

# Consultation response form

This is the response form for the consultation on the draft revised National Planning Policy Framework. If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. The comment boxes will expand as you type. Required fields are indicated with an asterisk (\*)

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Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?\*

## Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation. \*

### Local authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)

If you selected other, please state the type of organisation

Click here to enter text.

Please provide the name of the organisation (if applicable)

Teignbridge District Council

## Chapter 1: Introduction

### Question 1

Do you have any comments on the text of Chapter 1?

No

## Chapter 2: Achieving sustainable development

### Question 2

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

**Not sure**

Please enter your comments here

The overall presumption in favour of sustainable development is supported. We support the draft Framework's overall support for joint plan making and strategic policies. However, there should be no doubt that joint plans can distribute overall development needs in a manner that doesn't necessarily coincide with each individual authority's individual objectively assessed need (OAN). Chapter 3, and paragraph 11's reference to it, doesn't necessarily do this.

### Question 3

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

**Yes**

Please enter your comments here

[Click here to enter text.](#)

### Question 4

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

[Click here to enter text.](#)

## Chapter 3: Plan-making

## Question 5

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

No

Please enter your comments here

[Click here to enter text.](#)

## Question 6

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

We welcome general clear and explicit support for joint plan making. Paragraph 20, where it refers to 'the area of each local planning authority' is possibly in conflict with this approach and should make it clearer that individual authority development needs can be addressed across joint planning boundaries as part of positive plan making and not just as a response to absolute development constraints.

It should also be confirmed that not all of the elements of paragraph 20 need to be contained in a joint strategic plan where a separate district level plan containing some strategic policies will also be produced.

Paragraph 23, as drafted, could imply that a 1% increase in OAN will require early plan review. Relatively small margins for error should be incorporated into need calculations rather than necessitating plan review.

The paragraph 34 principle of identifying necessary contributions at the plan making stage is supported but there needs to be recognition that concluding absolute costs will involve significant resource and cost implications for authorities and/or site promoters at a time when it remains uncertain whether an allocation will be approved. This may dissuade landowners from putting sites forward and authorities from bringing forward more ambitious development proposals. It is more reasonable and proportionate to identify key infrastructure requirements and an estimate of costs involved, recognising that land deals are ordinarily structured in a manner that accounts for an element of uncertainty with respect to necessary contributions.

Particularly in respect of 'types of development', draft paragraph 34 may introduce a new lowest denominator approach to plan viability. 2012 NPPF paragraph 174 confirmed that policies and standards should not put plan implementation at serious risk. By contrast, the updated text could mean that any demonstration that one site amongst a wider development type would be made unviable should mean that standards and contributions sought from all developments amongst that typology should be diluted. The implications of this for meeting overall needs and addressing infrastructure requirements could be substantial.

## Chapter 4: Decision-making

### Question 7

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

**No**

Please enter your comments here

This approach is fully supported. Further scrutiny and scope for comparison between different development appraisals will help to ensure that large site development efficiencies are directed towards addressing needs, enhancing design quality and delivering essential infrastructure.

### Question 8

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

**Yes**

Please enter your comments here:

Yes. The guidance should be clear about what matters should not ordinarily constitute 'abnormal' costs. It is our experience that abnormal costs are positioned as a reason for compromising plan delivery. In many cases, clearer guidance would help to confirm that site conditions should have been taken into account at the outset of site acquisition and promotion.

With reference to draft paragraph 34, guidance should recognise that viability appraisals may be needed in the case of more variable development typologies like urban infill. The costs of building on a former car park, for example, will often be less significant than those associated with clearing and decontaminating a petrol filling station. Policies should maximise the benefits of development overall rather than being driven by the outlier constraints of a small number of windfall site scenarios.

### Question 9

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

Please enter your comments below

Large sites will often be constructed over a significant portion of an economic cycle. It is right that review mechanisms are in place to ensure that development

continues even when net values diminish. Similarly, when they rise, planning outcomes including those associated with meeting affordable housing needs should be maximised. Viability review mechanisms can help with this and need not be complex. It can be sufficient to base them on a small number of cost and value indices.

However, review mechanisms alone cannot capture the significant efficiencies that can be achieved on large sites and which need to be addressed more clearly through national guidance.

Build costs are a key example of this and defaulting to BCIS All-in TPI data is not representative of actual contractor prices. We understand that the database's coverage is only partial and does not usually encompass large housebuilder's schemes. Our officers are aware of schemes where volume builder base build costs are more than 20% lower 'industry standard' data would suggest and that this is not unusual. If this were the case for only half of Greater Exeter's development over the next 20 years, the difference could be worth £250 million. To be much more effective and justify continued references in national guidance and regulations, BCIS should be mandatory, even if non-attributable.

## Question 10

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

We support paragraph 58, which indicates that a viability assessment shouldn't be required where relevant policies are met. However this position isn't new. It is not viability assessments on policy compliant development schemes that hold up the grant of planning permission.

Rather, there is industry wide recognition that policies can be derogated through viability negotiation. There are understandable commercial incentives to delay development in favour of negotiation and the existing system supports this.

We support the rhetoric surrounding launch of the revised dNPPF that appeared to indicate that planning application viability appraisals would be allowed in truly exceptional circumstances. Paragraph 58 should confirm this position and guidance should identify unexceptional circumstances. The draft viability guidance on landowner returns has already taken a bold approach like this when identifying that comparable transactions should be policy compliant and we endorse the clarity this will create.

## Chapter 5: Delivering a wide choice of high quality homes

### Question 11

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

Please enter your comments here

We would encourage stronger wording than set out in draft paragraph 69(d). 'Encouraging' sub-division of large sites may have little impact. Indeed it could undermine established policy approaches like the 'Teignbridge Rule' which requires major developers to set aside 5% of plots for custom build development. Since 2014, this has helped to secure permission for more than 130 custom build plots, equivalent to more than half of our demand register. We would recommend that 69(d) is redrafted to support approaches like the Teignbridge Rule and strengthened to enable Local Plan requirements to subdivide large sites where there is evidence of pent-up small and medium developer capacity and/or that subdivision would noticeably enhance the pace of delivery.

## Question 12

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

**Yes**

Please enter your comments here

We would endorse this as a more efficient, representative, factual, and transparent measure than that of the 5 year housing land supply. The housing delivery test is fact based and much less susceptible to conjecture and opinion. We say this as an authority with more than an 8 year land supply and in full cognisance of our glossary comments at the end of this questionnaire.

## Question 13

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

**Not sure**

Please enter your comments here

We would favour an extension of the approach taken through draft paragraph 62, which would involve planning for first time buyers and renters as part of mixed communities. If paragraph 72 is taken forward it should confirm that meeting the need for such homes includes having an up to date plan for their delivery. It should also clarify that a perpetuity discount should apply to entry-level homes in the interests of future entry-level occupants.

## Question 14

Do you have any other comments on the text of Chapter 5?

Paragraph 64 should make it clear that any minimum affordable housing threshold will not apply where a site has been artificially sub-divided or forms part of a larger allocation. We recognise the principles behind this policy but think safeguards against gaming should be put in place.

The effect of paragraph 65's requirement for 10% affordable home ownership will depend on overall affordable housing levels. In Teignbridge, where 30% affordable housing is secured this may not be a problem; whereas sites that only deliver 10% affordable housing will make little impact on the district's most acute rented affordable housing needs. We would suggest that a proportion of site affordable housing levels should be identified, rather than a proportion of all housing on a site.

We suggest that an upper size limit is identified for rural exception development and consider 100m<sup>2</sup> (GPDO 'smaller dwellinghouse') to be appropriate unless there are clearly demonstrable exceptional circumstances. This will help to ensure that genuinely affordable housing is delivered.

We endorse the sentiment of draft paragraph 73, which promotes planning and delivery through large-scale development. However, we had anticipated more recognition of tools like direct delivery and new town corporations. The NPPF needs to provide more positive support for Local Plans and authorities that are committed to driving forward development. It should confirm that ambitious strategic plans for public sector led growth will be examined with a presumption in favour of approval unless there are compelling reasons to the contrary.

For the shorter implementation timescales of draft paragraph 78 to be effective they should be accompanied by a more significant definition of 'commencement'.

Paragraph 81(d) should confirm whether allowing subdivision of an existing rural property just means buildings or curtilage as well. We would support the former insofar as it would facilitate continued viable use of large rural dwellings (albeit recent annexes should be excluded from the provisions; but would not support the latter because it would encourage new unsustainable development in the countryside.

## Chapter 6: Building a strong, competitive economy

### Question 15

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

**Yes**

Please enter your comments here

[Click here to enter text.](#)

### Question 16

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

Paragraph 82 appears to provide support for the breadth of uses that make up a diverse and vibrant economy, which is welcome. However it is notable that the term 'employment land' is missing from the draft, except at paragraph 122 where redevelopment is anticipated. Paragraph 83 should more explicitly recognise the important role that industrial, storage and distribution employment uses can play in a local economy; even where they do not always directly relate to knowledge driven, creative or high technology industries. In Teignbridge there is strong demand for traditional employment space, which provides for more than a fifth of local employment. Workplace trends may be changing but change is not instant and the NPPF should not underestimate the crucial economic role that local industrial estates continue to play.

## Chapter 7: Ensuring the vitality of town centres

### Question 17

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

**Yes**

Please enter your comments here

We support changes through draft paragraph 87, which confirm that sequentially preferable town centre sites should be available within a 'reasonable-period' rather than immediately. Guidance should confirm that where a Local Plan identifies timescales for allocated town centre re/development, these should be used to help confirm how long this should be.

We also welcome additions through draft paragraph 88 that emphasise proper exploration of whether sequentially preferable sites can accommodate development proposals. It should be made clear that the word 'sites' also means available premises.

### Question 18

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

[Click here to enter text.](#)

## Chapter 8: Promoting healthy and safe communities

### Question 19

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

Paragraph 92(b) should envelop 'high quality communal space' as well as pedestrian routes and public space. The quality of communal parking areas, for example, can have a huge impact on the way a wider place feels and functions as residents retreat from using them if they feel unsafe or unattractive.

There is a potential tension at draft paragraph 95 between providing 'sufficient choice of school places' and 'meeting the needs'. We recognise that LPAs should support development proposals that would create choice of school places but this paragraph could be misconstrued as meaning that they must also secure financial contributions towards such projects, even when needs are already being met. To do so would not accord with guidance and regulations associated with planning obligations.

### Question 20

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

[Click here to enter text.](#)

## Chapter 9: Promoting sustainable transport

### Question 21

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

**Please select an item from this drop down menu**

Please enter your comments here

[Click here to enter text.](#)

### Question 22

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

**Please select an item from this drop down menu**

Please enter your comments here

[Click here to enter text.](#)

### Question 23

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

Paragraph 105(a) should expect more than just Local Plan support for mixed use strategic sites and should, instead, ordinarily require them.

Paragraph 106 should require spaces for plug in and ultra-low emission vehicles. It should also definitively require installation of associated infrastructure. Provision for a plug-in parking space is of little use without a plug. The same applies to 110(e).

Paragraph 109 should not allow for less than severe road safety outcomes, which may still be significant.

## Chapter 10: Supporting high quality communications

### Question 24

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

We strongly support the principles of draft paragraph 112 and fibre connections for new developments. However, its wording should make it clearer that fibre connections and open ducting into the home, and not just into a site, can be required through planning policy.

## Chapter 11: Making effective use of land

### Question 25

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

**Yes**

Please enter your comments here

Paragraph 120 should apply where there is no reasonable prospect of a 'development' coming forward rather than an application, which is a less meaningful threshold.

### Question 26

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

**Not sure**

Please enter your comments here

Draft paragraph 123 should ensure optimal use of land whether or not there is an existing or anticipated shortage. The paragraph's preface is not needed.

### Question 27

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

Click here to enter text.

## Chapter 12 : Achieving well-designed places

### Question 28

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

We welcome and support the content of this chapter.

### Question 29

Do you have any other comments on the text of Chapter 12?

Click here to enter text.

## Chapter 13: Protecting the Green Belt

### Question 30

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

**Please select an item from this drop down menu**

Please enter your comments here

Click here to enter text.

### Question 31

Do you have any other comments on the text of Chapter 13?

Click here to enter text.

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

### Question 32

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

Paragraph 152(a) strikes a discord with the rest of the draft. The reference to 'feasible and viable' should not be needed in the context of viability tested local plans. Feasible would suffice.

### Question 33

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

**Yes**

As a minimum, the words 'can help to' should be deleted.

## Chapter 15: Conserving and enhancing the natural environment

### Question 34

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

**Yes**

Please enter your comments here

[Click here to enter text.](#)

### Question 35

Do you have any other comments on the text of Chapter 15?

There is a risk that biodiversity net gains could become de minimis. Guidance should be provided on what would constitute a gain. Guidance should also refer to the emerging Natural England net gain metric.

## Chapter 16: Conserving and enhancing the historic environment

### Question 36

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

[Click here to enter text.](#)

## Chapter 17: Facilitating the sustainable use of minerals

### Question 37

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

Our experience is that land containing mineral resources is often located where large scale new communities might otherwise be allocated. In Teignbridge, significant areas of land are safeguarded for Ball Clay extraction. We recognise the importance of this but also know that it could take hundreds of years for the entire area to be fully exploited. We would welcome NPPF provision for the phasing of mineral land banks so that extraction in areas that would be most suitable for built development ordinarily occurs first.

### Question 38

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

**Please select an item from this drop down menu**

Please enter your comments here

Click here to enter text.

### Question 39

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

**Please select an item from this drop down menu**

Please enter your comments here

Click here to enter text.

**Transitional arrangements and consequential changes**

### Question 40

Do you agree with the proposed transitional arrangements?

**Please select an item from this drop down menu**

Please enter your comments here

Click here to enter text.

### Question 41

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

**Please select an item from this drop down menu**

Please enter your comments here

Click here to enter text.

### **Question 42**

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

**Please select an item from this drop down menu**

Please enter your comments here

Click here to enter text.

## **Glossary**

### **Question 43**

Do you have any comments on the glossary?

We note that a significant change to the way that housing land supply calculations (5 year land supply, 5YLS) should be undertaken is proposed through the definition of 'deliverable' that's contained in the glossary. This was not widely trailed when the draft was released but would have very substantial implications that appear increasingly confused with the housing delivery test.

Outline planning permissions should not ordinarily be excluded from 5YLS calculations. A significant amount of work is required to secure outline consent and the standard time limit for implementing these permissions is 5 years. It is therefore entirely reasonable that outline permissions should be accounted for when calculating housing 'supply' unless there is clear evidence to the contrary.

The research and monitoring implications of assembling clear evidence that outline permissions will be implemented would be considerable and could compromise efforts to proactively grant planning permission and help deliver new homes.

We recognise that the proposed change may be motivated by concerns associated with under delivery but the housing delivery test is the rightful, and much more resource efficient, response to this challenge.

5YLS should be used to assess whether enough deliverable planning permissions (of all types) are coming forward. The housing delivery test can then be used to determine whether they are being delivered.