

Appendix A : Draft FBC response to the LURB consultation

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

The Council agrees that local planning authorities should not have to continually demonstrate a deliverable 5YHLS where their housing requirement is less than 5 years old.

However, it considers that more clarity should be provided on what is meant by 'the housing requirement as set out in strategic policies is less than five years old' which is wording both quoted in the consultation and in the revised wording of footnote 9 in the tracked change NPPF.

There are at least two potential starting points for the lapse of five years. The first is upon adoption of the plan containing the strategic policies. This would be the most sensible option as the housing requirement may change throughout the examination process, which has been the case of the stepped requirement in Fareham's emerging Local Plan. Alternatively, the five years could begin from the time the plan is submitted for examination, upon which the need figure derived through the standard methodology is fixed for two years. In Fareham's case, the difference between these two options is approximately eighteen months (submission in September 2021 to predicted adoption in Spring 2023) and therefore could make a considerable difference to the interpretation of revised wording to footnote 7 in the NPPF.

Therefore, the Council considers that this is imperative to clarify for all future interpretations of the tilted balance. There are many other circumstances where the NPPF and PPG refer to a time period in relation to adoption of the plan and it is not clear why this footnote needs to be any different.

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

The Council agrees that buffers should not form part of the 5YHLS calculation as it leads to poor planning decisions being made. As is evident in many locations in the country, where a 5YHLS cannot be demonstrated due to the application of an arbitrary buffer, hostile planning applications on unsustainable sites can be submitted and can gain permission, particularly on appeal. These decisions lead to poor outcomes for the existing and future communities.

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

The Council considers that oversupply early in the plan period should be taken into account when calculating a 5YHLS, however more clarity should be provided on what form of oversupply would be measured.

The Council believes any oversupply would be based on completions because permissions would already be counted as outstanding permissions in any 5YHLS calculation, but this should be made clear in guidance. In addition, clarity of how many years constitutes 'historic' in relation to oversupply should be provided.

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

The Council supports the proposal to enable oversupply to be taken account of in 5YHLS calculations and considers that a consistent approach to this across authorities would be beneficial. Guidance would need to be clear in terms of what can be taken into account and from what base date.

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

The Council supports the proposal to protect neighbourhood plans for five years, bringing the length of time their policies are in-date in line with Local Plans. However, it is concerned that removing the tests around housing land supply and the Housing Delivery Test for Neighbourhood Plan areas would mean that areas without a neighbourhood plan could be more at risk of speculative development. Fareham Borough has no designated neighbourhood plan areas and is unparished. Therefore its residents are potentially at a disadvantage due to the absence of neighbourhood plans if they cannot also benefit from the removal of the HDT and 5YHLS even in circumstances where the Local Plan is more than five years old.

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

The Council agrees the NPPF could be clearer about the importance of planning for the homes and other development our communities need such as the right infrastructure. Having the right infrastructure provision in place is vital to achieving sustainable well-planned development. A further change that this Council would like to see is that supporting infrastructure should also be highlighted in the amendments made to paragraph 1.

The Council welcomes the emphasis on up-to-date plans being the priority to ensure sustainable development. This reinforces the plan-led system.

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

The Council considers that there should be a commitment to review the standard methodology to take account of more up to date data and that this change should happen swiftly.

The 2014-based projections are considerably out of date. 2021 census data shows that the number of households has increased by 3.9% in the years between 2011 and 2021 compared to the 8.5% expected in the 2014-based projections which means that the Council has had to plan for a far greater number of homes than were actually needed.

Therefore, it is imperative that the methodology is amended so that authorities are only required to plan for the homes that are actually needed. Local Planning Authorities in many parts of the country are facing increasing pressure to use more up-to-date data in determining the level of housing that should be planned for and yet the system has not been set up to allow Councils to easily deviate from the 2014-based projections. Exceptional circumstances is the test applied via the Planning Practice Guidance which is a very high bar, when in reality the projections are wholly out of date and more recent data has been available.

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

The Council agrees that there should be clarity on what may constitute exceptional circumstances for the use of an alternative approach for assessing local housing needs. It welcomes the two examples but suggests that there may be more cases where an alternative method is required.

The Council considers that there are several parts along the south coast that also have a high proportion of elderly residents and therefore it is not just islands, such as the Isle of Wight, that have a high percentage of elderly residents as currently proposed. According to the 2021 Census, on average, 18.6% of the population of England is aged 65 or over, however, this figure is 24.5% for Fareham Borough and in some areas, such as Hill Head and Stubbington, where over 32% of the population is aged 65 and over. These figures are higher than the average of 29.2% on the Isle of Wight and therefore, as a Borough with a comparably aging population, the Council should also be able to use this as a reason to consider how the need is calculated.

Moreover, the Solent subregion in South Hampshire in which Fareham is located, faces unique geographical constraints which the Council feels should be included as exceptional circumstances which justify the use of an alternative method to calculating local housing need. Firstly, the Borough is constrained by the presence of the coast on its southern border. Whilst this in itself is not unique, there are a number of international and national wildlife designations present along this coastline (SPA, SAC and Ramsar) and a significant proportion of its hinterland is also designated due to it being important for maintaining the integrity of the coastal protected sites.

In addition to the coastline, the Solent subregion lies adjacent to two National Parks, one of which, the South Downs, runs almost along the entire length of the subregion, and the New Forest in the west of the subregion is also designated as a SPA, SAC and Ramsar Site due to its international importance for wildlife.

This highlights how important the Solent region is to internationally important wildlife and the level of environmental constraints there are to achieving sustainable development in the Borough and wider sub-region alongside meeting targets within the Environment Act. As a collective group of authorities, the Partnership for South Hampshire has been trying to highlight to various Government departments the specific challenges of meeting local housing need sustainably in the context of the environmental issues and constraints present in the subregion.

Many of these environmental constraints are as a direct result of the presence of protected sites (SPAs and SACs) in and adjacent to the Borough, and are seen as a strength and quality of the Solent sub-region. They are constraints derived from the need to comply with national legislation, rather than a local policy issue, and the extent of the land mass required to mitigate any impacts is often overlooked. Therefore, it is our view that the ability to meet housing need in a location where any plan needs to ensure no adverse impact on these sites should be considered through an alternative approach to assessing housing needs.

Given the above, the Council therefore considers that these unique geographical constraints in the Solent subregion should be included as exceptional circumstances to justify the use of an alternative method to calculating local housing need.

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

The Council agrees that national policy should make it clear that building at densities significantly out of character with an existing area should be considered in assessing whether housing need can be met. It is considered that these should be determined through Local Design Codes set by the local planning authority.

The Council is supportive of proposals to allow past over-supply to be considered as well. However, as per the Council's responses to questions 3 and 4, guidance will need to be clear as to what exactly can be taken into account when considering past over delivery.

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

It is considered that character and landscape assessments could be used to evidence why an authority's housing need can only be met by building at densities significantly out of character with the existing area. Character assessments could look at distinct areas of a borough or district and set out the range of residential

densities that can be found in that area. However, in order to avoid challenge through several planning decisions or at appeal, the appropriate densities would need to be set out, and agreed, within a Local Plan or Local Design Code and be fixed for a number of years. Arguably, this timeframe should be at least five years in accordance with the lifespan of strategic policies on housing requirements.

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

The Council disagrees that the 'justified' test should be modified, as it is not convinced that its complete removal will make the process any more efficient.

Whilst it is clear that the level of evidence required, and the analysis of such is resource intensive, the Plan will still need to be evidence led and based, especially to stand up to scrutiny from the development industry at examination.

The Council is concerned that the removal of the words 'an appropriate strategy' would remove the obligation on the Local Planning Authority to define its vision and strategy for growth in the Borough, which is surely the purview of locally elected representatives, rather than a potential representor on the plan. In addition, much of the evidence is required either by national policy or guidance, or legislation.

The test of soundness that could usefully be amended is the need to evidence the effectiveness of plan policies over the plan period. This is a key driver of much evidence to demonstrate that policies can be delivered in ten plus years. Given the need to review Local Plans every five years, this test could usefully be altered to 'deliverable over the next five year period' which in itself would reduce the level of detail that many evidence-based studies need to go into.

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

The Council agrees. It will be important for LPAs at the more advanced stages of preparation to have certainty and clarity of what is being expected in terms of evidence required when going into examination.

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

The Council agrees that the urban uplift needs to be met within the urban areas so far as possible to achieve the Government's objective of sustainable development. Urban areas linked to the urban uplift policy are the most sustainable location in which to meet housing need due to the close links to job availability and public transport solutions.

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

The Council welcomes the consultation proposals to help ensure that the urban uplift is delivered in those urban areas, rather than spilling over into neighbouring authorities and putting undue pressure on greenfield sites. This is a concern that has been felt throughout the development of the Fareham Local Plan, and also in our work on a subregional level given the inclusion of Southampton in the list of the top 20. (The Council notes with interest that the weblink in the Planning Practice Guidance to the ONS page is broken and questions whether this is because new data will be released from the 2021 census).

In terms of additional policy or guidance, this Council considers that there needs to be clarity in terms of the extent of the urban area to which the urban uplift applies, and suggests that this is the city limits or the outer boundary of the relevant administrative area. There would be benefit in additional guidance as to how these urban authorities could plan more for homes, including but not limited to their ability to build higher, scrutinise the need for office sites to be safeguarded given the post-Covid habit of hybrid working, and the potential to bring in additional sites later in the Local Plan process. These suggestions would help those urban areas meet their own need, rather than exporting it to neighbouring areas where growth would be less than sustainable, particularly in transport terms.

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

We agree that the housing need must be met within the urban area where there is the supporting infrastructure available. A significant concern would be that in a situation where there is unmet need, the area to meet the uplift could extend to out of date 'Housing Market Areas' (HMA) based on pre-Covid pandemic modes and frequencies of travel and would not reflect the much larger geographic catchments for jobs now that hybrid working is common practice.

To use old HMAs would be inappropriate given that those peripheral areas do not have access to the jobs and public transport solutions and are therefore more car dependent, less sustainable locations. Areas within the same HMA can be very distinct in terms of character and it would be inappropriate to allow the urban uplift, which is designed to increase housing in the most sustainable locations, to spill into less sustainable peripheral locations.

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

The Council agrees the proposed 4-year rolling land supply requirement for emerging plans would be a positive approach for emerging plans which could be impacted by the transition. This proposal would potentially reduce the risk of speculative development during the transitional period and would prevent many

authorities with significantly advanced Local Plans from delaying their progression through to examination.

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

The Council considers that any additional guidance on constraints that could be applied to plans at a significantly advanced stage would be likely to slow down plan making.

The need to consider new constraints would require additional evidence to support the Local Plan, and therefore would hinder the progression of plans that LPAs are trying to move forward under the transitional arrangements.

It would be better if these additional constraints only applied to plans at early stages in the plan-making process, or as part of the new plan-making process.

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

The Council supports the principle of an additional permissions-based test for the HDT as it demonstrates that lack of delivery may not be the fault of the LPA, with one significant reservation which this response will detail. This Council also strongly believes that LPAs with up-to-date Local Plans should not have to face any sanction on its decision-making ability due to poor results in the HDT, a point which will be expanded on further in this answer.

The Council also considers that there are a number of areas where clarity is required:

- over how many years would the surplus permissions be considered,
- the type of permissions which would be counted,
- the evidence required to justify the sites' deliverability, and
- whether the delivery trajectory of the permissions would be considered.

The Council has made an assumption that the permission test would consider the previous three years' permissions in line with the HDT, however this should be made clear in guidance.

When considering the type of permissions, if the measurement is looking backwards over the previous three years of permissions in line with the HDT, there could be instances where a site with an outline permission is considered deliverable in year 1. However, a reserved matters application for the same site may be permitted in year 2 or 3 which could lead to double counting. Clarity over the type of permissions to be included is required.

If for example, the permissions were to be counted in line with the definition of deliverable in accordance with Annex 2 of the NPPF, the Council wonders how this

evidence would be tested. It would seem that evidence of the deliverability of sites would be essential. It is the Council's experience that such evidence is often difficult to obtain where developers are unwilling to provide it, particularly if they have other planning applications or appeals with the same LPA, as it may not be in their interest to assist the LPA to demonstrate a 5YHLS or achieve more favourable HDT results if they may gain planning permission for a speculative application through the application of the tilted balance. However, in the scenario of a 'switch-off' of the presumption in favour of sustainable development, would the Council's evidence of deliverability be accepted because the HDT results include the results of the permissions test? Would the Council need to submit its evidence to the Government before the HDT results are announced, or would the deliverability evidence be judged through the determination of applications and/or appeals? This is unclear but an important detail.

The Council consider that developers should be required to provide realistic anticipated delivery timeframes as part of their planning application which would be accepted as appropriate evidence to support this proposed permissions-test. The Council currently engages with developers on this information to support its 5YHLS statements and many oblige, but there are some who do not and it is not clear that this position will improve with the permissions test.

In terms of delivery timescales of sites, where permission for a large site is granted, the Council seeks clarity on the number of years that this permission could count in any permissions test. As an example, the Council granted outline permission for 6,000 homes at Welborne Garden Village in 2021. It is not clear whether this permission would count for one year, three years or whether the detail of future delivery per year, as we have established with the landowner/master developer, is used to inform the 5YHLS. The agreed delivery timeframe anticipates the delivery of 3,050 homes over the plan period starting in 2024/2025. This example highlights the need for clarity over the time frame for which permissions can be counted and again, the evidence required to support the test.

More generally however, and a point of principle, is that from time to time, the ability of LPAs to grant planning permission is severely hampered because of reasons outside of its control. An example of this is the impact of nutrient neutrality and how this issue has led to moratoriums in the granting of permissions over the last few years for many LPAs, leading to poor results in the HDT (as low permissions generate low levels of housebuilding). This is an ongoing issue for a number of authorities and has been at the forefront of this Council's mind when developing its stepped requirement for the new Local Plan.

In these situations, it would be wholly unfair to penalise an LPA where such issues are having such a significant effect. This can clearly be seen in Fareham, when following the issue of Natural England's advice in February 2019, the Council halted issuing decisions until a solution could be identified. This situation lasted until September 2020, a full eighteen months and as a result, only 219 net dwellings were permitted in 2018/19 and only 45 homes in 2019/20, compared with an annual average over the past five years of 395 net dwellings permitted. Therefore, the

Council considers it is essential that the HDT must also take account such impacts, for example the HDT is disapplied in areas struggling with the concept of nutrient neutrality.

The proposed changes to the HDT indicates that there is recognition that housing delivery is not entirely within the LPA's control, which is welcomed but as set out above, there are further considerations which should be taken into account.

As an alternative to introducing further complications to the HDT, the Council proposes that the HDT should not be applied where an LPA has an up-to-date local plan, much the same as the 5YHLS requirement would be abolished. In this Borough, we will face the presumption in favour of sustainable development until at least the third year of the plan period despite moving forward with the plan. On day one following adoption of Fareham's new Local Plan, the HDT will still apply. To have to apply the presumption in favour of sustainable development, whether reached through a lack of 5YHLS or a poor HDT result, makes a mockery of the plan-led system. In those situations, despite an up-to-date plan, Fareham's residents are still exposed to hostile developments. It is for that reason that this Council believes that the HDT should impose no penalty on up-to-date plans.

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

The Council considers that this proposed permissions-based test is merely replacing the removal of the 20% buffer for HDT and this would appear to offer minimal benefit to the LPA. The imposition of a 15% buffer for permissions to be defined as deliverable places exactly the same burden on LPAs for evidence of deliverability as we currently face via the 5YHLS. As such, if the Council wishes to have the ability to rely on the permissions 'switch off', it must grant permissions for our housing requirement plus 15%, instead of the current situation of having to grant permissions for our housing requirement plus 20%. The difference between 15% and 20% of Fareham's housing requirement is approximately 30 homes and therefore, in reality these proposals are removing the buffer from one test, only to apply a very similar buffer to another test, both of which equates to granting more permissions than necessary.

Moreover, the Council considers the 115% level is too high. The historic lapse rate for Fareham Borough is much lower than 15% (ranging between 5% and 9%). The Council therefore considers that if setting a fixed rate, there must be the ability to set the level locally. The Council proposes instead that an individual switch off rate could be used, informed by local evidence to set an appropriate percentage. This lapse rate could either be set and agreed through the Local Plan process or via an annual monitoring return to Government, through the DELTA system.

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

The Council suggests that the method for counting deliverable permissions currently used in the calculation of 5YHLS would be a robust method, however the method

could be further boosted by requiring developers to submit evidenced returns on the anticipated delivery and completion timeframes of sites. It is often difficult to gain this evidence where it is not in a developer's interest that the LPA can evidence that there are sufficient deliverable homes with permission, as the developer may have planning applications or appeals with the same LPA which are speculative in nature and may benefit from the application of the tilted balance. The system may never be perfect and the Council accepts the indicative delivery rates will change with economic cycles, however, it strongly believes that developers should be required to provide such evidence alongside their planning applications and appeals.

The requirement for a realistic anticipated delivery timeframe could be further supported by the imposition of financial penalties on developers who continually fail to meet their anticipated delivery. An alternative measure could be to treat all planning permissions as deliverable but apply an agreed lapse rate. The delivery of housing in a timely manner could be further encouraged by shortening the lifespan of planning permissions unless there are agreed exceptional grounds. The Council are eager to see how these issues are addressed through wider planning reform.

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

The Council's preference is that the HDT should be removed for Councils with newly adopted plans to further enshrine the Government's commitment to a plan-led system. This Council is likely to shortly to adopt its Local Plan but will still need to apply the tilted balance due to poor delivery results as a result of situations entirely out of the Council's control.

However, if the test is to be amended as described with a permissions-based test, such amendments need to be very clear on the points raised in the answer to question 18. If these cannot be done quickly, a suspension of the HDT for newly adopted plans would seem appropriate.

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

The Council agrees. The importance of Social Rent is already recognised locally and reflected in the emerging Fareham Local Plan 2037 Policy HP5: Provision of Affordable Housing which requires 10% of affordable provision on a site to be Social Rent. This type of approach could be mirrored at a national level. Social Rent should be encouraged and put above other affordable housing tenures.

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

The Council supports the proposal for wording change but suggests a further refinement is necessary to that paragraph. The suggested additions go some way to reflecting that the needs of older people are not homogenous and are helpful reminders to the reader that needs often are linked to the level of care which the

individual requires. Remembering this need for greater distinction between the types of people who fit within the older people category will be beneficial for planners considering the level of need to attribute to this 'group'

The inclusion of the words 'care homes' encourages this Council to reflect that 'care homes' does not only apply to older people but can also include people with disabilities. Similarly to 'older people', 'people with disabilities' is a broad grouping and has a range of implications in terms of housing need. Perhaps additional wording or guidance is also required to assist planning authorities with planning for this group.

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

The Council recognises the value in smaller sites potentially delivering homes at a faster rate but have concerns that encouraging the sub-division of larger sites, as referred to in the consultation document, could undermine those policy requirements which would apply on larger sites as a whole, for example self and custom build or affordable homes.

The Council considers that whilst targets can be helpful (in this case 10% of the housing supply), the ability to meet the target is dependent on the availability of sites made known to LPAs through a 'Call for Sites' exercise and therefore not necessarily within the control of the LPA. Fareham Borough Council has sought to address this by introducing a specific policy in the emerging Local Plan, entitled 'New Small-Scale Residential Development Outside the Urban Areas', which seeks to boost the delivery of small residential sites which are sustainably located within or adjacent to existing settlements. Although the Local Plan supply on small sites falls short of the target (largely because of the treatment of some small sites as windfall), this policy is an attempt to encourage smaller sites to come forward over the plan period.

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

It is considered that the existing policy does not disincentivise the delivery of small sites nor affordable housing provision. Small sites form an important part of affordable delivery in the borough of Fareham. Registered Providers and the Council's own Housing Delivery team take forward smaller more challenging sites not of interest to the private market.

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

Care would need to be taken to ensure that this option could not be abused by those providers who may wish to maximise profit or to control the occupancy of affordable homes. If this proposal is implemented, the Council suggests that, rather than leave

the details of regulation and monitoring to individual local authorities, the Government could set standard section 106 clauses and mechanisms to be followed in the event that affordable housing is provided by a non-registered provider, possibly including an in-perpetuity commitment to retaining the site for affordable housing as a register on the land.

A key requirement could be that organisations are a non-profit organisation or charity, and that any excess funds are ringfenced for the maintenance and/or provision of further affordable homes. In the case of homes for social or affordable rent, the non-registered provider should also be required to seek allocation of their site in Local Plans, to ensure they help meet local affordable need and that homes are appropriately prioritised to households on the Council's Housing Register.

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

The Council has no comments to make. Whilst community-led development is supported by this Council, it is not a form of development that is known in this Borough.

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

The Council has no comments to make. Whilst community-led development is supported by this Council, it is not a form of development that is known in this Borough.

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

The Council has no comments to make. Whilst community-led development is supported by this Council, it is not a form of development that is known in this Borough.

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

The Council agrees that public confidence in the planning system is undermined when planning rules are deliberately ignored. In terms of the types of past behaviour that should be considered to be in scope, the Council has experience of developers deliberately clearing land which contains protected species and ecologically valuable habitats, failure to pay contributions required under Section 106 and CIL and not building in accordance with approved plans.

However, the Council recognises the difficulty in applying this in practice especially in the context of the long-standing principle that planning decisions should be based on the planning merits of the proposed development and not the applicant. The Council questions how far back in time past behaviour should be considered relevant and what an applicant would be required to demonstrate in order to avoid sanctions.

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

The Council believes the planning enforcement regime needs to be made more robust to discourage developers from breaching their planning permissions, conditions and planning obligations. The serving of breach of condition notices and planning enforcement notices still remains a very protracted process, particularly the latter.

In addition, planning enforcement notices have a right of appeal which means that some cases can take years to resolve where those rights of appeal have been exercised.

In summary the planning enforcement system needs to be able to take swift action and to have 'more teeth'.

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

The Council is not clear how these build out policy measures will lead to faster build out rates as merely reporting on developers' performance seems unlikely to have an impact. It appears that the burden of delivery will still fall to the LPA.

The Council considers that it would be significantly beneficial to introduce a requirement for developers to provide realistic estimated delivery timeframes at the point of application. This information could be used as a material consideration in the decision-making process and would enable LPAs to inform any 5YHLS requirement or HDT permission evidence. The continual failure to deliver in accordance with these anticipated timeframes could also be a material consideration and lead to financial penalties.

The Council considers it is essential that the proposals in the Bill inform the future planning review.

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

The Council agrees and is encouraged by the approach taken through the National Design Guide and New Model Design Code to emphasis and guide placemaking.

However, it is critical that a similar emphasis and status is given to the forthcoming update to Manual for Streets (MfS), which has a pivotal role to play in delivering high quality within the public realm. It is essential that MfS becomes a requirement for adoption and delivery by local Highway Authorities.

In addition, further guiding principles should be set out by the government to steer the interpretation of beauty, using suitable codes and exemplars. It is not considered

sufficient to only reference 'height, form and density' as key elements, as in chapter 6 paragraph 3 of the consultation document. Much more could be said about the many other facets of development that contribute towards placemaking and beauty, such as the balance and proportion of buildings, their mass, the detailing of windows, doors, roofs and finer architectural details together with streets, pavements, lighting and landscape and how they combine to deliver a pleasing street composition.

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

The Council agrees subject to further guidance identified in Q33. The Council considers that identifying further quality criteria and emphasising its requirement is an important part of delivering high quality place-making.

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

The Council agrees. The Council consider that some plans and drawings are not sufficiently accurate or are difficult to interpret. The Council considers that use of digital plans and use of three-dimensional computer models should be submitted where appropriate. This would also help to support the Government's plan for a digital planning system.

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

The Council disagrees. The Council consider that use of design codes and principles, suitably informed by character studies and local peoples' views, should guide future upward extensions. It is not considered appropriate to solely identify mansard roof forms as a solution, where other roof forms can also work.

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

The Council would like to see national policy further strengthened by including wording that supports development that includes small scale nature interventions such as bat and bird boxes, bee and swift bricks and hedgehog highways. The Council suggests that this could be achieved through a modification or expansion of paragraph 180 of the NPPF which already describes possible opportunities to improve biodiversity in and around development and how those opportunities should be integrated as part of the scheme's design.

It would be important to make clear that features such as bat and bird boxes, bee and swift bricks and hedgehog highways are included as permanent features within

development, including being made from durable materials and located within the fabric of the buildings wherever possible, to ensure they provide long lasting benefits to nature and are not removed upon occupation.

The Council welcomes the Government's view on the use of artificial grass and considers national policy should also be amended to restrict the use of artificial grass within development, only permitting its use in very limited circumstances such as on sports pitches. This is in recognition of the impacts that artificial grass has on wildlife, increasing levels of plastic pollution, its contribution to the urban heat island effect and potential to increase surface water run-off in developments, all in comparison to natural lawns and grassland.

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

The Council strongly supports the approach of giving greater consideration to the relative value of agricultural land for food production when deciding which sites are appropriate for development, particularly in light of food security and building resilience to future crisis and shocks.

However, it should be noted that the majority of undeveloped land remaining within Fareham Borough which is not already constrained by irreplaceable habitats, important nature conservation designations or flood zones, is predominantly agricultural land that is of value to food production (i.e. best and most versatile agricultural land- classifications 1-3).

Therefore, in order to meet future development needs in full, the loss of valued farmland for food production is likely to be required. Therefore, the Council will need to balance up two competing priorities when taking forward its next Local Plan, and suggests that to accord with the Government's food strategy by maintaining a high degree of food security, valued agricultural land for food production should be included within footnote 7 of paragraph 11 in the Framework as a genuine constraint to meeting development needs.

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

The Council considers the requirement to conduct a proportionate and effective carbon impact assessment to be challenging and questions if LPAs will have the necessary resource and expertise to undertake an accurate assessment. However, a potential method to achieve a carbon impact assessment could be achieved through the creation of a Local Plan 'Development Carbon Assessment Toolkit' produced for use by developers and LPAs. This could involve a series of formulas for estimates of carbon associated with different types of development for example:

- Construction materials

- Type of development
- Type of building
- Number of floors & footprint
- Associated infrastructure and sizes e.g. new roads etc

This toolkit would then produce a carbon footprint for a proposal or local plan allocation based on the information submitted. The results from the tool would only provide an estimate, and the accuracy of the footprint figure would be dependent on the quality of the data used to create the formulas and the data inputted into the tool. How the carbon impact from other policies in Local Plans is to be assessed and measured remains challenging.

The Council recommends that clarity is also needed around the scope of any carbon impact assessments. For example, would a carbon impact assessment be required to assess the carbon produced throughout the lifetime of the development, for example through estimates for the annual carbon footprint from gas, electricity, water and transport linked to a new development. This again could be quantifiable with the right type of toolkit.

Whilst it is supportive of the aspiration to better understand the carbon footprint of proposals, the Council believes that this proposal is not going to have a significant impact unless carbon reduction or offsetting requirements are tied to Local Plans. Clarity is sought as to what the results of a carbon impact assessment would be used for. For example, could the data or results be used as a material consideration in decision making, or would LPAs or developers be expected to identify ways that these emissions could be offset/mitigated.

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

The Council suggests that national policy could support climate change adaptation further by requiring both major and minor development to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This is in recognition of the multi-functional benefits that SuDs provide and the cumulative difference/improvement that can be achieved if minor development also incorporated SuDs where possible in addition to the existing requirement on major development.

Furthermore, the requirement to incorporate SuDs within development (as stated in existing paragraph 171 in the NPPF) could also be strengthened to state that SuDs should be designed to be as natural as possible.

In addition, the Council also believes that national policy could include a requirement that in all cases surface water run-off rates from proposed development does not exceed existing run-off rates and for brownfield sites in particular, runoff rates are reduced where possible. This is in recognition of reducing flood risk and helping to reduce stormwater overflows water particularly in light of a changing climate.

Whilst existing paragraph 131 in the Framework refers to the important contribution that trees make to helping mitigation and adaptation to climate change, this could be further strengthened to include reference to helping to reduce the urban heat island effect in urban environments. This could also be extended to other habitats and forms of green infrastructure which also help to reduce the urban heat island effect. This is in recognition that with climate change, summers are expected to be hotter and drier further amplifying the urban heat island effect in our towns and cities.

The Council also considers national policy should support climate change mitigation further by including a requirement that all development should use sustainably sourced materials including promoting the use of recycled materials within development where possible. This is in order for development to help meet legally binding carbon reduction targets set by Government as well as protecting and enhancing the environment. New development should not use materials that contribute to deforestation or lead to environmental degradation and pollution.

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

Whilst the Council agrees with the principle of including re-powering, the proposed changes introduce the concept ahead of footnote 63 that refers to re-powering of wind turbines, therefore the ordering of the references needs to be reviewed.

Overall, the Framework is short of the explanation provided within the consultation document. The Council would suggest that the proposed new paragraph 157 should include a specific reference to 're-powering' in the context of wind turbines and should be included in the glossary.

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

The Council suggests that with the additional changes to paragraph 155 referenced in its answer to question 41, the addition to paragraph 158 would make sense and is supported. However, the Council would request that further clarity is made in relation to what constitutes the 'baseline existing on the site', especially in circumstances where the turbine has been out of action, perhaps through decommissioning.

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

The Council is concerned that the amended wording focuses on the use of Supplementary Planning Documents, when these are set to be removed through the future provisions. National policy should focus on the need to evidence wind opportunities during Local Plan preparation through the preparation of a 'Renewable Energy Capacity Study' to inform plan policy.

The Council also disagrees with the change from 'fully' to 'satisfactory' with regards to identified impacts, as this could be construed as lowering the level at which mitigation of impacts is required.

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

The Council agrees that significant weight should be given to the need to support energy efficiency and that this should be considered alongside the other considerations and policies within the Framework.

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

The Council suggests more clarity is needed in regard to how the spring 2023 changes to the Framework are included in what is defined as the 'current system'. A number of the proposed alterations set to take place in the spring are significant enough to prompt some local authorities to pause and delay plan progression to allow for changes to be taken into account.

However, these transitional arrangements should not apply to this Council as we are awaiting the end of the examination process.

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

The Council supports the proposed transitional arrangements for Local Plan preparation but would like to see more clarity provided in what constitutes a start on preparation. The Framework should be clear on whether a formal notification to DLUHC or PINS is required, or whether commissioning evidence studies for example triggers the process.

The Council notes that the 2020 planning reform consultation referenced a statutory timescale and sanctions for non-compliance. It is pleased that these do not feature in this consultation which recognises the many external factors which influence a Council's ability to progress its Local Plan.

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

The Council agrees with the proposed timeline for preparing neighbourhood plans. This is consistent with the proposals for other development plan documents which provides for clarity within the system.

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

The Council notes the proposed new arrangements for Supplementary Plans. However, further clarity is required to understand the process of adopting Supplementary Plans.

If they are to hold the same weight as Local Plans, it is assumed that they will require a similar examination process. The Framework or future guidance should be clear in explaining this process to ensure that there is not a policy vacuum when SPDs expire.

Clarity is also sought on the transition between SPDs and the new Supplementary Plans. For example, if a Local Authority has a newly adopted plan before the SPD switch off, will they be required to prepare Supplementary Plans before they start on a new Local Plan. If so, this might affect the ability of that LPA to progress a new Local Plan, and could be of concern if that work is also required within the 30 month window for Local Plan preparation, particularly given the under-resourced nature of many Council Planning services.

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

The Council agrees in principle with the scope and principles for guiding National Development Management Policies where they relate to high level or 'generic' matters. For example, high level policies on amenity impacts, secured internal space standards, presumption in favour of sustainable development etc. are often very similar across most if not all Local Plans.

It will be important that National Development Management Policies are clear to avoid ambiguities, so that policies are applied consistently across the country.

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

As referenced in the answer to question 49, the overriding principle should be the ability of the new NDMPs to avoid misinterpretation between LPAs.

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

The Council agrees that selective additions would complement existing national policies for guiding decisions but disagrees with those in relation to housing in town centres and built-up areas as these types of areas across the country are so diverse.

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

The Council considers that the following are examples of other issues which would apply to all or most of England and should be considered as possible options for National Development Management Policies: internal space standards, surface water drainage and flood risk, protection of heritage assets.

In addition, in relation to question 56, measures to improve safety for women, girls and other vulnerable groups in society could be the consideration of a NDMP.

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

The Council considers that there are some areas where additional planning policies could be included in a new framework to help achieve the twelve Levelling Up missions in the Levelling Up White Paper. For example, the Government could re-consider the role of and use of Permitted Development Rights particularly in town centres, as this has been a key driver behind the loss of retail units in town centres which impacts the prosperity of the UK's high streets and people's engagement in their local cultures and community.

The Council also considers policies on specifying quantity standards for open space in a new framework would help achieve the levelling up objective of raising life expectancy, improving wellbeing and generally rising a sense of 'pride of place' through having development that has access to open space and nature.

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

The Council considers that the provision of policies in the Framework which would support the delivery of sustainable homes where they are needed, close to areas of employment would assist in driving economic growth and productivity. By sustainably locating development, the need to travel is reduced with evidence of higher productivity and job satisfaction levels within the workforce, alongside the more obvious environmental benefits.

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

The Council considers that this outcome should not be focused just on the 'urban cores'. Areas for gentle densification are to be defined at the local level, through the Local Design Codes, and accompanied by other performance criteria such as the use of balconies, roof terraces, cycle parking spaces/facilities and reduced car parking ratios.

Gentle densification could be achieved through setting open space and parking standards associated with city and town centre development to be significantly lower than outer areas in conjunction with setting a minimum density. In addition, allowing for subdivision of larger houses to smaller units could also help towards generating 'gentle densities'.

In addition, the Council considers that a more beneficial fiscal regime could be introduced that would facilitate gentle densification on brownfield sites as advantageously as greenfield development, in terms of viability.

56. Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in

society feel safe in our public spaces, including for example policies on lighting/street lighting?

The Council would welcome any proposals which would lead to improved safety outcomes for vulnerable members of society. An emphasis on this in the future Framework would continue to highlight the difficulties encountered by these groups and any policies which would address these issues would seem to only be a positive. Safety for vulnerable groups could be addressed through the new National Development Management Policies as it is a nationwide issue.

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

Fareham Borough Council, as an organisation, employs a customer-focussed approach to service design. Therefore, in order to support how local planning policy is presented, hard copies are available, as is information on our website in print and map-based form where appropriate. There is also a team of people at the end of a telephone to answer queries that members of the public may have.

This is the approach that national policy should follow. For example, this consultation document was not available as a PDF document which made it difficult to share and to print, for those who need to read hard copies. This was different to how the tracked change version was presented, and choice is key in order to encourage access.

More generally, the Council is concerned that the proposed shortening of the timeframe for plan making may make the whole process seem rushed, leading to confusion and frustration for local communities. The Council considers this could be avoided and a greater understanding of the planning system achieved with a sustained period of stable national policy and key elements such as the Standard Method for calculating housing need being unchanged, once it is reviewed again next year.

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

The Council has no comments to make.