



**NORWICH**  
City Council

**Committee name:** Sustainable development panel

**Committee date:** 28/02/2023

**Report title:** Levelling-up and Regeneration Bill: reforms to national planning policy consultation

**Portfolio:** Councillor Stonard, Cabinet member for inclusive and sustainable growth

**Report from:** Executive director of development and city services

**Wards:** All wards

## **Purpose**

To inform members about the current consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy, and to seek members' views on the proposed consultation responses.

## **Recommendation:**

It is recommended that members discuss and comment on the proposed consultation response to be submitted to government and that officers submit a response which takes into account members' comments by the end of the consultation period on 2 March 2023.

## **Policy framework**

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report addresses the first four aims.

## Report details

### Structure

1. The government published the consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy on 22December 2022. There are 58 questions within the consultation document and the deadline for providing a response is 11:45pm on 2 March 2023. The government have suggested that they will respond to this consultation by spring 2023, publishing the immediate National Planning Policy Framework (NPPF) revisions as part of this, *“so that policy changes can take effect as soon as possible”*.
2. The consultation document is available here: [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy). The scope of the consultation is extremely broad and includes both immediate proposed changes to the NPPF and questions on possible wider future changes to national policy to take into account the Levelling-Up and Regeneration Bill (LURB).
3. With regards to the immediate proposed changes to the NPPF, a tracked changes version of the document is available here: [National Planning Policy Framework: draft text for consultation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/consultations/national-planning-policy-framework-draft-text-for-consultation). The government sets out that the purpose of these changes is to allow the swift delivery of the government’s commitments to building enough of the right homes in the right places with the right infrastructure, ensuring the environment is protected and giving local people a greater say on where and where not to place new, beautiful development. Specifically, this includes changes to:
  - make clear how housing figures should be derived and applied so that communities can respond to local circumstances;
  - address issues in the operation of the housing delivery and land supply tests;
  - tackle problems of slow build out;
  - encourage local planning authorities to support the role of community-led groups in delivering affordable housing on exception sites;
  - set clearer expectations around planning for older peoples’ housing;
  - promote more beautiful homes, including through gentle density;
  - make sure that food security considerations are factored into planning decisions that affect farm land;
  - and enable new methods for demonstrating local support for onshore wind development.
4. Alongside these specific changes, the document also calls for views on a wider range of proposals. The government sets out that these are particularly focused on making sure the planning system capitalises on opportunities to support the natural environment, respond to climate change and delivers on levelling up of economic opportunity. The document also signals areas that are likely to be considered as part of a wider review of the Framework to follow Royal Assent of the Bill. The government will consult on the detail of these wider changes later this year, reflecting responses to this consultation.

5. Finally, the consultation document also sets out the envisaged role for National Development Management Policies (NDMPs). These are intended to save plan-makers from having to repeat nationally important policies in their own plans, so that plans can be quicker to produce and focus on locally relevant policies. NDMPs should also provide more consistency for small and medium housebuilders, who otherwise must navigate a complex patchwork of similar but different requirements. The government is proposing that NDMPs are set out separately from the NPPF, which would be re-focused on principles for plan-making. The consultation document calls for views on how NDMPs will be implemented with the government consulting on the detail later this year ahead of finalising the position.
6. As mentioned in the paragraphs above further consultations will follow later in the year and it is hoped that more details on several of the key issues will be forthcoming at this stage. This will include consultations on:
  - a fuller review of the NPPF, which implements a commitment in the government's 2021 Net Zero Strategy to ensure that planning policy contributes to mitigating and adapting to climate change as fully as possible,
  - measures to encourage more rapid build-out by developers,
  - financial penalties for developers who build out too slowly, and
  - the 'alignment policy' which is due to replace the Duty to Cooperate.
  - National Development Management Policies.
7. Due to there being a lack of detail as part of this current consultation it is not proposed to respond to all 58 questions but to instead focus on the key issues. It is also important to note that the council previously responded to the government's consultation on the Planning White Paper back in 2020 and many of the same issues were discussed in depth at this time. It is not proposed to go over the previous comments but for information these can be found [here](#).
8. The government received around 44,000 responses to the Planning for the Future White Paper consultation and recently it has been announced that the government have decided not to respond to the comments received. Whilst we feel that it is important to have the council's response on record, we do need to be mindful of how much time council officers and members spend on responding to such consultations given that the government are not providing responses and given the other work pressures that the council faces.

### **Key issues within the consultation**

9. The consultation is very complex and deals with some very substantial issues. Taking into account some of the longer-term proposals it is likely to result in the biggest overhaul to the NPPF since it was first published in 2012.
10. The consultation covers so many issues with some proposal being immediate and others relating to topics, the detail of which will be consulted on at a later date. Therefore, some of the issues are very specific i.e., promoting mansard roofs and discouraging artificial grass. Others provide a lack of detail and only indicate some form of intent i.e.; mention is made of the abolishment of the duty to cooperate and its replacement with the 'alignment policy' but no detail is given on what this policy may look like with there not even being a specific question on

this very important matter. Other key proposals set out in the White Paper are not covered at all as part of this consultation i.e. the new infrastructure levy.

11. It is not possible to cover all of the issues within this summary, but officers have set out below what they consider to be some of the key points for Norwich. Further detail of the proposals is also given in Appendix 1 along with our responses to the consultation questions:

- (a) The preparation and maintenance of an up-to-date plan which identifies how 'sufficient' housing will be provided should be seen as a priority. An incentive will be provided for Local Authorities which have an adopted up-to-date plan as these authorities will no longer need to continually demonstrate a 5-year housing land supply (5YHLS) and therefore will not be subject to the 'presumption in favour of sustainable development'. Currently the consequence of not having a five-year housing land supply is that councils may start to lose control over where new homes are built with councils having to approve homes on sites that they would not have chosen and on sites that may be less sustainable than allocated sites. It is also proposed that buffers should no longer be required as part of the 5YHLS calculation and that an oversupply of homes early in a plan period can be taken into account when calculating a 5YHLS.
- (b) The calculation of housing need using the standard methodology remains although the government will review the implications for the standard method of new household projections data based on the 2021 Census, which is due to be published in 2024. However, emphasis is being applied to this being only an 'advisory starting point'. Greater flexibility is added to reduce the housing requirement where there are exceptional circumstances. New guidance will be introduced that indicates the type of local characteristics that might justify an alternative method for calculating local housing need, with reference to examples of locations with a high percentage of elderly residents or university towns. It is also proposed that the need to avoid development that would be uncharacteristically dense for the area can outweigh the requirement to meet local housing need.
- (c) An additional permissions-based test will be added to the Housing Delivery Test. This will 'switch off' the application of 'the presumption' as a consequence of under-delivery, where a local planning authority can demonstrate that there are 'sufficient' deliverable permissions to meet the housing requirement set out in its local plan.
- (d) The onus will be on developers to let the Local Planning Authority (LPA) know how sites are progressing and measures will be put in place to incentivise prompt build-out and penalise those that don't build out according to their commitments.
- (e) As part of the planning application stage consideration will be able to be given to the applicant's past behaviour.
- (f) More weight will be given to the provision of social rent housing and specialist older people's housing.
- (g) Evidential requirements to demonstrate that a Local Plan is 'sound' are to be softened. Plans will still need to be evidence based but not to the same extent and there will be less of a requirement to consider and test alternatives. This

includes removing the need for a local plan to be justified as well as the need to consider unmet need from neighbouring areas as part of providing a 'positively prepared' strategy. The examination would assess whether the Local Planning Authorities proposed target meets need so far as possible, takes into account other policies in the Framework and will be effective and deliverable.

- (h) It is proposed to introduce National Development Management Policies (NDMP) which will cover issues that apply regularly in decision-making across the country such as conserving heritage assets and preventing inappropriate development in areas of high flood risk. Local Authorities will then be able to produce 'swifter, slimmer plans' which are more locally relevant and easier for users to digest. The government intends to consult on NDMPs before they are introduced.
- (i) Encouragement for development to be 'well designed and beautiful'. Mansard roofs would be encouraged.
- (j) Steps will be taken to prevent developers from clearing habitats before submitting applications in order to reduce the amount of biodiversity enhancement required. The use of artificial grass by developers will be discouraged. The possibility of embedding a broad form of carbon assessment in planning policy will be explored and policy and guidance in relation to the production of Strategic Flood Risk Assessments will be reviewed.
- (k) There will be more flexibility for onshore wind as they would be able to go ahead on sites that have not been designated in the local plan and replacing old turbines with more powerful and efficient models will be made easier. It is also proposed to give 'significant weight' to the importance of energy efficiency through adaptation of buildings so it will be easier to install energy efficiency measures to improve the energy performance of homes and commercial premises particular with regards to heritage assets.

### **Greater Norwich Local Plan implications**

- 12. Subject to parliamentary approval, the government expects plan-making reforms to be implemented from late 2024. In the meantime, the current NPPF consultation states that government aims to ensure that emerging plans progress to adoption to allow land for development to continue to come forward. It also says that authorities with an up-to-date local plan will be in the best possible position to adapt to the reforms provided for in the Levelling Up and Regeneration Bill.
- 13. Transitional arrangements are proposed which mean that plans like the GNLP which have already been submitted, along with other local plans currently progressing to submission, will be examined as submitted based on current NPPF requirements. For example, the proposed NPPF revisions which say that plans will no longer be required to be 'justified', which is intended to reduce the evidence requirements for plan-making, or the proposed changes on assessing housing numbers for plans, will not apply to the GNLP.
- 14. Plans which are being examined under the current system must be adopted by December 2026. GNLP adoption is currently scheduled for early 2024. This

means that the proposed changes to the NPPF currently being consulted on, along with amendments to the planning system resulting from the LURB, are unlikely to have a direct or significant impact on the examination of the GNLP. Whilst there may be the possibility that the direction of travel of the proposed reforms will influence the consideration of the inspectors of the GNLP, this is a matter of conjecture. The new proposals would affect any review of the GNLP along with the production of Development Management Policies Plans and Supplementary Plan (which are to replace Supplementary Planning Documents).

### **Council response**

15. As already mentioned, the scope of the consultation is very broad and it is important that our response is focused on the most important of issues. Many of the proposals that are being consulted on have merit but as is often the case the devil is in the detail and at this stage, much of this detail is lacking. Furthermore due to the breadth of issues covered and the fact that some changes are proposed to make immediate, whilst other are only consulting on the general scope, it has been quite a challenge to fully understand some of the proposals and it is felt appropriate to note this as part of the consultation response.
16. It is proposed to respond to most but not all of the 58 questions and draft responses to the questions are given in appendix 1. It is also proposed to supply a covering email which gives an overview of our views. A draft of the email is set out below (a) to (q). This should also give members a useful overview of the issues which officers support and those which we have concerns about:

#### **Draft email (paragraph numbers added for ease of reference at the panel meeting):**

- (a) Thank you for consulting Norwich City Council on the Levelling-up and Regeneration Bill: reforms to national planning policy consultation. Whilst Norwich City Council has provided a response to many of the specific questions, we would also like consideration to be given to the comments in the following covering email. We trust that our comments will be taken into account.

#### **Housing**

- (b) Removing the requirement for councils to demonstrate a five-year housing land supply where a plan is up to date is supported. This will incentivise plan making, remove a very resource intensive task and reduce the amount of speculative development. In order to successfully adopt a new local plan, there would remain the need to evidence a five-year housing land supply so removing the need for the first five years of a plans life seems appropriate. The council also agrees that Local Authorities should not be penalised where developers are under delivering and that the 'presumption' should be switched off where an authority can demonstrate sufficient permissions to meet its housing requirement. The council does however have concerns regarding local housing need calculations. It is important not to blur the distinction between establishing housing need for an area and then assessing whether that need can be met within that area. The housing need calculation must be objective and "geographic" factors that prevent the need being accommodated within an area are a separate step which should not be

confused with establishing that need. Alternative methods to establish need which artificially lower that need are therefore the wrong way forward.

- (c) In terms of housing tenure and the need for specialist housing, National Planning Policy should make it clear that tenure should be determined locally and should be based on housing needs. Need can change over time so it should be based on Local Authorities' most up to date evidence.
- (d) Currently there are not enough homes being delivered across the country and whilst the consultation tries to address the issue of land supply, some of these proposals may have adverse implications which may result in less houses being planned for i.e., having greater opportunities to reduce local housing requirements. However, supply is only one issue and the proposed reforms are somewhat lacking in terms of the need for more powers for delivery.

### **Tests of Soundness**

- (e) The proposed statutory 30-month time limit for preparation of local plans appears highly unrealistic based on the city council's experience of plan-making, and hard to reconcile with the proposal to have more public involvement at plan-making stage. The council agrees that the proposal to remove the explicit requirement for plans to be 'justified' may go some way in simplifying and speeding up the examination process, but clear national guidance will be required so Local Authorities know what evidence (and how much of it) is required to support a Local Plan.

### **Role of developers**

- (f) Norwich City Council supports the proposals which place the onus on the developer to provide the information required for councils to complete the Housing Delivery Test and the Five-Year Housing Land Supply and also in principle agrees with the proposals to require developers to build out to an agreed timescale. There would be a need for complete national clarity on the matter and clear procedures in place. Consideration should be given by government as to whether there would be unintended consequences i.e. could the proposal put some developers off from building in certain areas.
- (g) It is a positive step that the consultation acknowledges that it is not always the planning system that is preventing the delivery of new housing and it goes some way to try and address blockages in delivery. Although before introducing such measures it is important to look at unintended consequences.

### **Behaviour of applicants**

- (h) Norwich City Council agrees in principle with the proposal of taking into account applicant past behaviour but questions how it would work in practice. There would be a need for complete national clarity on the matter, so decisions made by the LPA are evidenced based and not subjective. There is concern that this proposal could lead to applications being determined at appeal either against the reason for refusal or against non-determination which would mean that LPAs could lose control over other planning matters.



## **Design**

- (i) In principle Norwich City Council agrees that a strong focus is placed on design quality and 'beauty' although we do feel that 'beauty' is a highly subjective concept and therefore more of an emphasis should be put on the term 'placemaking'. When considering the principle of good design, this needs to respond to the local environment as what works in one setting may not be appropriate in another. Good design cannot also just consider the appearance of something'. It is about enhancing an area, improving biodiversity, creating healthy places, being climate resilient, decarbonising, having connectivity and ensuring meaningful local community and stakeholder involvement.
- (j) Norwich City Council strongly objects to the proposal to make specific reference to mansard roofs as in many places within Norwich this roof form would have a significantly detrimental impact upon the streetscene. We agree that it is important to encourage small scale nature interventions and whilst we would like to see artificial grass limited to being used in places such as sports pitches, it is not considered that the proposal to prevent its use in domestic circumstances through the planning system is enforceable.

## **Climate change adaptation**

- (k) It is not felt that the proposed changes go far enough in addressing climate change adaptation with there not being enough focus on being climate ready. There is a lack of ambition and there is a need for more demanding standards to be set nationally, possibly through building regulations rather than the planning system.

## **National Development Management Policies**

- (l) Introducing National Development Management Policies which reflect national priorities that are difficult to develop evidence at district level and issues that regularly affect decision-making across the council is supported in principle. However, it is important that councils still have the flexibility to set policies to respond to local issues and to reflect local market conditions especially in the context of increasing deregulation of planning controls.

## **Other remarks**

- (m) Alongside these measures the government has also been relaxing planning control through changes to permitted development rights in order to provide greater flexibility in terms of changes of use without the need for planning consent. The overall effect of changes to permitted development rights and use classes has been to reduce local authorities' control over new development. Cities such as Norwich are losing significant amounts of office accommodation which is leaving our office economy in a fragile state and many other town centre uses are now being converted to residential which is resulting the hollowing out of our city centres. Furthermore, permitted development in the past has provide sub standard quality of housing and has not been able to benefit from the community infrastructure levy. This consultation does nothing to address the issues that are being experienced due to an increase in permitted development for change of use to residential.
- (n) We understand and agree that there is a need to simplify the planning process and to speed up the process of producing and updating plans



however we would query whether the proposals will achieve this. Furthermore, we need to ensure that Councils still have the flexibility to set policies to respond to local issues and to reflect local market conditions especially in the context of increasing deregulation of planning controls. In addition, the Council has some concerns regarding the replacement of Supplementary Planning Documents with Supplementary Plans which would need to go through a formal examination process. This will complicate the process of producing these supplementary documents which currently are relatively straightforward to produce and adopt. Clarification is also required on whether Supplementary Plans can hang off of National Development Management Policies. If there are less policies within Local Plans, there may be a need for Supplementary Plans to interpret national policies locally.

- (o) There is clearly a need for effective long-term strategic planning across appropriate geographical areas, to ensure that the economic, infrastructure and environmental priorities of local authorities and other stakeholders are aligned, and the council does have concern in relation to the abolishment of the Duty to Cooperate without having details of the alignment policy which is intended to replace it. Without a strategic planning framework, it will be difficult to see how strategic cross boundary issues are going to be effectively addressed and how sustainable patterns of development will be arrived at. This is a particular issue for Norwich and other cities where the wider urban area is split between several local authorities.
- (p) Within the proposals there is a lack of ambition around climate change and it is also considered that there is a lack on economic need and levelling up, health and wellbeing.
- (q) Finally, we would like it to be noted that we feel that this consultation has been quite disjointed as we are being asked to comment on a certain set of proposal whilst there are a lot of further changes to come so it is quite difficult to understand and appreciate the whole picture. Furthermore, it is not entirely clear how some of these proposals link to the white paper whereas other proposals set out within the white paper are not reflected within this consultation. Overall, we feel that some of the proposals being consulted on are helpful whereas others we would not be able to support.

## **Consultation**

Due to the nature of the report, no public or stakeholder consultation has taken place. The portfolio holder has been briefed on the findings of the report. Stakeholders have the opportunity to comment on the consultation using the links at the start of this report.

## **Implications**

### **Financial and resources**

None directly as a result of this report. Although the consultation seeks views on a future fuller review of national policy considering Government's proposals for wider changes to the planning system, including the Levelling-up and Regeneration Bill which may have implications on planning fees and on infrastructure levy receipts.

## Legal

There are no legal implications.

## Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	The report is not likely to affect people because of their protected characteristics.
Health, social and economic impact	Whilst the report itself does not have any health, social and economic impacts, the future implications of the changes could have quite significant social and economic impacts. These impacts will need to be assessed as part of the decision making process or plan making stage.
Crime and disorder	No likely implications
Children and adults safeguarding	No likely implications
Environmental impact	Whilst the report itself does not have any environmental impacts, the future implications of the changes could quite significantly impact upon our environment. These impacts will need to be assessed as part of the decision making process or plan making stage.

## Risk management

Risk	Consequence	Controls required
No risks have been identified in terms of the publication of this report.	n/a	n/a

## Other options considered

17. One option is to not submit a response to the consultation. This is not recommended as the scope of the consultation concerns some fundamental changes to planning policy and it is important to provide comments so the Councils support/concerns can be recorded/ taken into account.

## Reasons for the decision/recommendation

The recommendation is to discuss and comment on the proposed consultation response to be submitted to government. This will enable members' concerns and support to be taking into account when submitting the council's response to

government. The deadline for responding to the consultation does not permit endorsement by cabinet.

**Background papers:** None

**Appendices:** Appendix 1 - Draft consultation response

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## Appendix 1

### Council's response to the Consultation

The Council's proposed response to each of the consultation questions is set out below in italics. A brief summary of the key issues raised within the consultation document is also given for context but will not be included within the response submitted to government.

#### Reforming the 5 year housing land supply

It is proposed to remove the requirement for local authorities with an up-to-date plan (housing requirement set out in its strategic policies is less than 5 years old) to demonstrate continually a deliverable 5-year housing land supply.

**Q1: 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?**

*Yes, Norwich City Council agrees that LPAs should not have to continually demonstrate a deliverable 5 year housing land supply when their strategic policies are less than 5 years old. Where a plan is up to date it is important that sites are judged on local plan policies rather than against the presumption in favour of sustainable development in national policy at appeal. It would also ensure more of a focus on allocated sites rather than developers trying to achieve planning permissions on unallocated sites and would therefore reduce the amount of speculative development and increase the weight given to local plans. Having to demonstrate a 5 year housing land supply is resource intensive for LPAs and will free up officer time. Removing this requirement will also incentivise plan production.*

The Framework currently requires local authorities to include a buffer of 5%, 10% or 20% on top of their 5 year housing land supply in plan-making or when making decisions. These buffers were built into the 5 year housing land supply as contingency.

**Q2: Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?**

*Yes, Norwich City Council agrees that buffers should not be required as part of the 5YHLS calculations. Buffers potentially mean that less sustainable sites may come forward before more sustainable ones in locations not originally planned for. It will also simplify the process of allocating sites.*

The current system does not allow for LPAs to include historic oversupply in its 5 year housing land supply calculations which can mean that the presumption in favour of sustainable development can result in additional development. It is proposed to bring the position on oversupply in line with that on undersupply.

**Q3: Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?**

*Yes, Norwich City Council agrees that oversupply should be taken into account. Local authorities should be able to include historic oversupply in its 5 year housing land supply calculations as these have helped meet the overall housing need.*

**Q4: What should any planning guidance dealing with oversupply and undersupply say?**

*Planning guidance needs to make it clear that oversupply and undersupply should be treated equally. The guidance needs to set out timescales for addressing exceptional periods of undersupply such as the inability to issue permissions due to nutrient neutrality, as LPAs will not be able to resolve undersupply issues immediately.*

### **Boasting the status of Neighbourhood Plans**

NPPF paragraph 14 currently gives strong protection from speculative development to areas with a neighbourhood plan less than 2 years old that meets its housing requirement. It does however mean that areas with older neighbourhood plans, or where the local planning authority has a low housing land supply or poor housing delivery, can be vulnerable to speculative development. The consultation proposes that where local plans are up-to-date (i.e. less than 5 years old), a 5 year housing land supply will not be required which means that the presumption in favour of sustainable development would not apply as often. As part of this consultation it is also proposed that additional protection is given to neighbourhood plans in circumstances where the local plan is out of date. It is proposed to extend protection to neighbourhood plans that are up to 5 years old instead of the current 2 years and secondly it is proposed removing tests which currently mean local planning authorities need to demonstrate a minimum housing land supply and have delivered a minimum amount in the Housing Delivery Test for neighbourhood plans to benefit from the protection afforded by the Framework.

**Q5: Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?**

*Norwich City Council agrees that protection for neighbourhood plans should be increased from two to five years and should be aligned with local plans. This would give communities which have prepared neighbourhood plans additional protections against inappropriate and unplanned development in their area in the event that the local plan is older than 5 years.*

## **Planning for housing**

Small changes are proposed to paragraphs 1 and 7 of the existing Framework. These changes are intended to signal that providing for necessary development that is integrated with local infrastructure is a core purpose of the planning system, while not negating the fundamental importance of respecting the overarching economic, social and environmental objectives.

**Q6: 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?**

*Yes, Norwich City Council agrees with the proposed changes to paragraphs 1 and 7. The proposed changes clarify the importance of preparing and maintaining up to date plans and ensuring that development is provided in a sustainable manner.*

## **Local housing need and the standard method**

No changes are being proposed to the standard method formula itself; however it is proposed to review the implications on the standard method of new household projections data based on the 2021 Census, which is due to be published in 2024. It is also proposed to make changes to the NPPF and guidance on local housing need and Housing Delivery Test. These changes are designed to support local authorities to set local housing requirements that respond to demographic and affordability pressures while being realistic given local constraints. Being clearer about how local constraints can be taken into account and taking a more proportionate approach to local plan examination is intended to speed up plan-making.

**Q7: What are your views on the implications these changes may have on plan-making and housing supply?**

*It is important not to blur the distinction between establishing housing need for an area and then assessing whether that need can be met within that area. The housing need calculation must be objective and “geographic” factors that prevent the need being accommodated within an area are a separate step which should not be confused with establishing that need. Alternative methods to establish need which artificially lower that need are therefore the wrong way forward. In any case, use of the standard method is non-binding through the current NPPF and exceptional circumstances already apply where that need cannot be met within a local planning authority area. Furthermore, basing the forecast on household projections in the standard methodology already takes some account of differing demographic characteristics.*

*It is therefore important that Local Authorities determine their housing need based on up-to-date local evidence and then go through the process of assessing whether*

*they can meet that need within their Local Authority boundary by considering local constraints and circumstances, taking into account demographic and affordability pressures. Whilst Local Authorities need to be able to determine housing need locally, there is a need for clear national guidance as to what can be taken into account under local constraints. This will rightly enable Local Authorities to take into account constraints and will help support a plan-led system.*

*As a result, the future approach should continue to firstly use a standard method to establish need. This should then be followed by an exercise to identify whether that need can be met within the boundaries of an LPA. If it cannot be met due to local constraints, then an alignment policy must replace the duty to cooperate to enable that need to be met in authorities within the same housing market area.*

### **Introducing new flexibilities to meeting housing needs**

Local authorities are expected to continue to use local housing need, assessed through the standard method, although the ability to use an alternative approach where there are exceptional circumstances will be retained. It will be made clear in the guidance that the outcome from the standard method is a starting point to inform plan making i.e. a guide that is not mandatory. It is also proposed to give better guidance about the type of local characteristics which may justify the use of an alternative method.

**Q8: 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?**

*Yes to avoid challenges, there needs to be clear guidance as to what constitutes an exceptional circumstance.*

It is proposed to make three changes relating to matters that may need to be considered when assessing whether a plan can meet all of the housing need which has been identified locally. Firstly it is intended to make it clear that if housing need can only be met by building at high densities which would be significantly out of character with the existing area, there may be adverse impacts which could outweigh the benefits. Secondly it is proposed to make it clear that LPA are not required to review and alter greenbelts if this is the only way to meet need. Thirdly it is proposed to allow 'over-delivery' to be taken into account so if permissions that have been granted exceed the provision made in the existing plan, that surplus may be deducted from what needs to be provided in the new plan.

**Q9: 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?**

*Yes. Norwich City Council agrees with all three proposals.*

**Q10: 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?**

*Once Local Authorities have local design codes in place, these could be used to help make the case that densities would be out of character with the area. In addition Conservation Area Appraisals would be a useful tool along with other supporting documentation such as masterplans, heritage assessments, landscape character assessments, flood risk information and details of ground conditions.*

It is proposed to simplify and amend the test of soundness through which plans are examined so that they are no longer required to be 'justified'. Instead the examination would assess whether the LPA's proposed target meets need so far as possible, takes into account other policies in the Framework and will be effective and deliverable. Although authorities would still need to produce evidence to inform and explain their plan and to satisfy requirements for environmental assessment, removing the explicit test that plans are 'justified' is intended to allow a proportionate approach to their examination. It is not proposed that these changes will apply to plans that have reached pre-submission consultation stage, plans that reach that stage within 3 months of introduction of this policy change, or plans that have been submitted for independent examination.

**Q11: Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?**

*Yes, Norwich City Council agrees with removing the explicit requirement for plans to be justified. Plans will still be evidence based, will still involve participation from the local community and will still consider alternatives but by removing this test of soundness it will help simplify and speed up the examination process which will be fundamental if plans are due to be adopted within 30 months. National guidance will however need to be provided so it is clear what evidence (and how much of it) is required to support a Local Plan so that this uncertainty does not cause delay to the plan-making process, thereby negating any potential benefit of this change.*

**Q12: 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?**

*Yes, Norwich City Council agrees with this element of the proposal.*

Urban uplift relates to providing extra homes in the 20 largest towns and cities. Norwich is not one of these cities.

**Q13: Do you agree that we should make a change to the Framework on the application of the urban uplift?**

*No comment. Norwich is not a city which is affected by urban uplift.*

**Q14: 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?**

*No comment. Norwich is not a city which is affected by urban uplift.*

**Q15: 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?**

*Norwich is not a city which is affected by urban uplift; however it is a city where the wider urban area is split between several local authorities and Norwich City Council is unlikely to always be able to meet its own housing need in full. Within the Bill it is proposed to remove the Duty to co-operate and to replace it with an 'alignment policy'. Without having further details of the 'alignment policy', it is difficult to see how strategic cross boundary issues are going to be effectively addressed and how sustainable patterns of development will be delivered. Decisions made in one local authority area may greatly impact on another. In order to alleviate the concerns that we currently have with regards to the abolishment of the duty to co-operate, further details are required on the 'alignment policy'.*

**Enabling communities with plans already in the system to benefit from changes**

Changes to emerging plans that are necessary may result in delays in getting an up-to-date plan in place. So to reduce the risk of communities being exposed to speculative development, it is proposed that LPAs which have submitted emerging local plans or have been out to Regulation 18 or 19 consultation will benefit from a reduced housing land supply requirement. This will be a requirement to demonstrate a 4 year supply of land for housing, rather than the usual 5.

**Q16: Do you agree with the proposed 4 year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?**

*Yes, Norwich City Council agrees with the 4 year rolling land supply requirement and it should take account of undersupply.*

**Q17: 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?**

*No comment.*

### **Taking account of permissions granted in the Housing Delivery Test**

The housing delivery test was introduced in 2018 to measure homes built. The government wants to apply the HDT in a way which does not penalise LPAs unfairly when slow housing delivery results from developer behaviour. It is therefore proposed to add an additional permissions-based test which will 'switch off' the application of 'the presumption' as a consequence of under-delivery where a LPA can demonstrate that there are 'sufficient' deliverable permissions to meet the housing requirement set out in its local plan. Some contingency will be required and based on an analysis of the number of planning permissions that are not progressed or are revised, this should be set at 15%. Therefore it is proposed to define 'sufficient' deliverable units as 115% of the housing requirement or local housing need and this will form the basis for the 'switch off'. The authority will still be required to prepare an action plan that assesses the causes of housing under-delivery and identifies actions to increase housing delivery in future years.

**Q18: Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?**

*Yes Norwich City Council supports 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 requirements. This ensures that local planning authorities that are granting sufficient permissions are not penalised for poor delivery rates by developers. However further clarity is required as to whether the permissions based test would only apply if an LPA did not meet the required delivery targets under the HDT. In addition, clear guidance will be needed as to how the permissions will be counted, e.g.*

- *Can outline consents and permissions in principle be counted?*
- *How will institutional development (such as Purpose Built Student Accommodation & Care Homes) and large co-housing developments be counted? - A prescribed standardised ratio would be beneficial for this purpose.*

- *Will a buffer / a lapse rate be required? If so, provide detail how this is to be calculated – will it be an overall rate, or will it just be applied to certain sizes/types of consent. For the five-year housing supply calculation Greater Norwich applies a lapse rate to consents for sites of 9 or fewer only, calculated based on previous delivery.*

*Norwich City Council is also concerned that this could be resource intensive/onerous on LPAs and could use up “saved” resource from the proposed changes to the 5yrs.*

**Q19: 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?**

*Yes Norwich City Council considers that the 115% ‘switch-off’ figures is appropriate although clarity is needed for the reason of the 15% i.e. Is this an additional 15% to count as a lapse rate as it is unrealistic to expect 100% of permissions to be built out?*

**Q20: Do you have views on a robust method for counting deliverable homes permissioned for these purposes?**

*Norwich City Council is concerned that this could be a resource intensive exercise which would use up “saved” resource from the proposed changes to the 5yrs, thereby negating any benefit from that. Therefore, we would support proposals that places the onus on developers to provide information required for this task. Having a clear definition of what “deliverable” means, or using historic lapse rates are other options for counting methods.*

The government intends to publish the 2022 Housing Delivery Test results. However given the proposed changes and consultation on the working of the Housing Delivery Test views are being sought on whether the test’s consequences should follow from the publication of the 2022 test or if they should be amended, suspended until the publication of the 2023 Housing Delivery Test, or frozen to reflect the 2021 Housing Delivery Test result.

**Q21: What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?**

*Norwich city council considers it would be appropriate to suspend the consequences of the 2022 HDT given that there are significant changes to the test proposed which could come into force in the short term. We consider consequences of not meeting the HDT should be tied to the new permissions based test.*

**More homes for social rent**

The Levelling UP White Paper seeks to ‘increase the amount of social housing available over time to provide the most affordable housing to those who need it and to ensure home ownership is within the reach of many more people. The Framework

outlines an expectation that 10% of homes in major development should be available for affordable home ownerships but it is proposed to make changes to the Framework to make clear that LPAs should give greater importance in planning for Social Rent homes.

**Q22: 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?**

*National Planning Policy should make it clear that tenure should be determined locally and should be based on housing needs. Need can change over time so should be based on Local Authorities' most up to date evidence.*

### **More older people's housing**

The existing NPPF sets out that size, type and tenure of housing needed for different groups in the community, including older people, should be assessed and reflected in planning policies. The UK population is ageing rapidly and in order to further support the supply of older people's housing, it is proposed to add an additional specific expectation that within ensuring that the needs of older people are met, particular regard to retirement housing, housing-with-care and care homes, which are important typologies of housing that can help support the ageing population.

**Q23: Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?**

*The supply of specialist older people's housing should be determined locally and should be based on housing needs. The need for specialist older people's housing will change over time so should be based on Local Authorities' most up to date evidence.*

### **More small sites for small builders**

Paragraph 69 of the existing NPPF sets out that local planning authorities should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare, unless there are strong reasons why this 10% target cannot be achieved. The government has heard views that the existing policies are not effective enough in supporting the government's housing objectives and they should be strengthened to support development on small sites, especially those that will deliver high levels of affordable housing.

**Q24: 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)?**

*With the urban area of Norwich, much of our housing delivery is on sites smaller than one hectare and we acknowledge and support the important contribution that small and medium sizes have towards meeting our housing requirement. Norwich City Council allocates both small sites and also supports the development of windfall appropriate sites. There has not been the need to use tools such as Local Development Orders and we consider that the existing policy approach is relatively effective.*

**Q25: 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?**

*As set out within Q24 small sites frequently deliver housing within Norwich. However we find that small urban sites do not often deliver high levels of affordable housing either due to them not meet the threshold for affordable housing or due to them having constraints that mean that development costs are high which affects the viability of the site. Notwithstanding this Norwich City Council has itself delivered several 100% affordable housing schemes on small brownfield sites within Norwich. The policy could be strengthened by reforming the approach taking to exception sites for affordable housing.*

### **More community-led developments**

The government wants to encourage a greater role for community-led housing groups and for LPAs to support the role of community-led groups in delivering affordable housing. Some community-led developers have told the government that the definition of 'affordable housing for rent' in the NPPF glossary makes this difficult because it defines this type of housing as having a landlord that is a Registered Provider of social housing. Restricting the definition to homes let by Registered Providers ensures that the residents who will eventually live in those homes benefit from the protections offered by the regulatory system for social housing. The government is seeking views on whether the definition of affordable housing for rent should 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.

**Q26: 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?**



*Norwich City Council does not agree with amending the definition of affordable housing for rent. To ensure that affordable housing is well managed, is truly affordable and remains affordable in perpetuity it needs to be taken on by registered providers or charities.*

**Q27: Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?**

*No comment – Norwich City Council does not use the exception policy as an urban authority.*

**Q28: Is there anything else that you think would help community groups in delivering affordable housing on exception sites?**

*No comment – Norwich City Council does not use the exception policy as an urban authority.*

**Q29: Is there anything else national planning policy could do to support community-led developments?**

*No comment – Whilst Norwich City Council does not use the exception policy as we are an urban authority, we have had some experience of community-led developments and co-housing and these are something that we would support in principle and would consider the planning merits on a case-by-case basis.*

The government wants to consult on potential ways to improve developer accountability and in particular to take account of past irresponsible behaviour in decision-making. Although the vast majority of developers and landowners follow the rules, instances of irresponsible individuals and companies persistently breaching planning control or failing to deliver their legal commitments to the community are not uncommon. There is a long standing principle that planning decisions should be based on the planning merits of the proposed development and not the applicant. Nonetheless there are instances where personal circumstances can be taken into account and the government consider that it would be legitimate to consider widening this scope to include an applicant's past irresponsible behaviour. The government is proposing two options. Firstly, making such behaviour a material consideration so any previous irresponsible behaviour can be taken into account alongside other planning considerations. Option 2 is to allow local planning authorities to decline to determine applications submitted by applicants who have a demonstrated track record of past irresponsible behaviour prior to the application being considered on its planning merits.

**Q30: Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?**



*Norwich City Council agrees with the principle of this proposal but questions how it would work in practice. There would be a need for complete national clarity on the matter so decisions made by the LPA are evidenced based and not subjective. There is concern that this proposal could lead to applications being determined at appeal either against the reason for refusal or against non determination which would mean that LPAs could lose control over other planning matters. The term 'behaviour' raises concerns with Norwich City Council. The proposal could also lead to rogue landlords or developers buying property or land already with permission rather than seeking planning permission themselves.*

**Q31: Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?**

*Norwich City Council does not feel able to comment on which option would be most effective until there is more clarity on the proposal. Possible alternative mechanisms could include provide more resource and strengthening the requirement for enforcement/compliance which would be a deterrent for poor behaviour. In order to get around the issue of people buying and selling planning permissions consents would need to be conditioned to state that the consent expires on sale or transfer of ownership of the land.*

## **More build out**

The government is proposing to develop a package of measures to incentivise the prompt build-out of permitted housing sites and to support LPAs to act against those who fail to meet these commitments. Through the Bill, housebuilders will be required to formally notify local authorities, via a Development Commencement Notice when they commence development. It is also proposed to modernise and streamline existing powers for LPAs to serve a completion notice (which has the effect that if the development is not completed within the period specified in the notice, the planning permission for unfinished development lapses). Furthermore housing developers will be required to report annually to local authorities on their actual delivery of housing against a proposed trajectory that they submit on commencing a scheme. Finally local planning authorities will have discretion to decide whether to entertain future planning applications made by developers who fail to build out earlier permission granted on the same land. Alongside this local authorities will need to do their bit to promptly process planning permissions and to discharge conditions. An increase in planning fees should help resource LPAs to do this. It is intended to introduce 3 measures via changes to national planning policy which are a) to publish data on developers of sites over a certain size in cases where they fail to build out according to commitments, b) developers will be required to explain how they propose to increase the diversity of housing tenures to maximise the rate at which homes are sold or occupied, c) NPPF will highlight that delivery can be a material consideration in planning applications (applications with trajectories that propose a slow delivery rate may be refused in certain circumstances).

**Q32: 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?**

*In principle Norwich City Council agrees with the proposal as putting the onus on developers is a positive step. Requiring developers to submit commencement notices and requiring developers to report annually to the LPA will assist greatly in terms of monitoring and producing 5 year housing land supply as well as incentivising developers to build out quicker and to an agreed timescale. There would be a need for complete national clarity on the matter and clear procedures in place. Consideration should be given by government as to whether there would be unintended consequences i.e. could the proposal put some developers off.*

## **Asking for beauty**

It is proposed to make changes to the NPPF to emphasise the role of beauty and placemaking in strategic policies to further encourage beautiful development and deliver on the levelling up missions through national planning policy.

### **Q33: 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?**

*In principle Norwich City Council agrees that a strong focus is placed on design quality and 'beauty' although we do feel that 'beauty' is a highly subjective concept and therefore more of an emphasis should be put on the term 'placemaking'. When considering the principle of good design, this needs to respond to the local environment as what works in one setting may not be appropriate in another. Good design cannot also just consider the appearance of something'. It is about enhancing an area, improving biodiversity, creating healthy places, being climate resilient, decarbonising, having connectivity and ensuring meaningful local community and stakeholder involvement.*

### **Q34: 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?**

*In principle Norwich City Council agrees that a strong focus is placed on design quality and 'beauty' although we do feel that 'beauty' is a highly subjective concept and therefore more of an emphasis should be put on the term 'placemaking'. When considering the principle of good design, this needs to respond to the local environment as what works in one setting may not be appropriate in another. Good design cannot also just consider the appearance of something'. It is about enhancing an area, improving biodiversity, creating healthy places, being climate resilient, decarbonising, having connectivity and ensuring meaningful local community and stakeholder involvement.*

## **Refuse ugliness**

It is important that conditions refer to clear and accurate plans and drawings. This will help support effective enforcement and ensure well-designed and beautiful places where the design quality of approved development is not materially diminished after a scheme is permitted.

### **Q35: Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?**

*Yes, Norwich City Council agrees with the proposed amended text as it is important that schemes do not become value engineered which results in the design quality diminishing. Notwithstanding this, Norwich City Council feels that we deal quite well with compliance and we are not sure to what extent the proposal will actually enhance what we already have.*

## **Embracing gentle density**

Building upwards in managed ways can help deliver new homes and extend existing ones in forms that are consistent with the existing street design, contributing to gentle increases in density. In some locations, local planning authorities have been reluctant to approve mansard roof development as it has been considered harmful to the character of neighbourhoods. The government thinks this is wrong and wants all LPAs to take a positive approach towards well designed upward extension schemes, particularly mansard roofs. It is therefore proposed that a reference to mansard roofs as an appropriate form of upward extension would recognise their value in securing gentle densification where appropriate.

**Q36: Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?**

*No. Norwich City Council objects to the specific reference to mansard roofs within the NPPF. Norwich City benefits from a wide variety of roof forms, with Mansard roofs being a particular minority in that variety. In some instances a mansard roof would be appropriate and in other cases it would have a significantly detrimental impact upon the streetscene and the wider conservation area. Upward extensions should be considered on their own merits and the concern is that the proposed policy wording would make it harder to resist inappropriate development. The existing policy does not preclude mansard roofs and therefore it is not seen as necessary to amend this part of the NPPF and could in itself be harmful. It would be better to address specific issues such as mansard roofs within local design codes.*

## **Delivering biodiversity net gain and local nature recovery**

The Environment Act 2021 provides the foundations for enabling nature and environmental improvements. It requires at least 10% biodiversity net gain on all development sites, introduced Local Nature Recovery Strategies, which will map important habitats and areas for nature recovery and enhancement and makes a commitment to review the NPPF policy on ancient woodlands and ancient and veteran trees. As part of the consultation views are being sought on how the government can strengthen policy and associated national design guidance to promote small-scale changes that can enhance biodiversity and support wildlife recovery. The National Model Design Code already promotes design that will

encourage more wildlife-friendly neighbourhoods, including bat and bird boxes, bee and swift bricks and hedgehog highways. In addition the government has already set out its view that artificial grass has no value for wildlife.

**Q37: 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?**

*Norwich City Council agrees that it is important to encourage small scale nature interventions such as the provision of bird boxes, bat boxes and the careful consideration of landscaping and these measures will support the requirements for biodiversity net gain. We also agree that it is important to discourage the use of artificial grass but question how enforceable this is. As part of residential schemes often no turf is provided by developers and it is up to the occupier to put turf down once they have moved in. Whilst artificial grass should be discouraged, the focus needs to be more about planting trees and using native species within landscaping schemes.*

### **Recognising the food production value of farmland**

The government's food strategy aims to broadly maintain domestic production at current levels to build the UK's resilience to future crisis and shocks. The government is seeking views on increasing the consideration given to the highest value farmland used for food production in the Framework for both plans and decision making.

**Q38: 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?**

*Norwich City Council does not have any farmland within our administrative boundaries. We agree that good quality farm land should be protected; however we do acknowledge that it is sometimes necessary to lose farm land in order to deliver large scale sustainable energy projects such as solar farms and on shore wind turbines. We would not like to see any policy change prejudice the future delivery of such schemes.*

### **Climate change mitigation: exploring a form of carbon assessment**

There have been calls to embed a broad form of carbon assessment in planning policy, for example that could apply at local plan-level or could cover emissions that result from locational, design, travel and development choices. The government is interested in whether effective and proportionate ways of deploying a broad carbon assessment exists, including what they should measures, what evidence could

underpin them such as Local Area Energy Plans, and how they may be used in a plan-making context or as a tool for assessing individual developments.

**Q39: 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?**

*There needs to be a national carbon assessment with a clear methodology so comparisons can be made like for like across the country and between schemes. It needs to be clear as to what is included such as operational energy, embodied carbon, water use, whole life carbon etc.*

### **Climate adaptation and flood-risk management**

Stakeholders have suggested that planning policy should address other climate risks such as overheating and water scarcity and that it should help put more focus on nature-based solutions and multi-functional benefits. This would be beneficial for ensuring future development is resilient to changes in climate. For example the provision of green infrastructure in new development can aid climate change adaption and improve resilience to extreme weather events. In doing so it can provide a pleasant environment, have a positive impact on people's health and well-being, enhance biodiversity, assist with water management and contribute towards cooling and shading to counter overheating.

**Q40: 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 current means of requiring higher water efficiency standards through local plan policies should either allow for more demanding standards to be set or be replaced by nationally set standards which take account of the need for more demanding standards in areas of water stress. The aim should be for water neutrality to be achieved in water stressed areas.*

*More focus on nature-based solutions and multi-functional benefits would be welcomed. Green infrastructure (GI) provision, either on-site in larger and greenfield development or possibly off-site where there is limited feasibility is key. The aim should be to provide for biodiversity net gain, reduce flood risk and to promote active travel. Whilst the policy framework should be strengthened to support this further, a greater focus on explaining the benefits of GI to developers would also be beneficial. This could be done by referencing online design tools which assist and accredit the provision of high quality GI.*

## **Onshore wind and energy efficiency**

Many existing onshore wind turbines are reaching their end of life. It is proposed to make change to paragraph 155 and 158 of the NPPF to enable the re-powering of renewable and low carbon energy where planning permission is needed, and providing that the impacts of any development proposals are or can be made acceptable in planning terms.

### **Q41: Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?**

*Whilst Norwich City is an urban authority and has no existing onshore wind turbines, we would support the proposed changes.*

### **Q42: Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?**

*Whilst Norwich City is an urban authority and has no existing onshore wind turbines, we would support the proposed changes.*

## **Introducing more flexibility to plan for new onshore wind deployment**

The government has published updated guidance about community engagement which sets out expectations that developers go further in their engagement with the communities, such as investing in digital and online methods and revising the size and layout of projects in response to community feedback.

### **Q43: 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?**

*Norwich City is an urban authority and has limited scope for onshore wind turbines, however our population relies on electricity generated elsewhere which should be produced as sustainably as possible. We do not feel that the changes as proposed in footnotes 62 and 63 go far enough. The council would support strengthened amendments to the NPPF which actively promote onshore wind turbine development as part of a wider package of measures to decarbonise energy supplies. It is important that proposals are assessed on their own merits at decision making stage with no unnecessary barriers put in their way. The need to achieve net zero emissions should be a significant material consideration for wind turbine applications.*



## **Barriers to energy efficiency**

The government is proposing to review the practical planning barriers that householders face when installing energy efficiency measures in their homes such as improved window glazing and better insulation which is particularly relevant to conservation areas and listed buildings. To help the delivery of such measures it is proposed to add a paragraph to the NPPF which clarifies that significant weight should be given to the importance of energy efficiency through adoption of buildings, whilst ensuring that local amenity and heritage continues to be protected.

### **Q44: 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?**

*Norwich City Council agrees that where appropriate, support should be given for improving the energy efficiency of existing buildings and this is particularly important for commercial buildings in terms of their ability to achieve adequate EPC ratings and therefore meeting regulations for letting purposes. Notwithstanding this, there is a balance to be struck in terms of heritage assets as some adaptations could have a harmful impact upon the building itself or the wider conservation area. The term 'significant weight' could open the door for inappropriate development. Instead applications need to be determined on a case by case basis and it may be more appropriate to use the terminology 'some weight' rather than 'significant weight'. If the suggested approach is progressed it is considered highly important that this is in liaison with Historic England and accompanied by robust and detailed guidance.*

### **Given time to finalise and adopt plans already in development before the reformed plan-making system is introduced**

The reformed plan-making system is intended to be introduced in late 2024 but the changes set out to the NPPF are expected to take effect from spring 2023. Plan makers have until 30 June 2025 to submit their local plans for examination under the existing legal framework which will mean existing legal requirements such as the Duty to Cooperate will still apply. Also proposing that examinations must have concluded by 31 December 2026.

### **Q45: 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?**

*Norwich City Council agrees with the proposed timeline.*

### **Setting out the timeline for preparing local plans, spatial development strategies, minerals and waste plans and supplementary plans under the reformed system**

Under the reformed system, which is expected to go live in late 2023, there will be a requirement for LPAs to start work on new plans by, at the latest, 5 years after adoption of their previous plan, and to adopt that new plan within 30 months. Authorities that has a plan that is more than 5 years old when the new system goes live will be required to begin preparing a new style local plan straight away. Authorities that do not meet the 30 June 2025 submission deadline for old style plans will need to prepare plans under the new plan-making system. To minimise speculative applications it is proposed that where plans become more than 5 years old during the first 30 months of the new system (i.e. while the LPA is preparing their new plan), it will continue to be considered 'up-to-date' for decision-making purposes for 30 months after the new system starts.

**Q46: Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?**

*Norwich City Council agrees with the proposed transitional arrangements.*

Neighbourhood plans submitted for examination after 30 June 2025 will be required to comply with the new legal framework.

**Q47: Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?**

*Norwich City Council agrees with the proposed timeline.*

Under the reformed planning system, authorities will no longer be able to prepare supplementary planning documents (SPDs). Instead they will be able to prepare Supplementary Plans which will be afforded the same weight as local plans. Once the new system comes into force, existing SPDs will remain in force until the LPA is required to adopt a new style plan. Current SPDs will cease to have effect at the point at which authorities are required to have a new-style plan in place.

**Q48: Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?**

*Norwich City Council agrees with the proposed transitional arrangements.*

## **National Development Management Policies**

Further consultation will take place on the draft NDMPs. This section does not seek views on the specific policies, but the principles for producing them. It is proposed

that NDMPs would cover planning considerations that apply regularly in decision-making such as general policies for conserving heritage assets and preventing inappropriate development in the Green Belt and areas of high flood risk. It is proposed that NDMPs would fall within three categories. Firstly existing policies in NPPF which are aimed at decision making, secondly selective new additions to reflect new national priorities that are difficult to develop evidence at district level, and thirdly selective new additions to close gaps where existing policy is silent on planning considerations that regularly affect decision-making across the Country. They would need to cover matters that have direct bearing on the determination of planning application, be limited to nationally important issues and solely address planning issues (i.e. not building reg matters). It is proposed that National Development Management Policies would have the same weight as in certain planning decisions as policies in local plans, neighbourhood plans and other statutory plans as currently national policies do not have any statutory status and are only 'material considerations'.

**Q49: Do you agree with the suggested scope and principles for guiding National Development Management Policies?**

*Yes, Norwich City Council broadly agrees with the principles for producing NDMP and the three categories. It is however important that Councils still have the flexibility to set policies to respond to local issues and to reflect local market conditions especially in the context of increasing deregulation of planning controls.*

**Q50: What other principles, if any, do you believe should inform the scope of National Development Management Policies?**

*No comment*

**Q51: Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?**

*Yes, Norwich City Council agrees that in principle selective new additions should be considered to reflect new national priorities that would be difficult to develop evidence to support at a local level which are nationally important. Selective additions should also be used to close the gaps where there are planning considerations that regularly affect decision-making across the country. Until there is more detail on what selective new additions are proposed we are not able to comment further. It is however important that Councils still have the flexibility to set policies to respond to local issues and to reflect local market conditions especially in the context of increasing deregulation of planning controls.*

**Q52: 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?**

*Norwich City Council will be keen to comment once the draft NDMPs have been published. NDMPs could include policies on issues such as flooding, biodiversity, climate change, renewable and low carbon energy, carbon assessments, impact upon neighbouring amenity, appropriate living conditions and the historic environment.*

## **Enabling levelling up**

The Government feels that changes to national planning policy might be able to reflect the agenda set out in the Levelling Up White Paper published in February 2022. They are interested in any innovative ideas through which the planning system can better enable the government to achieve its levelling up missions.

### **Q53: What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?**

*No comment. Norwich City Council will be keen to comment once the new framework has been drafted.*

## **Levelling up and boosting economic growth**

Under the forthcoming full review of the NPPF it is proposed to reshape the existing 'Building a strong competitive economy' policies to align more closely with the economic vision set out in the Levelling Up White Paper.

### **Q54: 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?**

*Norwich City Council will be keen to comment once the new framework has been drafted however it is fundamental that cities have sufficient employment land including office accommodation. The government seems intent on reducing the amount of control that LPAs have and for this reason Norwich is introducing an Article 4 Direction in order to manage that loss of office accommodation. There has been a significant loss of offices over time and information gathered during as part of our evidence base has suggested that this uncontrolled loss has left Norwich's office economy in a fragile state. The government should consider reversing some permitted development rights which result in the loss of town centre and employment uses.*

### **Q55: Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?**

*Yes, Norwich City Council agrees that development should be focused on brownfield land and seeks to encourage gentle densification of our city centre. In particular Norwich City Council understands that increasing residential population within our city centres can help increase vitality. Notwithstanding this, increasing residential population within the city centre cannot be at the expense of losing important office and other town centre uses. Furthermore, within the historic core, it is important that buildings are of an appropriate height, scale and mass to avoid having a significantly harmful impact upon our heritage assets. Therefore, whilst we agree with the principle of gentle densification, it is important that proposals can be assessed on a case by case basis so that the Local Planning Authority can take into account all material planning considerations and ensure that development is appropriate.*

### **Levelling up and boosting pride in places**

**Q56: Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?**

*No comment*

**Q57: Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?**

*No comments*

**Q58: We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.**

*No comments*