usage by maximising sustainable alternatives, especially when utilised around high-quality public transport hubs. We recommend that para 107 is amended to say that maximum parking standards *may be set* where there is a clear and compelling justification that they will *maximise the use of sustainable modes of transport, reduce the number of car trips generated by the development*, as well as to manage the local road network. Para 106 should simply state that local parking standards take into account *the need to manage demand* (as set out on para 104), with a single additional point on the requirement for an adequate provision of spaces for *shared vehicles*, along with charging plug-in and other ultra-low emission vehicles. This future-proofing should also be reflected in para 110e with a requirement that applications be *adaptable to future changes in transport including shared autonomous vehicles and mobility services*.

The reference to highways authorities in paragraph 105 (a) should be augmented to include reference to subnational transport bodies. One of the key issues around the relation between transport and housing is that planning for individual districts can be stymied by traffic flows. For example housing development in an outlying district within a city region can result in increased congestion in the city at the centre of the region. This is a further reason why strategic planning needs to be effective and to be carried out over areas wider than individual districts. We welcome the reference to “neighbouring councils” but would stress that impacts might not be confined to strictly neighbouring councils. Plans need to consider actual functional areas.

Para 111 should require that all developments that will generate significant amounts of movement be required to provide a travel plan *with clear targets and funded actions to reduce trip rates for private motorised vehicles and/or deliver sustainable modal shift*. Transport statements or assessment should enable both the likely impacts of the proposal *and mitigation measures* to be assessed.

When it comes to the impact of development on the transport network, para 108c should require that significant impacts be cost-effectively *avoided* rather than simply mitigated to an acceptable degree, while para 109 should enable development to be prevented or refused on transport grounds if cumulative impacts on the road network, road safety, car dependency *or multi-modal connectivity* would be significant (rather than severe).

We consider that to strengthen the connection to Chapter 14, para 103d should require both the environmental *and carbon* impacts of traffic and transport infrastructure to be assessed. We regret the changes from paragraph 30 in the existing NPPF which refer to the need for solutions which support reductions in greenhouse gas emissions and reduce congestion.

CHAPTER 10 - SUPPORTING HIGH QUALITY COMMUNICATIONS

Q24 Do you have any comments on the text of chapter 10?

No.

CHAPTER 11 - MAKING EFFECTIVE USE OF LAND

Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

The experiment in allowing the loss of land in employment use as permitted development, while well intentioned, [has not been an unqualified success](#). Whereas in some cities it has led to the useful reuse of office blocks which were empty at the time of the introduction of the policy, in London in particular it has led to a significant loss of employment land and occupied small business premises.

The phrase “key economic sectors” is a useful start, but possibly too limited to how the economy works now. The establishment of new and yet unknown forms of economic activity has been already proved without question by the existence of areas such as Tech City (Old Street) in London. We do not yet know which kinds of new economic activity may well emerge: to lose the spaces where it could flourish to a housing monoculture would be unwise.

We believe that until policy is reviewed, it should stand. The only reason for not having policy standing is if local plans are delayed, an issue which is covered by other aspect of law and policy. Therefore we would wish to see a change to the wording of paragraph 120(b) to reflect this.

Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified need?

We have previously suggested that writing minimum density standards is approached with caution, given the unintended consequences of previous density standards in PPG3/PPS3. Local targets and standards can better match density with particular local needs and meet economic growth aspirations (e.g. thinking about what types of dense developments are attractive to older residents).

The NPPF should recognise that density can be delivered in different ways - not just through high-rise buildings: the value of medium-density development could be emphasised in a footnote. Any policy emphasis on greater density needs supportive policy to ensure good design, space standards and quality building materials. Paragraphs 122 (d) and (e) are encouraging in this regard.

We question whether further amendments to national *policy* are required as local plans do advocate this at the moment. Issuing further *guidance* as to how this could be achieved might be preferable.

Locations well served by public transport are also desirable for uses other than housing such as employment. Indeed such uses could arguably have priority given their trip generation.

We are concerned that the role of planning in promoting good living standards for all has been downgraded by a reminder in a footnote 37 to provide only "acceptable living standards". An imperative to make efficient use of land should not be seen as an excuse to compromise on space, daylight or sunlight standards (para 123c) either for new or

neighbouring residents. High quality design externally and internally must go hand-in-hand with raising densities

The benefits of density for public health and active travel should be emphasised. Our Location of Development research published today has ample reference to this issue and we would be delighted to brief you on this.

Q27 Do you have any other comments on the text of Chapter 11?

In making effective use of land, optimal use of sites for housing should include the need to maximise multiple benefits from green infrastructure and natural capital (paras 117, 118, 122, 123).

CHAPTER 12 - ACHIEVING WELL DESIGNED PLACES

Q28 Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

No

Q29 Do you have any other comments on the text on chapter 12?

Reliance on design review is risky where the existence of design review panels is too piecemeal. For example panels are patchy in the North West and West Midlands.

Para 129 says poor designs “should be refused”. We welcome this statement but submit that this will need backing up in appeal decisions. This means that the Planning Inspectors will need to support refusals on design grounds alone, even if all other aspects of an application are acceptable.

CHAPTER 13 - PROTECTING THE GREEN BELT

Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are ‘not inappropriate’ in the Green Belt.

The opportunity under para 145 last bullet point to contribute to “an identified local affordable housing need” would run the risk that larger scale housing development might occur in an unsustainable location were it not for the fact that the development must not “cause substantial harm to ... openness”. There is a typo: “and” is needed before “not cause”.

Q31 Do you have any other comments on the text in chapter 13?

We are disappointed that the draft NPPF does not introduce a broad review of green belt policy in England. A managed approach to urban expansion, whilst avoiding urban sprawl has been successfully achieved through planning policies, with green belts working hand-in-hand with planned growth areas. The planning profession has championed this policy for over 60 years. But it is now necessary to revisit the purposes that green belts need to fulfil over the coming generation. The issue of green belts concerns not simply about what is ugly and what is attractive as some argue. There should now be a discussion of *who green belts are for*, about their social impact, along with their continued role in shaping and managing urban growth. See our policy document [Where should we build new homes](#) published following extensive consultation in November 2016.

We maintain that green belt boundaries may well need to change but only through careful reviews over wider areas than single local authorities and provided that safeguards are put in place to ensure that development is sustainable, affordable and delivered in a timely manner.

Green belts are strategic tools for managing urban growth across city regions. We were concerned that this proposal appears to suggest that individual authorities might be making one-off changes to green belts in an uncoordinated way. This can lead to distorted outcomes where, for example, an underbounded city is forced to focus on green belt land within its boundaries, where in practice there may be more sustainable solutions in other parts of the city's green belt which are outside its municipal boundaries. The RTPI position is that "green belt boundaries may well need to change, but only through careful reviews over wider areas than single local authorities". Green belts came into being as strategic tools, and this is how they should continue to be managed.

The proposal to add land on the outside of green belts to compensate for land removed on the inside is an example of the need to consider green belts properly over entire city regions. In the larger green belts the outer edge is a different planning authority from the inner edge.

CHAPTER 14 - MEETING THE CHALLENGE OF CLIMATE CHANGE ETC

Q32 Do you have any comments on the text of Chapter 14?

It would appear that the role of planning in mitigating and adapting to climate change has been watered down in the draft NPPF. For example, whereas the existing NPPF says that planning plays a "key role" which is "central to the economic social and environmental dimensions of sustainable development" (para 93) the draft replacement only says that planning should "help shape places.." (para 147).

Footnote 39 has diluted the important role of planning in implementing the Climate Change Act 2008. Although there are no direct targets on LPAs in the Act, Government has already chosen to use the planning system to help deliver its own statutory duties under the Act. In our view the expectation on LPAs to take a proactive approach to mitigating and adapting to climate change in plans (para 94) should be linked to footnote 39 using the same wording as in the existing NPPF footnote 16, ie "In line with the objectives and provisions of the Climate Change Act 2008".

The transport sector is now the largest and fastest-growing emitter of greenhouse gases, while also having a major impact on local air pollution. Integrated transport and land use planning in support of urban regeneration and higher density, mixed use public-transport oriented development is a key mechanism for reducing transport emissions in line with the objectives of the Clean Growth Strategy and the legal requirements of the 2008 Climate Change Act. Para 149b should reflect this by requiring that new development is *planned in locations and ways* that reduces greenhouse gas emissions through its location, orientation and design, *and by maximising accessibility by sustainable modes of transport...*

We welcome the strengthening of the wording on SUDS policy (para 163). However it could go further in achieving its objectives if it was extended to mandating proportionate SuDs solutions for smaller sites.

Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

Para 149b also needs to require new development to reduce emissions through *an appropriate mix of uses* and through *connections to low/zero carbon energy infrastructure* (supporting para 150c).

The Committee on Climate Change has warned that government ambitions to reduce building emissions need to be supported with firm policies as a matter of urgency. This includes publishing an ambitious action plan and policy framework to encourage homeowners able to pay to take-up energy efficiency retrofit of existing buildings, proposals to decarbonise heat, and standards for new buildings that deliver high levels of fabric efficiency and future-proof properties for low-carbon heat. These are critical to ensuring that measures to increase housing supply do not come at the expense of building emissions, which will impose costs on future occupiers through higher energy bills and the need for costly retrofit.

CHAPTER 15 - CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national Infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Yes.

Q35 do you have any other comments on the text of chapter 15?

The term 'ecosystem services' has been lost from the NPPF and replaced with 'natural capital.' Although the reference to natural capital is welcome, and the two terms are clearly related, they are not fully interchangeable. Natural capital refers to the asset itself, and ecosystem services relate to the benefits that are derived from it. Losing specific reference to ecosystem services risks losing sight of the functional link between the asset and the benefits that they provide. For example, the aquifers that lie under the South Downs are an asset, which regulate and provide drinking water as an ecosystem service for over a million people in the south east of England. We would favour a form of words in the NPPF that retained specific reference to ecosystem services and natural capital as follows along with a definitions of both in the glossary:

'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and the ecosystem services they support – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'

The loss of the explicit statement that AONBs have the highest status of protection in relation to landscape and scenic beauty alongside National Parks (existing NPPF para 115) is regrettable.

CHAPTER 16 - CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT

Q36 Do you have any comments on the text of Chapter 16?

We welcome the policies in chapter 16.

CHAPTER 17 - MINERALS

Q37 Do you have any comments on the changes of policy in Chapter 17, or any other aspects of text in this chapter?

No

Q38 Do you think planning policy on minerals would be better contained in a separate document?

No, and furthermore waste policy should be incorporated into the NPPF. The argument that a separation is justified because “minerals planning authorities” deal with minerals is surprising given that 50% of England is under unitary authorities. Also, planning of minerals and housing together is essential in order to ensure there are sufficient building materials to support housing growth and to prevent sites being allocated for conflicting purposes in different local plans.

Q39 Do you have any views on the utility of national and sub national guidelines on future aggregates provision?

We are concerned that guidelines on ensuring a sufficient supply of aggregates appear to have been removed. As above (Q38) there are various reasons why a nation intent on substantial increases in housing supply would wish to ensure a sufficient supply of aggregates. We argue strongly for their retention.

TRANSITIONAL ARRANGEMENTS

Q40 Do you agree with the proposed transitional arrangements?

We appreciate the realism shown by MHCLG so that good work is not wasted at a time of pressure to get plans delivered and a severe shortage of resources to do so.

Q41 Do you think any change should be made to National Policy for traveller sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

We think that policy for traveller sites should be included in the NPPF.

Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

It should be incorporated into the NPPF. See our comments on minerals

Glossary – Do you have any comments on the glossary?

Housing

The continued definition of **affordable housing for rent** as only 20% less than market rent is still not satisfactory. The government’s approach to local housing need regards the relationship between prices and *incomes* as the benchmark. The same approach should apply to affordable rent, especially given the substantial exceptions afforded to affordable housing in the NPPF.

The definition of **affordable rent** should be widened to allow development by a wider range of organisations to include those that have a legal entity and whose purposes include providing affordable housing (e.g. Community Land Trusts).

The definition of **Starter Homes** should refer to the statutory provision to exclude these homes from rural exception sites.

The definition of **rural exception sites** in the Glossary should be revised to allow for market housing where there is limited grant, rather than no grant.

Environment

The **natural capital approach** needs defining in the glossary but we also urge the development of separate planning guidance to help people understand how it should be undertaken as currently the term is subject to interpretation.

The definition of **green infrastructure** is significantly weaker than existing planning guidance. We recommend it says:

“Green infrastructure is a strategically planned network of natural and semi-natural areas with other environmental features designed and managed to deliver a wide range of ecosystem services such as water purification, air quality, space for recreation and climate mitigation and adaptation. This network of green (land) and blue (water) spaces can improve environmental conditions and therefore citizens' health and quality of life. It also supports a green economy, creates job opportunities and enhances biodiversity”

Annex: Detailed Technical Comments on draft Planning Practice Guidance on Viability

Page 6: The level of detail required for site in a plan stage viability assessment needs to be proportionate. It would be helpful if the NPPG gave an indication of how proportionality applies to different kinds of site. For example, a greenfield site with no particular abnormal costs over the usual infrastructure in the South East of England is viable and therefore needs a lesser amount of detail required for the EiP. Conversely, more detailed scrutiny may be required in (say) the context of a strategic brownfield regeneration site in north of England which requires remediation – particularly where the LPA may be relying on the site for housing numbers. Further guidance is required from government on level of details / scrutiny to prevent the EiP system becoming delayed by detailed viability arguments.

Page 7: The Guidance says at this stage reference should be made back to the viability assessment that informed the plan and the applicant should provide evidence of what has changed since then. Despite our position on not *relying only on* plan-stage assessments we strongly support this statement which should prevent promoters saying that allocations are viable and then House-builders saying that they are not viable at detailed stage.

Page 7: We agree with the need to include ‘downside’ review mechanisms and we agree with the need to include overage mechanisms for the ‘upside’ of long-term schemes.

Page 7: The section on standardised inputs could be improved a little. Firstly, we suggest that this section needs a new introductory paragraph to confirm that the standard inputs refer to Plan Making or Decision Taking or both.

Secondly we consider that Guidance needs to refer back to a ‘new paragraph 173’ in the updated NPPF which defines the viability test (see our comments on Chapter 3 of the draft NPPF in the main section above). This is because this is an issue of national policy significance, not merely a procedural point. Note that for the following purposes we assume that the test of whether a site is viable is:

Policy compliant RLV \geq EUV + Premium


Page 8: We consider that the bullet list of how costs should be defined for the purpose of viability assessment should be clarified. Guidance needs to be clear whether these costs are inputting into a RLV appraisal or into the ‘benchmark’ land value. Some of the bullet points refer to “*These costs should be taken into account when defining benchmark land value*”. This implies the PPG is referring to RLV appraisals to determine benchmark land value. But later on the Guidance refers to EUV(+) being used to determine the benchmark.

On page 8 the reference to how land value be defined should read: “How should **benchmark** land value be defined for the purpose of viability assessment?”

Page 10: The statement on how the premium to the landowner should be defined for viability assessment uses confusing terminology. We would agree that when undertaking any viability assessment, an appropriate minimum premium to the landowner can be established by looking at data from comparable sites of the same site type that have recently been granted planning consent in accordance with relevant policies. But the policy-compliant Market Value [not EUV] of those comparable sites should then be established. This evidence of the price paid on top of existing use value should then be used to inform a judgement on an appropriate minimum premium to the landowner.

i.e. $MV(\text{compliant}) - EUV = \text{Premium}$

Page 10: We consider the statement that “the price paid for land is not relevant justification for failing to accord with relevant policies in the plan” is admirable but it could unintended



consequences. Developers have sometimes used this as a reason *to withhold disclosure* of the actual purchase price and/or the terms of the promotion agreement/option agreement. The purchase price is highly relevant where the developer's viability statement includes a benchmark land value which is greater than the agreed purchase price. This could lead to windfall profits at the expense of public benefit.

Page 12: We support the idea of an executive summary template. This is really important for gathering data to inform future Plan reviews. The Executive Summary should include absolute metrics e.g. £ total GDV, £ total Cost, total CIL/S106 £, land value £, profit £ etc. but also comparative metrics e.g. affordable housing %, CIL/S106 £ per unit, benchmark land value per hectare (net) etc.