Place Shaping Panel

Agenda

Members of the Place Shaping Panel

Mr S A Vincent
(Chairman)

Mr G Everett
Mr R R Foulger
Mrs L H Hempsall
Mrs J Leggett
Mr I N Moncur
Mr F O'Neill
Mr S Riley
vacancy

Date

Thursday 3 May 2018

Time

6.00 pm

Place

Council Chamber
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

Contact

James Overy tel (01603) 430540

Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich NR7 0DU
E-mail: james.overy@broadland.gov.uk

@BDCDemServices

If any Member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Head of Service.

The Openness of Local Government Bodies Regulations 2014

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

The Chairman will ask if anyone wishes to film / record this meeting

A G E N D A

		Page No
1	**To receive declarations of interest under Procedural Rule no 8**	
2	**Apologies for absence**	
3	**Minutes of meeting held on 13 March 2018**	**3 - 6**
4	**Matters arising therefrom** (if any)	
5	**Response to consultations on draft revised National Planning Policy Framework and Government Statement on 'Supporting Housing Delivery through Developer Contributions'**	**7 – 153**

P C Kirby
Chief Executive

Minutes of a meeting of the **Place Shaping Panel** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 13 March 2018** at **6.00pm** when there were present:

Mr S A Vincent – Chairman

Mr R R Foulger Mrs J Leggett Mr F O'Neill Mr S Riley

Mr G Nurden also attended the meeting for its duration.

Also in attendance were the Private Sector Housing Manager and Committee Officer (JO).

20 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

The Chairman advised the meeting that through his consultancy Abzag, he was promoting, on behalf of the landowner, a site for residential development in Colney through the Greater Norwich Local Plan. When this site was under consideration he would declare a disclosable pecuniary interest and shall vacate the chair and leave the room.

In the interests of transparency, he also brought to the Board's attention, that his father, Malcolm Vincent, through his company Vincent Howes, was promoting, on behalf of the landowners, a site for residential development in Costessey/Bawburgh through the Greater Norwich Local Plan (GNLP).

In this case under the provisions of the Code of Conduct, there was no interest to declare which would prevent him from participating in the debate and chairing the meeting.

He added that he would be declaring the same interests when as a Member of Cabinet and Council, GNLP matters were considered.

21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Everett, Mr Graham, Mrs Hempsall and Mr Moncur.

22 MINUTES

The Minutes of the meeting held on 14 November 2017 were confirmed as a correct record and signed by the Chairman.

23 DISABLED FACILITIES GRANTS PROCEDURE

The report requested the Panel's views on some proposed options for the use of additional external funding to support vulnerable residents in Broadland.

The Council was responsible for the delivery of mandatory Disabled Facilities Grants (DFGs). The contribution received by the Council to fund DFGs through the Better Care Fund had recently risen and last year £766,000 had been received, against an actual budget set at £750,000. It was not expected that the Council would commit or spend the complete allocation this year and next year the allocation could rise by up to nine percent.

The Council had also received £74,395 of additional resource for DFGs or other initiatives to be spent in the current financial year. To utilise this funding a special project to deliver efficient heating systems to residents with health difficulties, aligned to a modified means tested approach, had been introduced.

As there was a possibility that the Government might require the return of any unspent money from the Better Care Fund a number of options were proposed to help residents with health difficulties beyond the scope of the mandatory DFG procedure.

The proposals for utilising the additional funding were:

- A refinement of the Heating System Project to allow the upgrade of heating systems at residential properties to continue using a tightened health and financial criteria.

- The introduction of an architect fee grant to a maximum of £4,500 for complex cases where structural works were required.

- A top up grant or loan of up to £15,000 where works were required to adapt the property beyond the current DFG cap of £30,000.

- To increase the Handyperson+ current low level adaption grant to £750, to allow the Handyperson to work beyond the current £500 limit to his time on site.

- A 'Get You Home Grant' of up to £1,000 to pay for essential maintenance works at residents' properties identified through the District Direct Service.

In response to a query, it was confirmed that 138 DFGs were provided by the Council last year. The grants averaged £5,500 and were means tested.

It was noted that the current £30,000 cap on DFGs could easily be reached if major adaptations were required to a dwelling. Members were also advised that DFG adaptations could be made to a rented dwelling with the permission of a landlord, however they were not always considered desirable as they could be a hindrance to a future letting. It was also confirmed that architect drawings were an essential part of the procedure for major adaptations that required structural works.

Members were advised that the Council publicised the assistance it could provide for residents by publishing leaflets that were distributed throughout the District and through the Home Improvement Agency Service, which targeted vulnerable residents.

In answer to a query, it was confirmed that the grant processing and implementation procedure was carried out rapidly and verified by an independent officer when it was completed.

The majority of Members considered that, although loans could be recycled to provide continued funding, grants were preferable for works to adapt homes beyond the £30,000 DFG cap.

In response to a request, the Private Sector Housing Manager confirmed that he would forward details of the DFGs approved last year to Members of the Panel.

RECOMMENDED TO CABINET:

(1) to refine and continue the current Heating System Service;

(2) to provide an Architect Fee Grant of up to £4,500 for adaptations that involved structural works and thus required detailed drawing beyond the schedule process initiated by the Council's technical officers;

(3) to provide a top up grant for the DFG service of up to £15,000, beyond the maximum grant of £30,000;

(4) to increase the Handyperson+ Low Level Grants cap to £750;

(5) to provide a grant of up to £1,000 to assist the District Direct Scheme and therefore help hospital patients return to and remain safely in their homes;

(6) to subject all new services to availability of funds in the relevant financial year and for a monitoring procedure to be initiated.

A report on the proposed changes would be considered at the 10 April 2018 meeting of Cabinet.

The meeting closed at 7.05 pm

RESPONSE TO CONSULTATIONS ON DRAFT REVISED NATIONAL PLANNING POLICY FRAMEWORK AND GOVERNMENT STATEMENT ON 'SUPPORTING HOUSING DELIVERY THROUGH DEVELOPER CONTRIBUTIONS'

Portfolio Holder: Planning
Wards Affected: All

1 SUMMARY

1.1 Responses to the Government's consultations on the draft revised National Planning Policy Framework (NPPF) and Supporting Housing Delivery through Developer Contributions are proposed.

2 INTRODUCTION

2.1 The purpose of this report is to set out a proposed response to the Government's consultations on a draft revised National Planning Policy Framework, and statement on 'Supporting housing delivery through developer contributions – reforming developer contributions to affordable housing and infrastructure'. Supporting documents have also been published for reference: Draft Planning Practice Guidance and Housing Delivery Test: draft measurement rule book. The two consultation documents are appended to this report (Appendix A and B) and all the documents can be viewed via https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework and https://www.gov.uk/government/consultations/supporting-housing-delivery-through-developer-contributions.

2.2 A draft response to the consultations has been produced under the Greater Norwich Development Partnership with additional input from South Norfolk and Broadland officers. These composite responses are appended at Appendices C and D.

3 KEY DECISION

3.1 This is not a key decision and has not been published in the Forward Plan.

4 BACKGROUND

4.1 The draft NPPF proposes extensive change to the document, with very little of the original document left untouched. In general the ordering within sections is clearer, with general principles first, then what plans should do, then how to approach decision making, then other considerations.

Key elements are:

- Achieving sustainable development – retaining the presumption in favour of sustainable development.

- Plan-making – sets the aspiration for the planning system to be genuinely plan-led, and that at a minimum, plans must address strategic priorities, with an expectation for the plan to be reviewed to assess whether it needs updating at least once every five years. Explicitly distinguishes local policies as additional to strategic policies. Some changes to the tests of soundness, clarifying that a plan should set out 'an appropriate strategy' rather than 'the most appropriate strategy'. There is also a greater emphasis on viability assessments at the plan making level, suggesting a lesser role in relation to specific planning applications. This will require local plans to undertake more detailed viability work, which could impact on the local plan timetable.

- Decision making – much of this section relates to development management matters, and there is the expectation for all viability assessments to be made publicly available.

- Delivering a wide choice of high quality homes – looks for 20 percent of allocated sites to be on sites of half a hectare or less. No affordable housing on sites below 10 units, and at least 10 percent affordable home ownership required on major sites. The five year housing land supply requirement remains, along with a presumption in favour of sustainable development where delivery is below 75 percent of housing required from 2020.

- Building a strong, competitive economy – changes to support business growth and productivity, including accommodating local business and community needs in rural areas.

- Ensuring the vitality of town centres – nothing significant has been changed

- Promoting Healthy and Safe Communities – significant changes in this section, seeking policies and decisions to consider the social and economic benefits of estate regeneration.

- Promoting sustainable transport – the draft sets out how transport issues should be considered from the earliest stages of plan-making and development proposals to support the objectives set out in the document.

- Supporting high quality communication – mainly development management matters raised, but there is an expectation for planning policies to support the expansion of electronic communication networks.

- Making effective use of land – largely new, with an increased emphasis to use brownfield and under-utilised land, and opportunities for upward

extension. Proposes local plans to set minimum density standards for parts of the plan area.

- Achieving well-designed places – little new content in this section.
- Green Belt – no new content, but it does repeat how new Green Belts should only be established in exceptional circumstances, having considered other reasonable options for accommodating growth.
- There is little new content in the chapters: Meeting the challenge of climate change, flooding and coastal change; Conserving and enhancing the natural environment; Conserving and enhancing the historic environment; and, Facilitating the sustainable use of minerals.

4.2 In the 'Supporting housing delivery through developer contributions' document it is stated (at paragraph 39) that:

'The key objectives that the Government is seeking to achieve through the reform of developer contributions and the NPPF are to make the system of developer contributions more transparent and accountable by:

- ***Reducing complexity and increasing certainty** for local authorities and developers, which will give confidence to communities that infrastructure can be funded.*
- *Supporting **swifter development** through focusing viability assessment on plan making rather than decision making (when planning applications are submitted). This speeds up the planning process by reducing scope for delays caused by renegotiation of developer contributions.*
- ***Increasing market responsiveness** so that local authorities can better target increases in value, while reducing the risks for developers in an economic downturn.*
- ***Improving transparency** for communities and developers over where contributions are spent and expecting all viability assessments to be publicly available subject to some very limited circumstances. This will **increase accountability** and confidence that sufficient infrastructure will be provided.*
- *Allowing local authorities to **introduce a Strategic Infrastructure Tariff** to help fund or mitigate strategic infrastructure, ensuring existing and new communities can benefit.*'

In addition, it is proposed to make 'technical clarifications to support the operation of the current system'.

5 PROPOSED ACTION

5.1 It is proposed that the draft responses to the consultations, set out in Appendix C and D, are submitted to the Government as the Council's response. The views of the Panel on this are welcomed.

6 RESOURCE IMPLICATIONS

6.1 None arising directly from this report

7 LEGAL IMPLICATIONS

7.1 There will be no direct implications arising from the report. If approved by the Government, the revised NPPF will become a key consideration in the production of local plans and the determination of applications for planning permission. If the proposals in 'Supporting housing delivery through developer contributions' are taken forward by the Government, then changes will occur to the CIL and S106 processes that will need to be implemented by the Council.

8 RECOMMENDATION

8.1 The Panel is requested to note the report and suggest amendments to the proposed comments if appropriate.

Phil Courtier
Head of Planning

Background Papers:

None

For further information on this report call John Walchester on (01603) 430622 or email john.walchester@broadland.gov.uk.

Ministry of Housing,
Communities &
Local Government

National Planning Policy Framework

Draft text for consultation

March 2018
Ministry of Housing, Communities and Local Government

This document/publication is also available on our website at www.gov.uk/mhclg

If you have any enquiries regarding this document/publication, complete the form at http://forms.communities.gov.uk/ or write to us at:

Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: https://twitter.com/mhclg

March 2018

ISBN: 978-1-4098-5207-0

Contents

1. Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied[1]. It provides a framework within which locally-prepared plans for housing and other development can be produced.

2. Planning law requires that applications for planning permission be determined in accordance with the development plan[2], unless material considerations indicate otherwise[3]. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

3. General references to planning policies in this Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3.

4. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.

5. The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.

6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.

---

[1] This document replaces the first National Planning Policy Framework published in March 2012.
[2] This includes the local and neighbourhood plans that have been brought into force, and any spatial development strategies produced by combined authorities or elected Mayors (see glossary).
[3] Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs[4].

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across the different objectives):

   a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

   b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

   c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).

[4] Resolution 42/187 of the United Nations General Assembly.

The presumption in favour of sustainable development

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

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

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic plans[5] should, as a minimum, provide for objectively assessed needs for housing and other development, as well as any needs that cannot be met within neighbouring areas[6], unless:

   i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area[7]; or

   ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

   i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed[7]; or

   ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

---

[5] Local plans or spatial development strategies that contain policies to address the strategic priorities of an area (see chapter 3).
[6] As established through statements of common ground.
[7] The policies referred to are those in this Framework relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, within a National Park (or the Broads Authority) or defined as Heritage Coast; irreplaceable habitats including ancient woodland; aged or veteran trees; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 55); and areas at risk of flooding or coastal change. It does not refer to policies in development plans.

Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that have been brought into force[8]), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

14. Where a neighbourhood plan that has recently been brought into force[9] contains policies and allocations to meet its identified housing requirement, the adverse impact of allowing development that conflicts with it is likely to significantly and demonstrably outweigh the benefits where:

    a) paragraph 75 of this Framework applies; and

    b) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement), and its housing delivery was at least 45% of that required[10] over the previous three years.

[8] Brought into force refers to neighbourhood plans passed at referendum.
[9] 'Recently been brought into force' means a neighbourhood plan which was passed at referendum two years or less before the date on which the decision is made.
[10] Assessed against the Housing Delivery Test, from November 2018 onwards. Transitional arrangements are set out in Annex 1.

3. Plan-making

15. The planning system should be genuinely plan-led: succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

16. Plans should:

a) be prepared with the objective of contributing to the achievement of sustainable development[11];

b) be prepared positively, in a way that is aspirational but deliverable;

c) be shaped by early, proportionate and meaningful engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and statutory consultees;

d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

e) be accessible through the use of digital tools to assist public involvement and policy presentation; and

f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

The plan-making framework

17. As a minimum, authorities must ensure that there is a plan which addresses the strategic priorities for their area[12]. This strategic plan can be produced by:

a) local planning authorities working together or independently, in the form of a joint or individual local plan; or

b) an elected Mayor or combined authority, in the form of a spatial development strategy (where plan-making powers have been conferred).

18. Where more detailed issues need addressing, local policies may be produced for inclusion in a local plan, or in a neighbourhood plan prepared by a neighbourhood planning group (a parish or town council, or a neighbourhood forum).

19. It is the combination of these statutory plans, produced at the strategic and local levels, that makes up the 'development plan' for a particular area.

[11] This is a legal obligation on local planning authorities exercising their plan-making functions.
[12] Section 19(1B-1E) of the Planning and Compulsory Purchase Act 2004.

Strategic policies

20. The strategic policies required for the area of each local planning authority should include those policies, and strategic site allocations, necessary to provide:

    a) an overall strategy for the pattern and scale of development;

    b) the homes and workplaces needed, including affordable housing;

    c) appropriate retail, leisure and other commercial development;

    d) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

    e) community facilities (such as health, education and cultural infrastructure); and

    f) climate change mitigation and adaptation, and conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure.

21. Plans should make explicit which policies are 'strategic policies'. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any local policies that may be needed. Those local policies may come forward either as part of a single local plan[13] or as part of a subsequent local plan or neighbourhood plan. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other local policies.

22. Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.

23. Policies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary[14]. Reviews should be completed no later than five years from the adoption date of the plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has increased; and they are likely to require earlier review if local housing need is expected to increase in the near future.

24. Strategic plans should indicate broad locations for development on a key diagram, and land-use designations and allocations on a policies map[15]. They should have a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. They should, as a minimum, plan for and

[13] Where a single local plan is prepared the local policies should be clearly distinguished from the strategic policies.
[14] Reviews at least every five years are a legal requirement for all local plans.
[15] For spatial development strategies, this is only where the power to make allocations has been conferred.

allocate sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be met more appropriately through other mechanisms, such as brownfield registers or local policies).

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

Maintaining effective cooperation

26. Local planning authorities and county councils (in two-tier areas) have a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.

27. Strategic plan-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).

28. Effective and on-going joint working between strategic plan making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

29. In order to demonstrate effective and on-going joint working, strategic plan-making authorities should prepare and maintain one or more statements of common ground, documenting the cross boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.

Local policies

30. Local policies can be used by authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles and setting out development management policies.

31. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less

development than set out in the strategic policies for the area, or undermine those strategic policies[16].

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

33. The preparation and review of local policies should be underpinned by proportionate, relevant and up-to-date evidence, focused tightly on supporting and justifying the policies concerned.

Development contributions

34. Plans should set out the contributions expected in association with particular sites and types of development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, green and digital infrastructure). Such policies should not make development unviable, and should be supported by evidence to demonstrate this. Plans should also set out any circumstances in which further viability assessment may be required in determining individual applications.

Assessing and examining plans

35. Strategic and local plans should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements[17]. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).

36. Strategic and local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

    a) **Positively prepared** – provides a strategy which will, as a minimum, meet as much as possible of the area's objectively assessed needs (particularly for housing, using a clear and justified method to identify needs); and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

[16] Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.
[17] The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may also require Strategic Environmental Assessment but only where there are potentially significant environmental impacts.

b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) **Consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in this Framework.

37. These tests of soundness will be applied to local policies[18] in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.

38. Neighbourhood plans must meet certain 'basic conditions' and other legal requirements[19] before they can come into force. These are tested though an independent examination before the neighbourhood plan may proceed to referendum.

[18] Where these are contained in a local plan.
[19] As set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

4. Decision-making

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

Pre-application engagement and front loading

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

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

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

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

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

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

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

46. Local planning authorities should consult the appropriate bodies when considering applications for the siting or changes to hazardous substances establishments, or for development around such establishments.

47. Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process.

Determining applications

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

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

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

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

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

51. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission

for the development concerned would prejudice the outcome of the plan-making process.

Tailoring planning controls to local circumstances

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

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

54. The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Planning conditions and obligations

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

56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification[20].

57. Planning obligations should only be sought where they meet all of the following tests:

    a) necessary to make the development acceptable in planning terms;

    b) directly related to the development; and

    c) fairly and reasonably related in scale and kind to the development.

[20] When in force, sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply.

58. Where proposals for development accord with all the relevant policies in an up-to-date development plan, no viability assessment should be required to accompany the application. Where a viability assessment is needed, it should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Enforcement

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

5. Delivering a sufficient supply of homes

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

61. In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance – unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic trends and market signals. In establishing this figure, any needs that cannot be met within neighbouring areas should also be taken into account.

62. Within this context, policies should identify the size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers[21], people who rent their homes and people wishing to commission or build their own homes).

63. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

    a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

    b) the agreed approach contributes to the objective of creating mixed and balanced communities.

64. Provision of affordable housing should not be sought for developments that are not on major sites, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount[22].

65. Where major housing development is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership[23], unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions should also be made where the site or proposed development:

    a) provides solely for Build to Rent homes;

---

[21] Travellers who do not fall under the definition of 'traveller' in Annex 1 of the Planning Policy for Traveller Sites. The latter sets out how travellers' accommodation needs should be assessed for those covered by the definition in Annex 1 of that document.
[22] Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.
[23] As part of the overall affordable housing contribution from the site.

b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);

c) is proposed to be developed by people who wish to build or commission their own homes; or

d) is exclusively for affordable housing, an entry level exception site or a rural exception site.

66. Strategic plans should set out a housing requirement figure for designated neighbourhood areas[24]. Once the strategic plan has been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.

67. Where it is not possible to provide a requirement figure for a neighbourhood area[25], the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

Identifying land for homes

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

a) specific, deliverable sites for years one to five of the plan[26]; and

b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

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

a) ensure that at least 20% of the sites identified for housing in their plans are of half a hectare or less;

b) use tools such as area-wide design assessments and Local Development Orders to help bring small sites forward;

---

[24] Except where a Mayoral, combined authority or high-level joint plan is being prepared as a framework for strategic plans at the individual local authority level; in which case it may be most appropriate for the local authority plans to provide the requirement figure.
[25] Because a neighbourhood area is designated at a late stage in the strategic plan process, or after a strategic plan has been adopted; or in instances where strategic policies for housing are out of date.
[26] With an appropriate buffer, as set out in paragraph 74. See glossary for definitions of deliverable and developable.

c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and

d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

70. Neighbourhood Planning Groups should also consider the opportunities for allocating small sites suitable for housing in their area.

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

72. Local planning authorities should support the development of entry level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be outside existing settlements, on land which is not already allocated for housing, and should:

a) comprise a high proportion of entry-level homes that will be offered for discounted sale or for affordable rent; and

b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework[27], and comply with any local design policies and standards.

73. The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns. Working with the support of their communities, and other authorities if appropriate, strategic plan-making authorities should identify suitable opportunities for such development where this can help to meet identified needs in a sustainable way. In doing so, they should consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains. They should also consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

Maintaining supply and delivery

74. Strategic plans should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing

[27] As set out in footnote 7.

requirement, or against their local housing need where the strategic plan is more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

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

b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan[28], to account for any fluctuations in the market during that year; or

c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply[29].

75. For applications which include housing, paragraph 11d of this Framework will apply if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), or where the Housing Delivery Test indicates that delivery of housing has been substantially[30] below the housing requirement over the previous three years.

76. A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

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

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

77. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.

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

---

[28] For the purposes of paragraphs 74b and 76 a plan adopted between 1 May and 31 October will be considered 'recently adopted' until 31 October of the following year; and a plan adopted between 1 November and 30 April will be considered recently adopted until 31 October that year.
[29] From November 2018, this will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.
[30] Where the Housing Delivery Test indicates that delivery was below 75% of the housing requirement.

Rural housing

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

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

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

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential property; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6. Building a strong, competitive economy

82. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation[31], and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

83. Planning policies should:

a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;

b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period (including making provision for clusters or networks of knowledge driven, creative or high technology industries);

c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and

d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

Supporting a prosperous rural economy

84. Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

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

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

7. Ensuring the vitality of town centres

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

a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and change in a way that supports a diverse retail offer, provides customer choice, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

b) define the extent of town centres and primary shopping areas, identify primary and secondary frontages, and make clear which uses will be permitted in such locations;

c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;

d) allocate a range of suitable sites in town centres to meet the scale and type of development needed, looking at least ten years ahead. Meeting needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review;

e) allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre, where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre;

f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites; and

g) support diversification and changes of use where town centres are in decline, as part of a clear strategy for their future, while avoiding the unnecessary loss of facilities that are important for meeting the community's day-to-day needs.

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

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

89. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

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

    a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

    b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

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

8. Promoting healthy and safe communities

92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for multiple connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

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

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

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

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

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and

b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

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

a) anticipating and addressing all plausible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate[32]. Local policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and

b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Open space and recreation

97. Access to a network of high quality open spaces and opportunities for sport and physical activity make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is required, and which plans should seek to accommodate.

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

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the former use.

[32] This includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

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

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

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

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

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

9. Promoting sustainable transport

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

a) the potential impacts of development on transport networks can be addressed;

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for mitigation and for net gains in environmental quality; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

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

105. Planning policies should:

a) support an appropriate mix of uses across an area, and within strategic sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;

b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;

c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking – drawing on Local Cycling and Walking Infrastructure Plans;

e) provide for any large scale facilities, and the infrastructure to support their operation and growth, taking into account any relevant national policy statements and whether such development is likely to be a nationally significant

infrastructure project. For example ports, airports, interchanges for rail freight, roadside services and public transport projects[33]; and

f) recognise the importance of maintaining a national network of general aviation facilities – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy[34].

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

a) the accessibility of the development;

b) the type, mix and use of development;

c) the availability of and opportunities for public transport;

d) local car ownership levels; and

e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

107. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

Considering development proposals

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

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

109. Development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network or road safety would be severe.

110. Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating

[33] The primary function of roadside services should be to support the safety and welfare of the road user.
[34] Department for Transport (2015) *General Aviation Strategy*.

access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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

10. Supporting high quality communications

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

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

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

    a) they have evidence to demonstrate that telecommunications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and

    b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.

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

    a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome or technical site; and

    b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

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

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

11. Making effective use of land

117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic plans should contain a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land[35].

118. Planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated and unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)[36]; and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

119. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, such as sites included on brownfield registers or held in public ownership, using the full range of powers available to them.

120. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority

[35] Except where this would conflict with other policies in this Framework, including causing harm to habitats of high environmental value.
[36] As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

a) they should, as part of plan reviews, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b) in the interim, prior to reviewing the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

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

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and

b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Achieving appropriate densities

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

a) the identified need for housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive places.

123. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density

standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site[37].

[37] And so long as the resulting scheme would provide acceptable living standards.

12. Achieving well-designed places

124. Planning policies and decisions should support the creation of high quality buildings and places. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

125. To provide maximum clarity about design expectations, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should not inhibit a suitable degree of variety where this would be unjustified (such as where the existing urban form is already diverse).

126. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and effective landscaping;

c) respond to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

127. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can

demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

128. Local planning authorities should ensure that they have appropriate tools and processes for assessing and improving the design of development. These include design advice and review arrangements, which should be used as early as possible in the evolution of schemes. Other tools include assessment frameworks, such as Building for Life[38], and design workshops. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

129. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in local policies, design should not be used by the decision-maker as a valid reason to object to development.

130. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they are sensitive to the overall form and layout of their surroundings.

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

[38] Birkbeck D and Kruczkowski S (2015) *Building for Life 12: The sign of a good place to live*

13. Protecting Green Belt land

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

133. Green Belt serves five purposes:

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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

a) demonstrate why normal planning and development management policies would not be adequate;

b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;

c) show what the consequences of the proposal would be for sustainable development;

d) demonstrate the necessity for the Green Belt and its consistency with strategic plans for adjoining areas; and

e) show how the Green Belt would meet the other objectives of the Framework.

135. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or updating of plans. Strategic plans should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been demonstrated through a strategic plan, detailed amendments to those boundaries may be made through local policies, including neighbourhood plans.

136. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic plan-making authority should have examined fully all

other reasonable options for meeting its identified need for development. This will be assessed through the examination of the plan, which will take into account the preceding paragraph, and whether the strategy;

a) makes as much use as possible of suitable brownfield sites and underutilised land;

b) optimises the density of development, including whether policies promote a significant uplift in minimum density standards in town and city centres, and other locations well served by public transport; and

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

137. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic plan-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

138. When defining Green Belt boundaries, plans should:

a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;

b) not include land which it is unnecessary to keep permanently open;

c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;

d) make clear that the safeguarded land is not allocated for development at the present time; planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;

e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and

f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

139. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other

means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

140. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

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

Proposals affecting the Green Belt

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

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

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

a) buildings for agriculture and forestry;

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

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– where the development would re-use previously developed land and contribute to meeting an identified local affordable housing need, not cause substantial harm to the openness of the Green Belt.

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

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds, so long as the development would preserve openness); and

f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

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

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

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

Planning for climate change

148. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, , water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures [39]. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

149. New development should be planned for in ways that:

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

150. To help increase the use and supply of renewable and low carbon energy and heat, plans should:

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

[39] And within the context provided by the Climate Change Act 2008.

c) identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

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

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

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

153. When determining planning applications for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable. For wind energy developments, this should include consideration of the local community's views[40]. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Planning and flood risk

154. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

155. Strategic plans should be informed by a strategic flood risk assessment, and set out policies to manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

[40] A proposed wind energy development involving one or more wind turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.

156. All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test set out below;

b) safeguarding land from development that is required for current and future flood management;

c) using opportunities offered by new development to reduce the causes and impacts of flooding; and

d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

157. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

158. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test can be applied. This should be informed by a strategic or site-specific flood risk assessment, as appropriate. For the exception test to be passed it must be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

159. Both elements of the exception test should be satisfied for development to be allocated or permitted.

160. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the test again. However, local planning authorities should consider whether aspects of the exception test need to be reapplied to specific applications, depending on the extent and nature of potential flood risk identified and assessed during plan production, and the age of that information[41].

[41] If the exception test is required at the application stage, it should be informed by a site-specific flood risk assessment.

161. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment[42]. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resilient and resistant;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

162. Applications for some minor development and changes of use[43] should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 42.

163. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

a) take account of advice from the lead local flood authority;

b) have appropriate proposed minimum operational standards;

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

d) where possible, provide multifunctional benefits.

Coastal change

164. In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.

---

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

[43] This includes householder development, small non-residential extensions (with a footprint of less than 250m^2) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

165. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:

a) be clear as to what development will be appropriate in such areas and in what circumstances; and

b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.

166. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:

a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;

b) the character of the coast including designations is not compromised;

c) the development provides wider sustainability benefits; and

d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast[44].

167. Local planning authorities should limit the planned life-time of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.

[44] As required by the Marine and Coastal Access Act 2009.

15. Conserving and enhancing the natural environment

168. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of geological value and soils (in a manner commensurate with their statutory status or identified quality);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it;

d) minimising impacts and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air quality; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

169. Plans should: allocate land with the least environmental or amenity value, where consistent with other policies in this Framework[45]; take a strategic approach to maintaining and strengthening networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

170. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The conservation of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads[46]. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

[45] Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
[46] English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

171. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 170), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

172. To protect and enhance biodiversity and geodiversity, plans should:

a) identify and map components of local wildlife-rich habitats, including the hierarchy of designated sites of importance for biodiversity[47]; wildlife corridors and stepping stones that connect them; and areas identified by local partnerships for habitat restoration or creation[48]; and

b) promote the conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

173. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional

[47] Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.
[48] Where Nature Improvement Areas are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

reasons[49] and a suitable mitigation strategy exists. Where development would involve the loss of individual aged or veteran trees that lie outside ancient woodland, it should be refused unless the need for, and benefits of, development in that location would clearly outweigh the loss; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for the environment.

174. The following should be given the same protection as European sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites[50]; and

c) sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

175. The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

Ground conditions and pollution

176. Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

177. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

---

[49] For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

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

178. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life[51];

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

179. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

180. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (including places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established[52]. Where an existing business or community facility has effects that could be deemed a statutory nuisance in the light of new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to secure suitable mitigation before the development has been completed.

181. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

[51] See Explanatory Note to the Noise Policy Statement for England.
[52] Subject to the provisions of the Environmental Protection Act 1990 and other relevant law.

16. Conserving and enhancing the historic environment

182. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value[53]. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations[54].

183. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;

b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

c) the desirability of new development making a positive contribution to local character and distinctiveness; and

d) opportunities to draw on the contribution made by the historic environment to the character of a place.

184. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest. They should also make Information about the historic environment, gathered as part of policy-making or development management, publicly accessible.

Proposals affecting heritage assets

185. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is

[53] Some World Heritage Sites are inscribed by UNESCO to be of natural significance rather than cultural significance; and in some cases they are inscribed for both their natural and cultural significance.
[54] The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

186. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

187. Where there is evidence of deliberate neglect of or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

188. In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

189. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the degree of potential harm to its significance. The more important the asset, the greater the weight should be.

190. Any harm or loss to a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional[55].

191. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should

[55] Non-designated heritage assets of archaeological interest, that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

192. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

193. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

194. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

195. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible[56]. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

196. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

197. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 190 or less than substantial harm under paragraph 191, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

[56] Copies of evidence should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository.

198. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

17. Facilitating the sustainable use of minerals

199. It is important that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

200. Planning policies should:

a) provide for the extraction of mineral resource of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;

b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;

c) safeguard mineral resources by defining Minerals Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);

d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;

e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;

f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;

g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and

h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.

201. When determining planning applications, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, scheduled monuments and conservation areas;

b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;

c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source[57], and establish appropriate noise limits for extraction in proximity to noise sensitive properties;

d) not grant planning permission for peat extraction from new or extended sites;

e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;

f) not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;

g) consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and

h) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

Maintaining supply

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

a) preparing an annual Local Aggregate Assessment, either individually or jointly, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);

b) participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;

c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as

[57] National planning guidance on minerals sets out how these policies should be implemented.

appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;

d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;

e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;

f) making provision for landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised;

g) ensuring that large landbanks bound up in very few sites do not stifle competition; and

h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

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

a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;

b) encouraging an appropriate level of safeguarding or stockpiling so that important minerals remain available for use;

c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment; and

d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

Oil, gas and coal exploration and extraction

204. Minerals planning authorities should:

a) recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction;

b) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production);

c) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;

d) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;

e) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and

f) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.

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

206. Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.

Annex 1: Implementation

207. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

208. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

209. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted[58] on or before [ ] [*this will be the date which is six months after the date of the final Framework's publication*]. In these cases the examination will take no account of the new Framework.

210. Where a plan is withdrawn or otherwise does not proceed to adoption[59] following publication of this Framework, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.

211. The Housing Delivery Test will apply from the day following the publication of the Housing Delivery Test results in November 2018. For the purpose of paragraph 75 in this Framework, substantial under-delivery means where the Housing Delivery Test results published in:

    a) November 2018 indicate that delivery was below 25% of housing required over the previous three years;

    b) November 2019 indicate that delivery was below 45% of housing required over the previous three years;

    c) November 2020 and in subsequent years indicate that delivery was below 75% of housing required over the previous three years.

212. For the purpose of paragraph 14:

    a) neighbourhood plans which have been approved at referendum on a date which is more than two years before the decision is taken, may also be considered to be 'recently brought into force', up to and including 11 December 2018; and

[58] For spatial development strategies, 'submission' in this context means the point at which a statement of intention to publish the strategy, and a copy of the strategy intended for publication, are sent to the Secretary of State in accordance with regulation 9(2) of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000, or equivalent.

[59] Or publication, in the case of spatial development strategies, or referendum, in the case of neighbourhood plans.

b) from November 2018 to November 2019, housing delivery should be at least 25% of that required over the previous three years, as measured by the Housing Delivery Test.

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

Annex 2: Glossary

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

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

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute at the time of plan-preparation or decision-making. Income restrictions should be used to limit a household's eligibility to purchase a starter home to those who have maximum household incomes of £80,000 a year or less (or £90,000 a year or less in Greater London)

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

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

Aged or veteran tree: A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally.

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

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

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

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

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

Birds and Habitats Directives: European Directives to conserve natural habitats and wild fauna and flora.

Brownfield land: See previously developed land.

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

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

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

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

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

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

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

Community Right to Build Order: An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

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

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

Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Small sites, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

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

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

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

Development plan: Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force.

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

Entry level exception site: A site that provides entry level homes suitable for first time buyers (or equivalent, for those looking to rent), in line with paragraph 72 of this Framework.

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

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

European site: This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2010.

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

Green infrastructure: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

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

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

Historic environment record: Comprehensive, publicly accessible and dynamic resources that provide information about the local historic environment. Every local planning authority should maintain a Historic Environment Record or have access to one.

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

Irreplaceable habitat: those which could be described as irreplaceable due to the technical difficultly or significant timescale required for replacement. It includes ancient woodland, blanket bog, limestone pavement and some types of sand dune, saltmarsh, reedbed and heathland. For the specific purpose of paragraph 173c of this Framework it does not include individual aged or veteran trees found outside ancient woodland.

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

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

Local housing need: the number of homes identified as being needed through the application of the standard method set out in national planning guidance, or a justified alternative approach.

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

Local planning authority: The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority apply to the district council, London borough council, county council, Broads Authority, National Park Authority and the Greater London Authority, to the extent appropriate to their responsibilities.

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

Local policies: policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

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

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

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

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

Nature improvement areas: Inter-connected networks of wildlife habitats intended to re-establish thriving wildlife populations and help species respond to the challenges of climate change.

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

Neighbourhood plans: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area.

Older people: People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass

accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

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

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

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

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

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

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

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

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

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

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

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

Primary shopping area: Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage).

Primary and secondary frontages: Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.

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

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

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

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

Safeguarding zone: An area defined in Circular 01/03: Safeguarding aerodromes, technical sites and military explosives storage areas, to safeguard such sites.

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

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

Special Areas of Conservation: Areas given special protection under the European Union's Habitats Directive, which is transposed into UK law by the Habitats and Conservation of Species Regulations 2010.

Special Protection Areas: Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the Birds Directive.

Site investigation information: Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance.

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

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

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

Strategic plan: A plan which sets out the strategic policies for an area in the form of an individual or joint local plan (which may also include local policies); or a spatial development strategy prepared by an elected Mayor or combined authority (where this power has been conferred).

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

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

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

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

Town centre: Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of

shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

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

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

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

Wildlife corridor: Areas of habitat connecting wildlife populations.

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

Ministry of Housing,
Communities &
Local Government

Supporting housing delivery through developer contributions

Reforming developer contributions to affordable housing and infrastructure

March 2018
Ministry of Housing, Communities and Local Government

This document/publication is also available on our website at www.gov.uk/mhclg

If you have any enquiries regarding this document/publication, complete the form at http://forms.communities.gov.uk/ or write to us at:

Ministry for Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: https://twitter.com/mhclg

March 2018

ISBN: 978-1-4098-5210-0

Contents

Scope of the consultation

Topic of this consultation:	This consultation seeks views on reforming developer contributions to affordable housing and infrastructure. It covers the following areas: 1. Community Infrastructure Levy 2. Section 106 Planning Obligations 3. Strategic Infrastructure Tariff 4. Technical Clarifications to Regulations Most of these changes were outlined as part of Autumn Budget 2017, available here: https://www.gov.uk/government/topical-events/autumn-budget-2017
Scope of this consultation:	This consultation looks at proposed reforms to the system of developer contributions. Others reforms, including in relation to viability, are covered by the National Planning Policy Framework (NPPF) consultation[1], published alongside this document.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	The Community Infrastructure Levy does not fall within requirements for regulatory impact assessments. The consultation document sets out the level of developer contributions and refers to the accompanying research and analysis[2] and the independent CIL Review[3] which set out the key evidence base that has informed this consultation. The responses to consultation will further inform proposed reforms and any changes brought forward as a result will be subject to appropriate assessment.

[1] National Planning Policy Framework Consultation Document, March 2018 https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework

[2] MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study

[3] The CIL review team: A new approach to developer contributions, February 2017 https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government

Basic Information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government
Duration:	This consultation is open from 5 March to 10 May 2018.
Enquiries:	For any enquiries about the consultation please contact: developercontributionsconsultation@communities.gsi.gov.uk
How to respond:	Consultation questions, and further details of the proposals, are set out in Annex A. Consultation responses should be submitted by online survey: https://www.surveymonkey.co.uk/r/TH577RP We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies and businesses. Consultations on planning policy receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question. Should you be unable to respond online we ask that you complete the pro forma found at the end of this document. Additional information or evidence can be provided in addition to your completed pro forma. In these instances you can email your pro forma to: developercontributionsconsultation@communities.gsi.gov.uk Or send to: Planning and Infrastructure Division Ministry of Communities and Local Government 2nd floor, South East Fry Building 2 Marsham Street LONDON SW1P 4DF If you are responding in writing, please make it clear which questions you are responding.

	When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include: - your name, - your position (if applicable), - the name of organisation (if applicable), - an address (including post-code), - an email address, and - a contact telephone number If on behalf of an organisation, please highlight which group you represent **Local Authorities** (including National Parks, Broads Authority, the Greater London Authority and London Boroughs) **Neighbourhood Planning Bodies / Parish or Town Council** **Private Sector Organisations** (including housebuilders, housing associations, businesses, consultants) **Trade Associations / Interest Groups / Voluntary or Charitable Organisations** **Academia / Private individual / Other**

Foreword

The Government is determined to fix the broken housing market and restore the dream of home ownership for a new generation. There is no single solution to this problem and we are taking action on all fronts.

And these efforts are starting to bear fruit.

Since 2010, we have delivered more than a million homes and last year saw the biggest increase in housing supply in England – over 217,000 new homes – for almost a decade.

We have helped hundreds of thousands of people on to the housing ladder through Help to Buy and the cut in Stamp Duty announced at the recent Budget.

We have also cracked down on rogue landlords, abuse of leaseholds, taken steps to make renting fairer and to tackle homelessness through earlier intervention.

However, we know that there is much more needed to deliver the 300,000 homes a year in England we need.

And we are rising to the challenge.

We have set up a new, more assertive national housing agency, Homes England which will use investment and planning powers to intervene more actively in the land market.

We have launched an independent review, led by Sir Oliver Letwin, into the gap between planning permissions granted and homes built.

And we are giving local authorities the tools they need to build more homes more quickly, such as the £5bn Housing Infrastructure Fund, which is helping to fund vital physical infrastructure projects which could unlock up to 200,000 new homes. The first round of funding projects of up to £866m was announced in February 2018.

It is vital that developers who are building these homes know what contributions they are expected to make towards affordable housing and essential infrastructure and that local authorities can hold them to account. It is right to consider whether a higher proportion of affordable housing can be delivered where there is a higher uplift in land value created by development.

However, it is clear that the current system of developer contributions is not working as well as it should. It is too complex and uncertain. This acts as a barrier to new entrants and allows developers to negotiate down the affordable housing and infrastructure they agreed to provide.

This is why we are reforming the National Planning Policy Framework and developer contributions, as announced at Autumn Budget 2017 and as set out in this consultation. The reforms set out in this document could provide a springboard for going further, and the Government will continue to explore options to create a clearer and more robust

developer contribution system that really delivers for prospective homeowners and communities accommodating new development.

One option could be for developer contributions to be set nationally and made non negotiable. We recognise that we will need to engage and consult more widely on any new developer contribution system and provide appropriate transitions. This would allow developers to take account of reforms and reflect the contributions as they secure sites for development.

The proposals in this consultation are an important first step in this conversation and towards ensuring that developers are clear about their commitments, local authorities are empowered to hold them to account and communities feel confident that their needs will be met.

They are also a vital step towards fixing our broken housing market and ensuring that it delivers for everyone.

Reforming developer contributions

Summary

1. Last year saw a record number of planning permissions granted, and the highest level of housing completions since the recession. Thanks to the concerted efforts of Central and Local Government, last year 217,000 new homes were completed. However, to meet demand will require consistently delivering 300,000 homes every year across England.[4]

2. The government has invested £9bn through the Affordable Homes Programme to 2020-21 to support the delivery of a wide range of affordable homes. Overall since 2010, 357,000 affordable homes have been delivered.

3. Local authorities are being given the tools they need to bolster development. For instance, the £5bn Housing Infrastructure Fund is helping to fund vital physical infrastructure projects that could unlock up to 200,000 new homes. The first round of funding projects of up to £866m was announced in February 2018.

4. In addition, the Government is introducing a standardised step by step method of calculating housing need in local areas. The first step uses household growth projections, the second step increases the number of homes that are needed in the less affordable areas, and the third step will cap the level of increase relative to existing local plans to ease transitions. These three steps will provide a minimum for local authorities and an honest and transparent appraisal of how many homes an area needs

5. And if developers do not build homes quickly, the new housing delivery test will ensure that local authorities and wider interests are held accountable for their role in ensuring new homes are delivered in their area.

6. It is right that developers are required to mitigate the impacts of development, and pay for the cumulative impacts of development on the infrastructure in their area. New developments often create new demands on infrastructure. Public sector infrastructure investment and the granting of planning permission can also generate increases in land value**.**

[4] For example: Barker (2004), “Review of Housing Supply - Delivering Stability: Securing our Future Housing Needs” Final Report; House of Lords Select Committee on Economic Affairs (2016), “Building more homes”, July 2016; KPMG and Shelter (2015) “Building the Homes We Need”

7. In November 2015, the Government commissioned an independent review into the Community Infrastructure Levy (CIL)[5], and its relationship with planning obligations. The Review was published in February 2017. It found that the system of developer contributions was not as fast, simple, certain or transparent as originally intended.

8. The Government announced a package of reforms at Autumn Budget 2017[6] in response to the CIL Review. These reforms complement the proposed changes to viability in the National Planning Policy Framework (NPPF) and make the system of developer contributions more transparent and accountable by:
   - Reducing complexity and increasing certainty for local authorities, developers and communities;
   - Supporting swifter development;
   - Improving market responsiveness of CIL;
   - Increasing transparency over where developer contributions are spent; and
   - Introducing a new tariff to support the development of strategic infrastructure.

9. A number of technical amendments will also be made to support the operation of the current system.

10. This consultation sets out the proposals for these reforms. These changes will provide continuity and certainty for developers in the short term. In the longer term, the Government will continue to explore options for going further. One option could be for contributions to affordable housing and infrastructure to be set nationally, and to be non-negotiable.

11. Further consultation would be required and appropriate transitional arrangements would need to be put in place before any such approach was undertaken. This would allow for developers to take account of reforms and reflect the contributions as they secure sites for development.

12. The Government's 25 Year Environmental Plan[7] has also set out a commitment to explore how tariffs could be used to steer development towards the least environmentally damaging areas and to secure investment in natural capital.

13. Alongside this consultation, we are publishing research commissioned from the University of Liverpool on "The incidence, value and delivery of planning

[5] The CIL review team: A new approach to developer contributions, February 2017 https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government
[6] HM Treasury, Autumn Budget , November 2017 https://www.gov.uk/government/topical-events/autumn-budget-2017
[7] https://www.gov.uk/government/publications/25-year-environment-plan

obligations and the Community Infrastructure Levy in England in 2016-17" (the research report).[8]

The current system of developer contributions

14. Contributions from development towards local infrastructure are collected primarily through two mechanisms, section 106 planning obligations and the CIL.

15. Section 106 planning obligations[9] are negotiated legal agreements between developers and local authorities. They are used to make development acceptable through delivery of affordable housing or infrastructure, or requiring development to be used in a particular way.

16. A local planning authority should set out policies which indicate the level of contributions required, such as for affordable housing. Individual agreements taking account of these policies are then made on a site by site basis. All section 106 planning obligations are subject to statutory tests to ensure they are necessary, proportionate and directly related to the development. [10]

17. CIL was introduced in 2010. It was established on the principle that those responsible for new development should make a reasonable contribution to the costs of providing the necessary additional infrastructure. As a more standardised approach than section 106 planning obligations, it was intended to be faster, fairer, more certain and more transparent.

18. CIL allows authorities to set a fixed rate charge per square metre of new development, and is used to address the cumulative impact of development in an area. CIL can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities. The choice as to whether to apply CIL and the rate at which it is set rests with the local authority. A proportion of local CIL receipts are earmarked for local areas to spend on anything that addresses the demands that development places on their area.[11]

---

[8] MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study

[9] So called as they relate to that section of the Town and Country Planning Act 1990

[10] CIL Regulations as amended, 2010 (Regulation 122) https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122

[11] Fifteen per cent of Community Infrastructure Levy charging authority receipts are passed directly to those parish and town councils where development has taken place. Communities with a neighbourhood plan or neighbourhood development order benefit from 25% of the levy revenues. If there is no parish, town or community council, the charging authority will retain the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding.

Box 1: Examples of projects which have been funded through developer contributions

Norwich City Council has funded transport and environmental improvements.

Bristol City Council has funded a new MetroBus service.

London Borough of Islington Council has spent CIL on expanding a heat and power network.

Wycombe District Council is using CIL to fund an alternative route around High Wycombe Town Centre.

The level of contributions secured through CIL and section 106

19. Developer contributions are an important element towards meeting the cost of funding infrastructure. In 2016/17, an estimated £6.0bn was committed through section 106 planning obligations and CIL, a real terms increase of 50% since 2011/12 (see Table 1).

20. Of this, approximately £5.1bn was committed through section 106 planning obligations. However, not all planning permissions are built out, and planning obligations can be renegotiated, meaning the amount ultimately collected will likely be lower than the amount committed.

Table 1: The estimated value of developer contributions 2005-17 (in real terms), in (£) millions[12]

Contribution Type	2005-06	2007-08	2011-12	2016-17
CIL	-	-	-	£945
Affordable Housing*	£2,579	£3,221	£2,480	£4,047
Open Space	£278	£289	£122	£116
Transport & Travel	£467	£570	£453	£132
Community	£97	£237	£171	£146
Education	£199	£334	£219	£241
Land Contribution	£1,238	£1,109	£323	£330
Other Obligations	£193	£226	£32	£51
Total Value	**£5,064**	**£6,006**	**£3,989**	**£6,007**

Numbers may not sum due to rounding

[12] Figures in the table are extrapolated from a sample of responses from local planning authorities. The estimated value of developer contributions, adjusted for inflation to 2016/17 levels (using the Consumer Prices Index, CPI), are set out.
*This includes commuted sums (direct payments in lieu of in-kind provision) towards affordable housing.

21. There are significant differences between regions in the value of affordable housing contributions (see Table 2). The greatest value was levied in London and the South East, where land values and affordable housing need are highest, and the lowest value was levied in the North East.

Table 2: The estimated value of affordable housing and other developer contributions by region, 2016/17, in (£) millions

	Total value of in-kind affordable housing		Total value of (non-in kind affordable housing) planning obligations and CIL		Total value of planning obligations (including affordable housing) and CIL	
	Value	**%**	**Value**	**%**	**Value**	**%**
East	£514	13%	£324	16%	£838	14%
East Midlands	£232	6%	£36	2%	£268	4%
London	£1,212	31%	£1,084	54%	£2,295	38%
North East	£78	2%	£28	1%	£106	2%
North West	£157	4%	£26	1%	£183	3%
South East	£876	22%	£314	16%	£1,190	20%
South West	£450	11%	£114	6%	£564	9%
West Midlands	£283	7%	£43	2%	£326	5%
Yorkshire & Humber	£170	4%	£67	3%	£238	4%
TOTAL	**£3,972**[13]	**100%**	**£2,036**	**100%**	**£6,007**	**100%**

Numbers may not sum due to rounding

22. There was also a significant increase in affordable housing as a proportion of the total value of developer contributions. In 2016/17, affordable housing made up 68% of total CIL and section 106 planning obligations levied, compared to 53% in 2007/08.[14] This equates to £4.0bn levied on affordable housing in 2016/17 compared to £3.2bn in 2007/08.

23. Of the estimated £5.1bn agreed through section 106 planning obligations in 2016/17, around £4.0bn was allocated for affordable housing, enough to enable approximately 50,000 dwellings. This represents an almost 10,000 increase in the number of affordable housing dwellings agreed in 2016/17 planning obligations compared to 2011/12. [15]

[13] This aggregate total does not include commuted sums (direct payments in lieu of in-kind provision) towards affordable housing, which amounts to £75.4 million nationally. This value is included in the Table 1

[14] MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study

[15] Ibid

Issues with the present system

24. A range of research including the research report[16] accompanying this document and the CIL Review[17] have identified the following consistent themes:
    - The partial take-up of CIL has resulted in a complex patchwork of authorities charging and not charging CIL. Where CIL is charged, it is complex for local authorities to establish and revise rates. These can often be set at a lowest common denominator level;
    - Development is delayed by negotiations for section 106 planning obligations, which can be sought alongside CIL contributions;
    - Developers can seek to reduce previously agreed section 106 planning obligations on the grounds that they will make the development unviable. This renegotiation reduces accountability to local communities;
    - CIL is not responsive to changes in market conditions;
    - There is a lack of transparency in both CIL and section 106 planning obligations – people do not know where or when the money is spent; and
    - Developer contributions do not enable infrastructure that supports cross boundary planning.

Partial take up and lowest common denominator

25. Take up of CIL by local authorities was initially slow, and by March 2015, 54 authorities had adopted the levy. However, this has increased significantly, with 151 authorities now charging CIL in England (44% of all potential charging authorities). A further 74 authorities have taken steps towards adopting CIL, meaning 225 authorities (66%) are either charging CIL or have taken steps towards doing so.

26. CIL uptake has been notably swifter where land values are higher. Many areas that have not adopted CIL have considered the approach and commissioned viability analysis. However they have concluded that they would need to set rates at a very low or zero rate in order for development to remain viable in their area when taking into account other requirements such as affordable housing.[18]

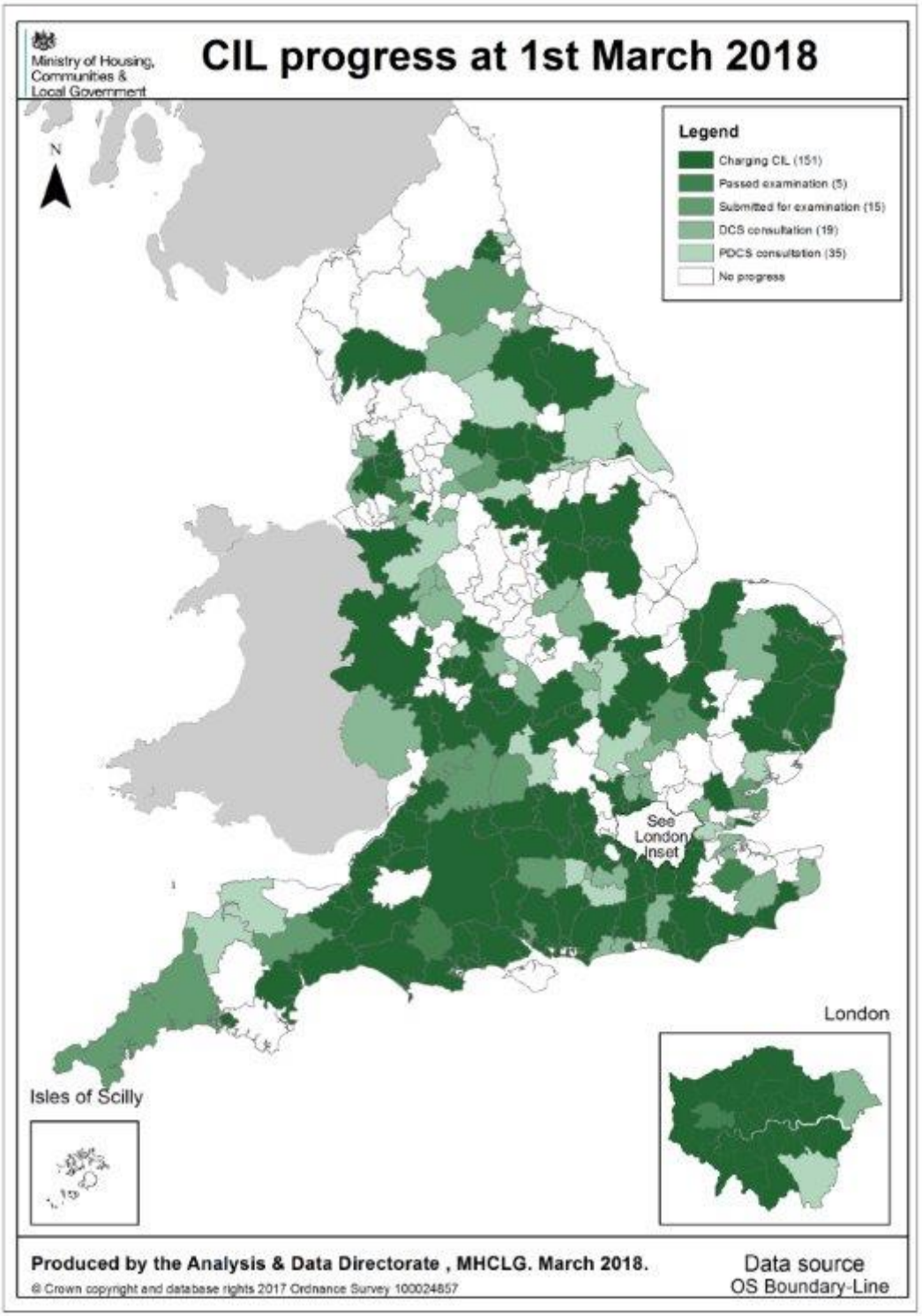
---

[16] MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study

[17] The CIL review team: A new approach to developer contributions, 2017 https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government

[18] MHCLG, Section 106 Planning Obligations in England, 2011-12 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/314066/Section_106_Planning_Obligations_in_England_2011-12_-_Report_of_study.pdf

Figure 1: CIL uptake by local authorities



Development is delayed by negotiations for section 106 planning obligations

27. Stakeholders have told us that the use of viability assessments in planning permission negotiations has expanded significantly. This can delay the planning process causing complexity, uncertainty and increased risk for developers. It can also result in fewer contributions for infrastructure and affordable housing than required by local policies.

28. Over 80% of local authorities consider that section 106 planning obligations create a delay in the granting of planning permission and over 60% believe that this slows development completion.[19]

Developers can reduce previously agreed contributions reducing accountability

29. Planning obligations are frequently renegotiated. 65% of planning authorities renegotiated a planning agreement in 2016/17. Changes to the type or amount of affordable housing agreed is one of the most common reasons for renegotiations recorded.

30. Renegotiation can ensure that a development remains viable. However, this can lead to a lack of trust with local communities who feel they are unable to hold developers to account.[20]

Not market responsive

31. The total amount of developer contributions committed has increased since 2011/12, although the number of houses built has also increased. The value of section 106 planning obligations and CIL per dwelling built has remained broadly the same over this time period.[21] By contrast, house prices in England have increased by 30%.[22]

32. This suggests that the current system of developer contributions can quickly become dated and may only have captured a small proportion of the increase in value that has occurred since 2011.

---

[19] MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study

[20] Ibid

[21] Internal MHCLG analysis. Figures adjusted for inflation, and to reflect changes in distribution of planning permissions across regions between 2011/12 and 2016/17.

[22] Percentage increase in the Land Registry House Price Index http://landregistry.data.gov.uk/app/ukhpi?utm_medium=GOV.UK&utm_source=datadownload&utm_campaign=tool&utm_term=9.30_17_10_17

33. The lack of responsiveness can be exacerbated by the length it takes to implement CIL. The majority of CIL charging authorities report that initial CIL implementation took one to two years.[23]

Lack of transparency

34. The proceeds of planning obligations are not clearly communicated to the public.[24] There is also little transparency on how section 106 planning obligations are negotiated, nor on how they have delivered the necessary infrastructure to support development. The way in which CIL contributions have been spent is also unclear.

35. Local authorities have reported they anticipate benefits in doing more to communicate with local communities, but often lack resources to do so.[25]

Does not support cross boundary planning

36. In addition, the system does not encourage cross boundary planning to support the delivery of strategic infrastructure. In London, the Mayor has been able to collect funding for cross-boundary transport infrastructure through CIL. Since 2012, £381 million has been levied through Mayoral CIL towards Crossrail.[26] This model could be adopted elsewhere to support the delivery of strategic infrastructure.

Objectives of developer contributions reform

37. The Government has proposed to make a series of reforms to the existing system of developer contributions in the short term. These reforms will benefit the local authorities who administer them, developers who pay them and the communities in which development takes place.

38. The reforms that are being proposed in this consultation will enable the necessary supporting infrastructure to be built and to continue to support the delivery of affordable housing.

---

[23] Three Dragons / Reading University. The Value, Impact and delivery of CIL' 2017 http://three-dragons.co.uk/value-impact-delivery-community-infrastructure-levy-three-dragons-university-reading-research-paper/
[24] Ibid
[25] Mayoral Community Infrastructure Levy https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy
[26] Ibid

39. The key objectives that the Government is seeking to achieve through the reform of developer contributions and the NPPF are to make the system of developer contributions more transparent and accountable by:

- **Reducing complexity and increasing certainty** for local authorities and developers, which will give confidence to communities that infrastructure can be funded.

- Supporting **swifter development** through focusing viability assessment on plan making rather than decision making (when planning applications are submitted). This speeds up the planning process by reducing scope for delays caused by renegotiation of developer contributions.

- **Increasing market responsiveness** so that local authorities can better target increases in value, while reducing the risks for developers in an economic downturn.

- **Improving transparency** for communities and developers over where contributions are spent and expecting all viability assessments to be publicly available subject to some very limited circumstances. This will **increase accountability** and confidence that sufficient infrastructure will be provided.

- Allowing local authorities to **introduce a Strategic Infrastructure Tariff** to help fund or mitigate strategic infrastructure, ensuring existing and new communities can benefit.

40. We will also make a number of technical clarifications to support the operation of the current system.

41. In the longer term, the Government will continue to explore options for going further. One option could be for contributions to affordable housing and infrastructure to be set nationally, and to be non-negotiable.

42. Further consultation would be required and appropriate transitional arrangements would need to be put in place before any such approach was undertaken. This would allow developers to take account of reforms and reflect the contributions as they secure sites for development.

43. The Government's proposals to address these objectives are set out in this document. **Consultation questions, and further details of the proposals, are set out in Annex A.**

Reducing complexity and increasing certainty

44. Communities need assurance that developers will make contributions towards new infrastructure required by development. By reducing the complexity and increasing the certainty of developer contributions, local authorities will be able to more effectively secure these contributions. This will enable them to provide this confidence to communities. Increased certainty will also benefit developers, as they will be better able to price the cost of contributions into their business models.

Setting CIL charging schedules

45. Charging authorities introducing or revising a CIL charging schedule are currently required to undertake two consultations on their proposed CIL rates. Regulations set out minimum requirements, including the consultation period. This is followed by a statutory examination in public. The majority of CIL charging authorities report that initial CIL implementation took one to two years.[27]

46. The statutory consultation process is the same whether setting CIL rates for the first time or making minor changes to existing rates. This creates a significant barrier to making targeted revisions to a charging schedule.

47. Local authorities have also suggested that resource constraints can affect their willingness to review charges. Some developers have also argued that rates should be reviewed more regularly than at present.[28] As such, there is an opportunity to streamline the process charging authorities must undertake in order to set or revise a CIL charging schedule.

48. There are also opportunities to further align the evidence requirements for plan making and for setting CIL charging schedules. National planning policy requires a consideration of viability as part of plan preparation. The draft NPPF is clear that plans should set out contributions expected in association with sites they allocate, and in association with particular types of development.[29] It sets out that policies should be supported by evidence regarding viability. Similar

---

[27] Three Dragons / Reading University. The Value, Impact and delivery of CIL, 2017 - http://three-dragons.co.uk/value-impact-delivery-community-infrastructure-levy-three-dragons-university-reading-research-paper/

[28] MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study

[29] Draft National Planning Policy Framework https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework

information is required in order to establish that policies in a plan are viable, and to establish the rate at which a CIL can be set.

49. The Government's proposed reforms to how viability assessments are used also increase the emphasis on the need for clear infrastructure plans.[30] Proposals in this consultation include the use of an Infrastructure Funding Statement that sets out how authorities anticipate using funds from developer contributions, and how these contributions have been used (see paragraph 85).

To address these issues the Government proposes to:

50. Ensure that consultation **requirements for setting and revising a CIL charging schedule are proportionate**, by replacing the current statutory formal consultation requirements with a requirement to publish a statement on how an authority has sought an appropriate level of engagement. This would be considered through the examination process, and would allow authorities to set schedules more quickly, and to expedite revising them in response to changes in circumstance.

51. **Streamline the process for local authorities to set and revise CIL charging schedules by** aligning the requirements for evidence on infrastructure need and viability with the evidence required for local plan making. This will reduce the burden on local authorities and make introducing CIL more attractive.

Lifting the section 106 pooling restriction

52. Regulation 123 of the CIL regulations prevents local authorities from using more than five section 106 planning obligations to fund a single infrastructure project. The pooling restriction incentivises local authorities to introduce CIL in order to collect a fixed contribution towards infrastructure from a large number of developments. In contrast, planning obligations are individually negotiated to allow for site specific issues to be mitigated. Obligations must be directly related and reasonable in scale to the development and necessary to make it acceptable in planning terms.[31]

53. However, the CIL Review[32] identified that the pooling restriction could have distortionary effects, and lead to otherwise acceptable sites being rejected for planning permission. The research report highlighted that the restriction was a

[30] Draft National Planning Policy Framework https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework
[31] Community Infrastructure Regulations 2010 Regulation 123 https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/123
[32] The CIL review team: A new approach to developer contributions, 2017 https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government

key concern for both local authorities and developers, and that it was seen as making the process longer, slower and more difficult than before.[33] This can hold back development and has been found to cause particular problems for large or strategic sites. Reforms are proposed in order to address these issues, but also to encourage the use of CIL.

54. In particular the Government recognises that where authorities already have CIL in place, it is reasonable to allow them extra flexibility by lifting pooling restrictions. There may also be authorities where it is not feasible to charge CIL, as the amount forecast to be raised would not justify operating the costs of the system, or because an authority considers the viability impact of even a low CIL alongside section 106 planning obligations outweighs the desirability of funding the required infrastructure from CIL.

55. The Government also recognises that there may be rare circumstances where a CIL has not been adopted, and development of significant scale is proposed on large sites. In some of these areas, lifting of the pooling restriction could significantly aid the funding of the infrastructure needed to support development.

To address these issues the Government proposes to:

56. **Remove the pooling restriction** in areas:
    - that have adopted CIL;
    - where authorities fall under a threshold based on the tenth percentile of average new build house prices, meaning CIL cannot feasibly charged;
    - or where development is planned on several strategic sites (see Annex A).

57. **Retain the pooling restriction in other circumstances**. This will maintain simplicity by ensuring that other tariff based approaches are avoided by local authorities that have taken a policy decision not to implement CIL.

Improvements to the operation of CIL

58. We also propose a series of **improvements** to the operation of CIL. These include:
    - a more proportionate approach to administering exemptions;
    - clarifying how indexation is applied where a planning permission is amended; and

[33] MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study

- extending abatement provisions to phased planning permissions secured before the introduction of CIL.

Swifter development

59. Viability assessment is a process of assessing whether a site may be financially viable, by looking at whether the value generated by a development is more than the cost of developing it. The interpretation of existing policy has led to an increase in the use of viability assessment in planning application negotiations to such a degree that it causes complexity and uncertainty and results in fewer contributions for infrastructure and affordable housing than required by local policies. 81% of local authorities felt that negotiating section 106 planning obligations creates a delay in granting planning permission.[34]

60. In addition, viability assessments are often withheld from the public, on the grounds of commercial confidentiality. This has generated concern over transparency and how viability assessments are used to inform decisions.

The Government proposes as part of the NPPF consultation to:

61. **Improve viability assessment in plan making** and ensure that where a proposed development accords with all relevant policies in the local development plan (e.g. provision of affordable housing) there is no need for a viability assessment to accompany the planning application. This will reduce scope for delays and protracted negotiations at the planning application stage. As such, we do not currently propose to take forward further development of dispute resolution mechanisms.

62. **Enable transparency and accountability** by expecting all viability assessments to be conducted on an open book basis, be publically available and to use the Government's recommended definitions of key factors, as set out in guidance.

Increasing market responsiveness

63. If CIL charging schedules do not respond to changes in the housing market, they may quickly become out of date. In a rising housing market, this can mean that local authorities do not capture as much value as they might otherwise secure. In a falling housing market, this can affect development viability and disincentivise landowners from making sites available for development.

[34] MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study

Setting CIL rates based on the existing use of land

64. Regulations currently allow different CIL rates to be set within different areas of the charging authority's boundary and on the basis of the type and scale of the proposed development.

65. However, this means that the rates that a charging authority sets do not necessarily reflect the increases in land value that can occur when planning permission is granted. This is because the value of the land in its existing use and new use will differ for each development.

66. For instance, there is likely to be a significantly bigger increase in value for agricultural land that receives planning permission for new homes, than for land which is in industrial use. This is because agricultural land has a lower existing value.

67. Local authorities can target differences in the increase in land values by setting different CIL rates in different parts of their authority. For instance, they can charge higher rates in areas with generally higher increases in land value (greenfield land) and lower rates in areas with generally lower values (brownfield land).

68. However, rates must take into account land with lower uplift in an area and evidence suggests that CIL rates tend to be set at a 'lowest common denominator' level, to accommodate the least viable proposals. This leads to some developments paying less than they might otherwise be asked to contribute.

To address these issues the Government proposes to:

69. **Allow CIL charging schedules to be set based on the existing use of land**. This will allow local authorities[35] to better capture an amount which better represents the infrastructure needs and the value generated through planning permissions. Local authorities will continue to have the ability to set CIL at a low or zero rate to support regeneration.

70. Some complex sites for development may have multiple existing uses. This could create significant additional complexity in assessing how different CIL rates should be apportioned within a site, if a charging authority has chosen to set rates based on the existing use of land.

[35] Where they have good justification for differential or zonally rates, taking into account the balance between raising funding for infrastructure and the viability impacts on development across the area. Authorities will also need to have regard to State Aid rules in setting differential rates.

71. In these circumstances, the Government proposes to **simplify the charging of CIL on complex sites,** by:

- encouraging the use of specific rates for large strategic sites (i.e. with a single rate set for the entire site)
- charging on the basis of the majority use where 80% of the site is in a single existing use, or where the site is particularly small; and
- other complex sites could be charged at a generic rate, set without reference to the existing use of the land, or have charges apportioned between the different existing uses.

Indexation

72. CIL charges are applied at the point development is permitted. They are indexed to the Building Cost Information Service (BCIS) All-In Tender Price Index. This index reflects changes in contractor costs, and is used to account for changes in the costs of delivering infrastructure.

73. However, contractor costs do not necessarily increase at the same rate as house price inflation. Since 2001, average annual house prices across England and Wales have risen faster than contractor costs. This means the impact that a rate has on the viability of development reduces over time, and the local authority collects less than could otherwise be the case.

To address these issues the Government proposes to:

74. **Index residential development to regional or local authority house prices. For non-residential development the Government could index commercial development to a factor of house prices and Consumer Price Index (CPI),[36] or to CPI alone.**

75. By indexing to a measure which is more market responsive such as house prices, it can be ensured that charging schedules stay up to date in terms of the impact on viability. This reduces the need for local authorities to revise charging schedules, and creates more long-term certainty for developers. Indexation could be applied on a regional or local authority basis, to account for differing housing markets in different areas.

76. In addition, indexing to house prices would support developers in the event of a market downturn, as CIL charges on newly permissioned development would reduce, reducing costs and risk.

[36] Further details included at Annex A

77. However, the Government recognises that house price inflation may not be an appropriate measure for non-residential development. Industrial land, for instance, has not increased in value at the same rate as residential land, in recent years. On the basis of historic data, a correlation can be identified between industrial land values, and a factor of house price inflation and CPI.

Improving transparency and increasing accountability

78. Support for local house building almost doubled between 2010 and 2016 from 29% to 57%, while opposition almost halved over the same period (46% to 24%).[37] Affordable housing, health facilities, transport, schools and green spaces, alongside new employment opportunities, are cited by communities as the primary benefits likely to increase support for new housing.[38]

79. CIL charging authorities are required to report annually on how much CIL has been received, how much has been spent and what it has been spent on.[39] Recent research noted that better communication could do a great deal to adjust public attitudes to development.[40] Local authorities have reported that they would expect benefits from doing more to communicate to local communities what they have secured through developer contributions, but that they often lack resources to do so.[41]

80. Developers have also raised concerns about how much money is raised through CIL and where and how the money is spent.[42] A series of recent case studies identified a clear absence of communication with the public about what developer contributions have paid for.[43]

81. Regulation 123 of the CIL regulations enables local authorities to publish lists of infrastructure they intend to fund through CIL. This regulation also prohibits the

---

[37] NatCen Social Research Homing in on housebuilding 2017 http://www.natcen.ac.uk/blog/natcen-on-the-election-homing-in-on-housebuilding

[38] NatCen Social Research's Public attitudes to new house building: 2014 http://www.natcen.ac.uk/news-media/press-releases/2014/july/british-social-attitudes-opposition-to-house-building-falls/

[39] Authorities are required to report by 31 December each year, for the previous financial year where they have collected or hold levy funds. Requirements for reporting are set out in the Community Infrastructure Levy Regulations 2010, (Regulation 62) https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/62

[40] MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study

[41] Ibid

[42] For example, the British Property Federation evidence to the CIL Review Group stated that it is "far too difficult to understand how CIL money is being spent".

[43] Ibid

use of section 106 planning obligations to provide contributions to fund infrastructure on this list.[44]

82. There is a considerable amount of confusion and variation in relation to Regulation 123 lists. In many cases they do not serve a useful purpose, as the restriction can encourage authorities to put as little as possible on the lists.[45] The lists can also be updated at any time without consultation.

83. Some Regulation 123 lists set out generic expenditure headings, while others list particular pieces of infrastructure. Some lists also have little relationship with local infrastructure plans.[46] The regulation therefore does not provide the certainty or clarity for local communities originally intended about how the levy is intended to be spent. A more standardised approach to setting out how authorities intend to use CIL, and how monies received has been spent, could provide greater accountability.

To address these issues the Government proposes to:

84. **Remove regulatory requirements for Regulation 123 lists** which do not provide clarity or certainty about how developer contributions will be used.

85. **Amend the CIL Regulations to require the publication of Infrastructure Funding Statements** that explain how the spending of any forecasted income from both CIL and section 106 planning obligations over the next five years will be prioritised and to monitor funds received and their use.

86. These changes are supported by the draft National Planning Guidance which is available alongside the NPPF consultation. In particular, the Government is encouraging local authorities to consider the viability of development at the plan making stage, and to set out clear policy requirements for the developer contributions that should be provided. Where viability assessments are undertaken for plan making, CIL or in support of a planning application, it should be in the expectation that they will be published, except in limited circumstances. The Government thinks it would be helpful to issue guidance setting out what these limited circumstances would include. We have asked this question as part of the draft revised NPPF consultation.[47] The Government is

[44] Where a local authority has not published a Regulation 123 list it is only permitted to use section 106 planning obligations to fund affordable housing
[45] The CIL review team: A new approach to developer contributions, February 2017 https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government
[46] Ibid
[47] National Planning Policy Framework Consultation Document, March 2018 https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework

also interested in whether local planning authorities may need to seek a sum for monitoring planning obligations as part of a section 106 agreement.

Introducing a Strategic Infrastructure Tariff

87. The Mayor of London is able to charge CIL in addition to London boroughs. The Mayor's CIL is limited to collecting funding towards transport infrastructure, in particular Crossrail. CIL towards Crossrail 1 is a low level tariff charged across all London boroughs. It has proved to be successful, raising £381 million against a £300 million target since it was introduced in 2012.[48]

88. The Government recognises the potential for other strategic authorities to have similar powers where they are seeking funding to support a piece of strategic infrastructure, or to address the cumulative impacts that the strategic infrastructure will have.

89. Following the success of the Mayoral CIL in London, the Government proposes to allow **combined authorities and joint committees,[49] where they have strategic planning powers, to introduce a Strategic Infrastructure Tariff**. This will increase the flexibility of the developer contribution system, and encourage cross boundary planning to support the delivery of strategic infrastructure.

[48] Mayor of London, Annual receipt update 2012/13-2016/17 https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy
[49] Established under Section 29 of the planning and compulsory purchase act 2004 of the Planning Act 2008

Annex A: reform of the system of developer contributions

Reducing complexity and increasing certainty

Aligning the evidence for CIL charging schedules and plan making

90. The Government proposes to align the evidence requirements for making a local plan and setting a CIL charging schedule. This will avoid duplication, saving local authority resources and reducing complexity in the CIL-setting process. There are two areas where evidence can be aligned: impacts on the viability of development, and evidence on the need to fund infrastructure.

Impacts on the viability of development

91. The draft revised NPPF and guidance sets out the process for assessing viability through plan making. **The Government proposes** to make clear through regulations and guidance that:

    a) viability evidence accepted for plan making should usually be considered sufficient for setting CIL rates, subject to being endorsed as to being of an appropriate standard by an Examiner

    b) where charging authorities consider there may have been significant changes in market conditions since evidence was produced, it may be appropriate for charging authorities to take a pragmatic approach to supplementing this information as part of setting CIL. This could involve assessing recent economic and development trends and working with developers (e.g. through local development forums), rather than procuring new and costly evidence.

Evidence on the need to fund infrastructure

92. **The Government proposes** to make clear through regulations and guidance that:

    a) evidence of local infrastructure need developed for plan making, including that set out through the Infrastructure Funding Statement (see paragraph 141 below), should be sufficient for the purposes of setting CIL rates.

    b) It is likely most authorities will have an infrastructure funding need that is greater than anticipated CIL income. Where evidence, including that prepared to support plan making, shows a funding gap significantly greater than anticipated CIL income, further evidence of infrastructure funding need should not be required.

93. There are benefits to undertaking infrastructure planning for the purpose of planmaking and setting CIL at the same time. However doing so can also create delays. The Government will seek to amend planning guidance to make clearer that there are benefits to preparing CIL charging schedules alongside plans, but that it is not necessary to do so.

Question 1

Do you agree with the Government's proposals to set out that:

i. Evidence of local infrastructure need for CIL-setting purposes can be the same infrastructure planning and viability evidence produced for plan making? **Yes/No**

ii. Evidence of a funding gap significantly greater than anticipated CIL income is likely to be sufficient as evidence of infrastructure need? **Yes/No**

iii. Where charging authorities consider there may have been significant changes in market conditions since evidence was produced, it may be appropriate for charging authorities to take a pragmatic approach to supplementing this information as part of setting CIL – for instance, assessing recent economic and development trends and working with developers (e.g. through local development forums), rather than procuring new and costly evidence? **Yes/No**

Question 2

Are there any factors that the Government should take into account when implementing proposals to align the evidence for CIL charging schedules and plan making?

Ensuring that consultation is proportionate

94. There are currently statutory requirements to consult twice when introducing or amending charging schedules. This creates a barrier to introducing CIL or amending charging schedules to ensure they remain market responsive.

95. **The Government proposes** to replace the current statutory requirements for two rounds of consultation with a requirement to publish a statement on how the charging authority has sought an appropriate level of engagement – a 'Statement of Engagement'. This would be considered by an Examiner through the CIL examination process. If necessary, the charging authority could withdraw the draft charging schedule to undertake further consultation.

96. The Statement of Engagement would allow authorities to determine the most appropriate approach to consultation in a range of circumstances. In most circumstances it is expected that charging authorities will want to continue a broad consultation as now (perhaps reducing to a single round of consultation, for example when revising an existing charging schedule).

97. In some circumstances (for example where a limited number of landowners or developers may be impacted by a new charge) alternative approaches such as targeted consultation and workshops may be more appropriate. Guidance will stress the need for consultation to be proportionate to the scale of any change being introduced or amended.

Question 3

Do you agree with the Government's proposal to replace the current statutory consultation requirements with a requirement on the charging authority to publish a statement on how it has sought an appropriate level of engagement? **Yes/No**

Question 4

Do you have views on how guidance can ensure that consultation is proportionate to the scale of any charge being introduced or amended?

Removing unnecessary barriers: the pooling restriction

98. The pooling restriction continues to support the adoption of CIL. It avoids additional complexity that would occur if other tariff-based section 106 mechanisms were taken forward by local planning authorities. Any such tariffs would need to accord with the statutory tests for planning obligations.[50] However, the Government recognises that there may be particular circumstances where the pooling restriction can hold back development. Reforms are proposed in order to address these issues, but encourage the use of CIL as the Government's preferred tariff-based system for collecting developer contributions.

99. **The Government proposes** to allow local planning authorities to pool section 106 planning obligations in three distinct circumstances:
    a) Where the local authority is charging CIL;
    b) Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106; or
    c) Where significant development is planned on several large strategic sites.

[50] CIL Regulations as amended, 2010 (Regulation 122)
https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122

Where a local authority is charging CIL

100. The Government proposes to amend legislation to allow local planning authorities charging CIL[51] to pool section 106 planning obligations. It is reasonable to give these authorities additional flexibility to fund infrastructure. The legal tests for securing planning obligations[52] will continue to ensure section 106 planning obligations are only used where necessary to make a particular development acceptable in planning terms. If a charging authority stopped charging CIL, the pooling restriction would be reinstated.

Where it would not be feasible for an authority to adopt CIL

101. The Government recognises that it may not be feasible for some local authorities to adopt CIL. This may be because CIL could not raise enough to justify the costs of operating the system, or because, alongside section 106 planning obligations, it would have a disproportionate impact on the viability of development.[53]

102. The Government proposes to lift the pooling restriction in local authority areas where it would not be feasible to levy CIL. Lifting of the restriction would be based on a nationally set threshold. The proposed threshold is based on the tenth percentile of average new build house prices. This means that those authorities where average new build house prices are within the lowest 10% of those in England would have the restriction removed.[54]

103. Local planning authorities would test against the threshold annually and state on their website if they fall below it. In order to provide certainty, the Government proposes that once the restriction has been lifted in an authority, it should remain lifted for 3 years. If an authority has submitted a CIL charging schedule for examination by the end of the third year a further year where the restriction is lifted will apply. This is intended to ensure there is time for any charging schedule being introduced to come into effect, and removal of the pooling restriction to continue.

---

[51] The pooling restriction would not be lifted where a Mayoral or combined authority CIL (or Strategic Infrastructure Tariff) is in place, but CIL had not been adopted by the local planning authority making the section 106 agreement.

[52] CIL Regulations as amended, 2010 (Regulation 122) https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122

[53] Recent research found that many authorities had considered CIL but viability evidence showed that only a zero rate, or very low rate, would be viable in their area: MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 https://www.gov.uk/government/collections/National-Planning-Policy-Framework-and-developer-contribution-consultations

[54] The threshold will be based on publicly available data published in government statistics, or data from the Office for National Statistics

104. The Government recognises the particular priorities of national parks, where a small amount of development proposed across a wide geographic area may give rise to feasibility challenges with introducing CIL. The Government would be interested in views on whether a specific approach is needed to lifting the pooling restriction in national parks, and whether a particular threshold (such as a planned number of homes) should be introduced.

Where significant development is planned on several large strategic sites

105. The Government recognises that there may be rare circumstances where a CIL has not been adopted, and development of significant scale is proposed. In some of these areas, lifting of the pooling restriction could significantly aid the funding of the infrastructure needed to support development. The CIL Review[55] found that large, strategic sites are often brought forward under separate planning applications or by different landowners. This means that the restriction might prevent all parts of the site contributing to the infrastructure required to mitigate the impacts of the development.

106. **The Government proposes** to remove the restriction in areas where significant development is planned on several large strategic sites. The Government would welcome views on two alternative approaches that could be taken:
   a) remove the pooling restriction in a limited number of authorities, and across the whole authority area, when a set percentage of homes, set out in a plan, are being delivered through a limited number of large strategic sites. For example, where a plan is reliant on ten sites or fewer to deliver 50% or more of their homes;
   b) amend the restriction across England but only for large strategic sites (identified in plans) so that all planning obligations from a strategic site count as one planning obligation. It may be necessary to define large strategic sites in legislation.

Question 5

Do you agree with the Government's proposal to allow local authorities to pool section 106 planning obligations:

i. Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106? **Yes/No**

[55] The CIL review team: A new approach to developer contributions, February 2017 https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government

ii. Where significant development is planned on several large strategic sites? **Yes/No**

Question 6

i. Do you agree that, if the pooling restriction is to be lifted where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106, this should be measures based on the tenth percentile of average new build house prices? **Yes/No**

ii. What comments, if any, do you have on how the restriction is lifted in areas where CIL is not feasible, or in national parks?

Question 7

Do you believe that, if lifting the pooling restriction where significant development is planned on several large strategic sites, this should be based on either:
i. a set percentage of homes, set out in a plan, are being delivered through a limited number of strategic sites; or
ii. all planning obligations from a strategic site count as one planning obligation?

Question 8

What factors should the Government take into account when defining 'strategic sites' for the purposes of lifting the pooling restriction?

Question 9

What further comments, if any, do you have on how pooling restrictions should be lifted?

Improvements to the operation of CIL

107. Since its introduction in 2010, CIL regulations have been subject to a number of changes and refinements. The Government further proposes improvements to how the levy operates and further clarity in legislation where needed. The Government also intends to revisit planning practice guidance on CIL.

A more proportionate approach to administering exemptions

108. CIL regulations allow for some development to be exempt from the levy. Exemptions available from CIL need to be granted by the charging authority prior to the start of works on site. A developer must submit a Commencement

Notice to the charging authority prior to the start of works on site to confirm the exemption. Failure to do so results in the exemption being removed. The full levy liability then becomes due immediately, and any ability to pay the levy in phases is removed.

109. Commencement of development marks the start of the claw-back period for several of the exemptions available from CIL. These are applied when a disqualifying event (e.g. sale of a self-build home) occurs within a certain period, which means the exemption is no longer appropriate and the full levy should be paid.

110. There have been a number of cases where developers have submitted Commencement Notices after starting work on site. They have consequently been required to pay the full CIL liability immediately. This issue has particular implications for smaller developers and self-builders that have less regular involvement with CIL. The Government believes that immediate application of this penalty is disproportionate to the failure to comply with requirements.

111. **The Government proposes** to relax the Commencement Notice requirement for exempted development by providing a grace period that will allow the Notice to be served within two months of the start of works. If a Notice is submitted within this period, the exemption would remain in place. Claw-back provisions would still apply as they do now (in most cases from date of commencement).

112. The requirement for developers to initially obtain the exemption prior to commencement would remain. The Government would welcome views on introducing a small penalty charge for submitting a Notice within the proposed grace period. Such a charge could help authorities monitoring development to inform developers that have started work on an exempted development but not submitted a Commencement Notice and that they need to do so before the end of the grace period.

Question 10

Do you agree with the Government's proposal to introduce a 2 month grace period for developers to submit a Commencement Notice in relation to exempted development? **Yes/No**

Question 11

If introducing a grace period, what other factors, such as a small penalty for submitting a Commencement Notice during the grace period, should the Government take into account?

Question 12

How else can the Government seek to take a more proportionate approach to administering exemptions?

Extending abatement provisions to phased planning permissions secured before introduction of CIL

113. Where a development was permitted before CIL came into force in an area, and is then subsequently amended under section 73 of the Town and Country Planning Act 1990 (through a 'section 73 application'), changes secured through the amended permission are subject to CIL. However, in these circumstances, certain CIL provisions do not apply.

114. For particularly large or complex developments, a developer may implement a planning permission in a number of phases. Each phase is treated as a separate chargeable development and incurs its own CIL liability. In cases where planning permission is first secured *while CIL is in force* and subsequently amended, provisions exist to offset any resulting increases in CIL liabilities in one phase against any decreases in CIL liability in another phase.

115. However, for developments permitted *before a charging authority implemented CIL* the regulations limit the way in which such abatement can be employed. A change in one phase may lead to an increase in CIL liabilities, but cannot be offset by a decrease in liabilities in another phase. This can result in significant additional costs where a developer may, for example, switch two elements of a development between phases, even though the amount and type of floorspace proposed across the entire development may not have changed.

116. There is an opportunity to extend the circumstances in which developers are allowed to offset increases in CIL in one phase of a development against decreases in another phase. This will allow developers to balance payments and liabilities between different phases of a development where planning permission is first secured before a charging authority implemented CIL, and subsequently amended using a 'section 73 application' after CIL has been introduced.

117. **The Government therefore proposes** to amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development.

Question 13

Do you agree that Government should amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development? **Yes/No**

Question 14

Are there any particular factors the Government should take into account in allowing abatement for phased planning permissions secured before introduction of CIL?

Applying indexation where a planning permission is amended

118. Currently, CIL rates are indexed to a measure of contractor costs to account for changes in the costs of delivering infrastructure. The Government is seeking to amend this approach to ensure that the indexation applied to CIL is more market responsive (see paragraphs 132-136).

119. Recent legislation[56] provided greater clarification on how charging authorities should apply rates of indexation in relation to development permitted before CIL came into force in an area and then subsequently amended.[57] A similar issue exists for developments which were both originally permitted and then amended while CIL is in force. In some cases this can result in developers being charged for indexation on floorspace for which they have already paid CIL.

120. The Government believes further clarification is required in relation to how indexation applies to development permitted before CIL came into force in an area, and then subsequently through a section 73 application.

121. **The Government proposes** to amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force, to clarify that the approach taken should align with the approach taken in the recently amended CIL regulations.

Question 15

Do you agree that Government should amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force to align with the approach taken in the recently amended CIL regulations?[58]

Increasing market responsiveness

Setting charging schedules with reference to the existing use of land

122. Existing regulations do not allow charging schedules to be set based on the existing use of land. Where there is evidence to support such an approach, being able to do so could allow authorities to more effectively reflect the increases in land value created by a proposed development.

123. **The Government proposes** to change regulations to allow local authorities to set differential CIL rates based on the existing use of land. A charging authority may, for example, choose to set out different rates for residential development

[56] The Community Infrastructure Levy (Amendment) Regulations 2018 https://www.legislation.gov.uk/ukdsi/2018/9780111163030

[57] Amended under Section 73 of the Town and Country Planning Act 1990 (through a 'Section 73 application')

[58] Ibid

depending on whether the land was in agricultural or industrial use before receiving planning permission.

124. The charging authority would identify and define those existing uses for which it would set differential rates. However it is important to avoid unnecessary additional complexity in the system of developer contributions. For this reason, the Government recommends authorities only set differential rates based on the existing use of land where there is a strong case for doing so.

Calculating liabilities on individual sites

125. Some sites for development will have multiple existing uses. In order to apply multiple differential rates, it would be necessary to calculate liabilities that take account of the range of existing uses, and apportion the differential rates. This would create additional complexities for charging authorities and developers in how liabilities are calculated.

126. For example, a charging authority may have two residential rates based on whether the existing use is industrial or office. On a site with both office and industrial uses at present, which is being redeveloped for new homes, authorities would need to determine what proportion of the new residential development will be charged CIL at each of those rates.

127. In order to ensure rates better reflect increases in land value created by development, whilst avoiding unnecessary complexities on such sites, **the Government proposes** to:

a) Use planning guidance to encourage authorities to set a single CIL rate (including a nil rate where appropriate) for strategic sites with complex uses, based on the approach to viability assessment in plan making encouraged by draft planning policy and guidance.[59]

b) Require that CIL liabilities should be calculated on the basis of the majority existing use for smaller sites. The threshold for determining smaller sites could be defined in the same way as the existing small sites national planning policy for planning obligations.[60]

c) Require that, on other sites where differential rates apply, but 80% or more of the site is in a single existing use, then the entire CIL liability should be charged on the basis of the majority use.

---

[59] National Planning Policy Framework Consultation Document, March 2018 https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework

[60] Provision of affordable housing should not be sought for developments that are not on major sites, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Draft National Planning Policy Framework https://www.gov.uk/government/collections/National-Planning-Policy-Framework-and-developer-contribution-consultations

128.Where differential rates would apply to a larger site in multiple existing uses, but where no single existing use accounts for 80% or more of that site, two alternative approaches could be taken:

a) CIL rates could be apportioned between existing uses (i.e. 40% of the CIL liability is charged at agricultural to residential, and 60% at industrial to residential);

b) Charging authorities choosing to set differential rates could be required to set a distinct rate for larger sites in multiple existing uses, but where no single existing use accounts for 80% or more of that site.

129.Apportionment would be based on the site area of different existing uses. Where existing buildings are themselves in multiple uses, the floorspace of those buildings would be assessed to determine the apportionment of that area of the site.

130. Land in an ancillary use (e.g. car park) on the same development site would be classed the same as the main use (e.g. a car park for an industrial site would be classified as industrial use). Where it is not clear whether an area is in one use or another, the lower of those possible rates would apply.

131.The Government is interested in views on whether further requirements should be made to ensure that the system would not be open to gaming, for instance to avoid changing uses by demolishing existing buildings.

Question 16

Do you agree with the Government's proposal to allow local authorities to set differential CIL rates based on the existing use of land? **Yes/No**

Question 17

If implementing this proposal do you agree that the Government should:

i. encourage authorities to set a single CIL rate for strategic sites? **Yes/No**
ii. for sites with multiple existing uses, set out that CIL liabilities should be calculated on the basis of the majority existing use for small sites? **Yes/No**
iii. set out that, for other sites, CIL liabilities should be calculated on the basis of the majority existing use where 80% or more of the site is in a single existing use? **Yes/No**
iv. What comments, if any, do you have on using a threshold of 80% or more of a site being in a single existing use, to determine where CIL liabilities should be calculated on the basis of the majority existing use?

Question 18

What further comments, if any, do you have on how CIL should operate on sites with multiple existing uses, including the avoidance of gaming?

Indexing CIL rates to house prices

132. **The Government proposes** that CIL for residential development should be indexed to the House Prices Index (HPI).[61] CIL is currently indexed annually to build costs. Seasonally adjusted regional HPI data is published monthly and local authority level data is published monthly without seasonal adjustment. **The Government proposes to** move to indexing residential CIL rates to either:

    a) The change in seasonally adjusted regional house price indexation on a monthly or quarterly basis; or

    b) The change in local authority-level house price indexation on an annual basis.

133. There is a trade-off between the greater frequency with which rates can be updated using regional-level indexation (due to the larger sample sizes and seasonal adjustment), and the degree to which indexation reflects local housing markets. The Government would welcome views on which approach is preferable.

134. As there is no clear link between the value of non-residential development and house price inflation **the Government proposes** that CIL for non-residential development should be indexed to a different metric. The Government is interested to hear views on two alternative approaches that could be chosen:

    a) Non-residential CIL rates could be indexed to the Consumer Price Index (CPI). This is a general measure of inflation and indexing to this measure is based on the expectation that price of non-residential land would indirectly reflect the general price level;

    b) Non-residential CIL rates could be indexed to a combined proportion of HPI and CPI. Historic data shows a correlation between changes in industrial land values and a combination of HPI and CPI. [62] However this may not reflect more recent trends.

135. The Government is also interested in knowing whether other relevant data could be used for non-residential indexation. Data would need to be robust, apply nationally, and be both regularly updated and publicly available to support open data principles. This will ensure charging authorities and developers can be clear about what the index figure is.

136. In order to ensure clarity over charges, the new indexation metrics would apply from the date amended regulations come into force. Indexation would be applied under BCIS up to the point that the regulations came into force and under the new metric after the regulations came into force.

---

[61] HPI data is published on GOV.UK. The proposed dataset is the seasonally adjusted index.

[62] Until 2009 the VOA used to publish industrial land values annually. The correlation with industrial land values has been shown with combination of 40% HPI + 60% CPI has been shown between 2001 and 2009.

Question 19
Do you have a preference between CIL rates for residential development being indexed to either:

a) The change in seasonally adjusted regional house price indexation on a monthly or quarterly basis; or

b) The change in local authority-level house price indexation on an annual basis

Question 20

Do you agree with the Government's proposal to index CIL to a different metric for non-residential development? **Yes/No**

Question 21

If yes, do you believe that indexation for non-residential development should be based on:
i. the Consumer Prices Index? **Yes/No**
ii. a combined proportion of the House Price Index and Consumer Prices Index? **Yes/No**

Question 22

What alternative regularly updated, robust, nationally applied and publicly available data could be used to index CIL for non-residential development?

Question 23

Do you have any further comments on how the way in which CIL is indexed can be made more market responsive?

Improving transparency and increasing accountability

137. The Government believes that there is a need for greater clarity on how CIL and section 106 planning obligations work together. The expectation is that all viability assessments will be conducted on an open book basis and published except under limited circumstances The Government thinks it would be helpful to issue guidance setting out what these limited circumstances would include. We have asked this question as part of the NPPF draft text for consultation.[63]

[63] National Planning Policy Framework Consultation Document, March 2018
https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework

138. This will complement measures to remove the pooling restriction in authorities that have adopted CIL and measures to improve monitoring and reporting of developer contributions set out in draft Planning Guidance published alongside the draft NPPF.

139. Greater clarity can ensure developers and local communities have more certainty about how charging authorities intend to use CIL receipts and how monies raised has been spent. **The Government therefore proposes** to remove the restrictions on section 106 planning obligations in regulation 123. Regulation 123 lists will be replaced with a more transparent approach to reporting by charging authorities on how they propose to use developer contributions, through infrastructure funding statements.

140. The CIL Review also found concerns with transparency over how much money has been raised and where and how it has been spent. CIL charging authorities are required to report annually on how much CIL has been received, how much has been spent and what it is spent on. However, a desktop study of reports has shown significant variation in how authorities report. This is an important issue for developers, who want reassurance that their contributions will be spent to support development. It is also an important issue for local communities, who cite the provision of local infrastructure and facilities as likely to increase their support for development.

141. **The Government proposes** to introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement in an open data format. The Statement will provide a flexible tool to set out infrastructure priorities and delivery, and could provide a framework for improving communication with local communities about delivery of section 106 planning obligations.[64]

142. It will set out priorities for how a charging authority proposes to use CIL and, where possible, section 106 contributions for the coming five years. It will also be used to report on the choices charging authorities have made regarding how developer contributions from CIL and section 106 planning obligations over the previous year have been used.[65]

143. While CIL charging authorities can use a proportion of the levy to cover its administration (including meeting legislative requirements on reporting), there is no similar provision for section 106 planning obligations.

144. Greater transparency over planning obligations will complement the existing CIL monitoring regimes. This will mean local communities are better informed

---

[64] DCLG Consultation *Planning for the right homes in the right places question 17* https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652888/Planning_for_Homes_Consultation_Document.pdf

[65] The Infrastructure Funding Statement would provide a mechanism by which charging authorities can meet reporting obligations under Regulation 62 of The Community Infrastructure Levy Regulations 2010 (as amended)

about the infrastructure and affordable housing that is being delivered alongside a new development and the timescales for delivery.

145. The Government is interested in views on whether local planning authorities may need to seek a sum for monitoring planning obligations as part of a section 106 agreement. The Government would particularly welcome views on potential impacts of seeking such fees.

Question 24

Do you agree with the Government's proposal to:
i. remove the restrictions in regulation 123, and regulation 123 lists? **Yes/No**
ii. introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement? **Yes/No**

Question 25

What details should the Government require or encourage Infrastructure Funding Statements to include?

Question 26

What views do you have on whether local planning authorities may need to seek a sum as part of section 106 planning obligations for monitoring planning obligations? Any views on potential impacts would also be welcomed.

A Strategic Infrastructure Tariff (SIT)

146. A key recommendation of the CIL Review[66] was that Combined Authorities should be enabled to set up an additional Mayoral type Strategic Infrastructure Tariff (SIT). The Government supports this recommendation as it is important that local authorities have a variety of mechanisms available to them to raise funding towards strategic infrastructure projects that unlock new development.

147. A SIT will operate in the same way as the London Mayoral CIL, including with the same exemptions and reliefs as set out in the CIL Regulations (2010) (as amended). It will operate alongside any localised form of developer contribution e.g. CIL and section 106 and contribute to the funding of strategic, large-scale

[66] The CIL review team: A new approach to developer contributions, February 2017 https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government

infrastructure projects that cross administrative boundaries.

Who will be able to charge a Strategic Infrastructure Tariff?

148. Following the recommendations of the CIL review, the Government proposes that Combined Authorities should be eligible to charge a SIT. In order to do this, the Combined Authority would need to have strategic planning powers.

149. The Government also recognises that there may be other groups of authorities that wish to work together to collect a SIT. The Government is considering regulating to allow joint committees with strategic planning powers to implement a SIT. Joint committees can be agreed to on a voluntary basis by local authorities who wish to prepare joint policies or plans across their areas.

150. Allowing a SIT to be charged will increase complexity in an area, which is a criticism of the CIL review. In order to build acceptance in an area for the charging of a SIT, it is important that people understand the purpose of the tariff. Therefore, the Government proposes that a SIT should only be charged where there is a specific piece of strategic infrastructure that requires funding, or where the impacts of strategic infrastructure will need mitigating across local authority boundaries.

151. When discussing 'strategic' infrastructure, the Government considers this to be infrastructure projects with multiple benefits that have a direct impact on all the local areas across which the SIT is charged e.g. a piece of infrastructure that has impacts which cross administrative boundaries. Alternatively, strategic infrastructure could be defined by a fixed cost or size threshold.

152. Combined authorities or joint committees with strategic planning powers will also need to demonstrate an infrastructure funding gap for an identified strategic infrastructure project. There may also be scope for using a proportion of the funding for local infrastructure priorities that mitigate the impacts of strategic infrastructure.

Question 27

Do you agree that combined authorities and joint committees with strategic planning powers should be given the ability to charge a SIT? **Yes/No**

Question 28

Do you agree with the proposed definition of strategic infrastructure? **Yes/No**

Question 29

Do you have any further comments on the definition of strategic infrastructure?

Question 30

Do you agree that a proportion of funding raised through SIT could be used to fund local infrastructure priorities that mitigate the impacts of strategic infrastructure? **Yes/No**

Question 31

If so, what proportion of the funding raised through SIT do you think should be spent on local infrastructure priorities?

How would a Strategic Infrastructure Tariff work in practice?

153. Strategic Infrastructure Tariffs would be informed by evidence and undergo independent examination in the same way as CIL. This provides an opportunity to consider the impacts of the proposed rate on the viability of development and the need for funding infrastructure. An independent examiner would consider evidence, including any impacts on viability, and make a decision on the acceptability of the proposed rate.

154. Following the model adopted by London Mayoral CIL it is proposed that the SIT should be set at a low level and would be collected by the local authority on behalf of the SIT charging authority. This is because the local authority is responsible for the planning functions to which the SIT would be calculated on.

155. **The Government proposes** that the local authorities would be able to keep up to 4% of the SIT receipts for administration costs. The SIT charging authority would then be responsible for receiving, accounting and setting the procedure for reporting.

Question 32

Do you agree that the SIT should be collected by local authorities on behalf of the SIT charging authority? **Yes/No**

Question 33

Do you agree that the local authority should be able to keep up to 4% of the SIT receipts to cover the administrative costs of collecting the SIT? **Yes/No**

Technical clarifications

156. **The Government also propose** to make other technical clarifications to the regulations. These include greater clarity on:

a) Application of Regulation 128 in areas where the Mayor of London or a Combined Authority has introduced CIL. This will make clear that liability for borough/local authority CIL is not triggered for reserved matters applications unless a local authority charging schedule was in effect when the outline planning permission was granted;

b) Application of exemptions and reliefs to Regulation 128A-related permissions. This will clarify that any liability calculated using Regulation 128A should include all exemptions and reliefs to avoid situations where liabilities for amendments to a planning permission are offset by exemptions or reliefs that relate to already permitted floorspace.

c) Application of Regulation 128A to subsequent amendments under section 73 of the Town and Country Planning Act 1990 where an earlier amendment has already been secured. This will support existing guidance in clarifying that multiple section 73s can be applied to the original planning permission without triggering a CIL charge on the entire development.

Question 34

Do you have any comments on the other technical clarifications to CIL?

Planning guidance

157. Planning guidance is in place to support operation of CIL, and ensure those working with the system have clear advice on using it. The Government keeps planning guidance under review. Updated guidance will also be provided to support any reforms to CIL and the technical corrections and clarifications. This includes updates to help support in the administration of exemptions, taking account of unintended viability impacts (such as on agricultural buildings) when setting rates, and setting rates with reference to existing use.

Annex B: The CIL Review

158. In November 2015, an independent review panel was commissioned to assess the extent to which CIL provided an effective mechanism for funding infrastructure, and to make recommendations that would improve its operation in support of the Government's wider housing and growth objectives. The CIL Review was published in February 2017[67], alongside the Housing White Paper.[68]

159. Particular issues that were identified, included:

i. The partial take-up of CIL has resulted in a complex patchwork of CIL and non-CIL authorities across the country;
ii. The amount raised through CIL has been lower than anticipated, an issue which has been exacerbated by the introduction of exemptions;
iii. CIL is frequently set at a lowest common denominator level, so developers which could contribute more towards infrastructure do not do so;
iv. Restrictions on local authorities ability to pool more than five section 106 planning obligations towards a single piece of infrastructure have created increased complexity, and can perversely disincentivise development;
v. CIL is not market responsive, and charging schedules can be potentially be out of date on the day on which they are adopted;
vi. It is complex and resource intensive for local authorities to set CIL charging schedules; and
vii. That there is a lack of transparency in both CIL and section 106 planning obligations.

160. The CIL review panel considered a number of options for reform, including leaving the system as it currently is, abolishing CIL and reverting to section 106, making minor reforms to the existing system, and making more significant reforms. They concluded that, although they had seen places where CIL worked well, they had also seen places where, as currently configured, it could not work.

161. On this basis, the key recommendations of the review were:

i. That the Government should replace the Community Infrastructure Levy with a hybrid system of a broad and low level Local Infrastructure Tariff (LIT) and section 106 agreements for larger developments. The LIT would be set nationally, but collected and spent locally. As the tariff would be low level, this would reduce the need for exemptions and reliefs

[67] The CIL review team: A new approach to developer contributions, February 2017 https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government
[68] MHCLG, Fixing our broken housing market, February 2017 https://www.gov.uk/government/publications/fixing-our-broken-housing-market

ii. That Combined Authorities should be enabled to set up an additional Strategic Infrastructure Tariff, based on the example of London Mayoral CIL
iii. That Government should standardise and streamline its approach to section 106 planning obligations
iv. That restrictions around the pooling of section 106 planning obligations should be lifted; and
v. That complexities in the operation of CIL should be addressed through the development of its replacement

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If the Government receives a request for disclosure of the information it will take full account of your explanation, but cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how the process can be improved please contact us via the complaints procedure.

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 (*)

Your details

First name*	Click here to enter text.
Family name (surname)*	Click here to enter text.
Title	Click here to enter text.
Address	Click here to enter text.
City/Town*	Click here to enter text.
Postal code*	Click here to enter text.
Telephone Number	Click here to enter text.
Email Address*	Click here to enter text.

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

Please select an item from this drop down menu

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)

Click here to enter text.

Chapter 1: Introduction

Question 1

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

No comment.

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?

Yes

Please enter your comments here

No comment.

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?

No

Please enter your comments here

Putting the core principles at the front of the document gives clarity and emphasis to them. They should be reinstated.

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?

The clarification is welcomed.

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?

Not sure

Please enter your comments here

With regard to the tests of soundness, the Greater Norwich Development Partnership particularly welcomes the proposed change that makes it clear a plan should set out 'an appropriate strategy' rather than 'the most appropriate strategy'. This should help speed up plan production, helping local planning authorities to better judge what evidence is required and potentially reducing the time for the Examination. It would add to clarity and consistency if paragraph 35 (relating to the role of the sustainability appraisal) could reflect this change.

Question 6

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

The Greater Norwich Development Partnership notes the greater role envisaged for viability assessments at the plan making level, and suggesting a lesser role in relation to specific planning applications.

This approach causes the partnership concern as it could have a substantial impact on the delivery of development. Land values and viability factors are dynamic and cannot be set in stone at one point in time (i.e. the local plan adoption date). It is appreciated a local plan should allocate sites that are economically viable, however, there is need for flexibility. While the Greater Norwich Development Partnership appreciates the draft NPPF does recognise this to some extent, it would be helpful if the document could give more guidance on the factors that would trigger the need for further viability assessment. This should include: changes since adoption in infrastructure (for example, changes in pupil forecasts since local plan adoption changing education requirements), unforeseen mitigation measures and, changes in national policy. In addition, regard should be had to changes to the Building Regulations that could inflate build costs. It would also be helpful if the NPPF set trigger for further viability testing linked to an index (such as the Tender Price Index). Where such an index exceeds a threshold set in the NPPF, the need for further viability work would be triggered.

The draft Planning Practice Guidance looks to clarify how viability assessments should be approached, and is welcomed. The Greater Norwich Development Partnership would find it particularly helpful if the guidance could define what would be considered a reasonable return for a landowner. As currently defined it is too vague, and would benefit from more precision, similar to the way developers' returns have been defined.

The reference to health in the list of infrastructure (para 20) is welcomed.

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

The Greater Norwich Development Partnership supports much of this section. For example, the encouragement for early engagement between with local planning authorities and the proposal to make all viability assessments publically available are both welcomed. We consider this will help build more public confidence in the planning system.

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:

The Greater Norwich Development Partnership considers the first sentence of paragraph 58 to be superfluous. It is self-evident that a planning application that is compliant to an up-to-date local plan would not need a viability assessment.

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

The Greater Norwich Development Partnership believes there would be benefits that would arise from the NPPF mandating the use of review mechanisms to capture uplift in land values. One of the key benefits would be helping to redress the lack of confidence the public has in the planning system. It would enable major developments to give ongoing public benefit, allowing the betterment to be shared with residents through the provision of infrastructure that would improve the quality of life for current and future residents. This will demonstrate to residents the benefits that can be gained from new development.

Question 10

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

In para 41 it is not clear what is meant by “non-statutory consultees”.

In para 54 it is not clear what is meant by “wellbeing of the area”.

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

The local plans currently covering the Greater Norwich Development Partnership area provide a range of site sizes as housing allocations, and there are around 20% of current allocations that fall below the 0.5 hectare threshold being proposed. Whilst it is true these smaller sites have proved attractive to local and regional SME builders, and that the product tends to be of high quality and design, the smaller sites have not always addressed local housing need. Our experience is the smaller sites have produced less affordable housing, and are larger more expensive market homes that are priced beyond the means of local residents. So while the partnership agrees with the rationale for promoting smaller sites, and would be happy with a threshold set in the NPPF, the site size should be 0.75 hectares, to allow some of our concerns to be addressed. The NPPF could also stress the need for these sites to produce a variety of house size and type.

In reaching this conclusion, the Greater Norwich Development Partnership assumes this requirement relates to the provision of sites, rather than 20% of the supply being on sites of 0.5 hectare or smaller.

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?

Not sure

Please enter your comments here

The Greater Norwich Development Partnership accepts the Government’s aim to increase the amount of house completions, and has set out a Joint Core Strategy that has ambitious growth targets. However, the measures within the proposed NPPF do not recognise the potential for the development industry to “game” the system. For example, paragraph 77 relates to monitoring sites with planning permission. This could encourage developers to not seek planning permission on allocated sites, thereby reducing supply with planning permission, allowing paragraph 11d to be brought into play. This could be overcome by stronger

guidance that sets out an expectation that land promoters for allocated sites have a duty to bring them to market and be built out (as they will have set out in the local plan allocation process). Local Planning Authorities should have more powers to intervene if allocations are not progressed, such as amending Compulsory Purchase allowing purchase at current use valuation and discounting the allocated use.

Question 13

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

Not sure

Please enter your comments here

The Greater Norwich Development Partnership is unclear on how entry-level homes is defined and how such housing can be kept at "entry-level" in perpetuity, which is a requirement for forms of affordable housing.

Specific concerns on para 72 are:

(a) The phrase "a high proportion" needs to be defined;
(b) The phrase "proportionate in size" needs to be defined;
(c) As the purpose is to enable people to buy or rent their first home, the Framework should explicitly require homes for sale or rent on the open market to have no more than 3 bedrooms, or not to exceed 90 sqm (the internal area of a 3 bedroom 5 person house in the Nationally Described Space Standards).
(d) The possibility of "entry level exception sites" will produce a significant "hope value", leading to such sites no longer being offered for traditional exception sites. The result would be being unable to meet identified local needs and the inability to contribute to local social sustainability.

Question 14

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

Although a minor point, it is disappointing that the word "quality" is no longer in the chapter heading as this gives the impression that the quality of new homes is no longer an issue. It is suggested that it should be reinstated.

The Greater Norwich Development Partnership welcomes the section relating to Rural Housing. In particular would express its support for paragraph 80, which seeks to enhance and maintain local services through the provision of new homes.

We welcome the approach advocated in paragraph 61 for determining the minimum number of homes needed; it reflects the approach the partnership has taken in preparing its joint local plan.

Paragraph 64 should be clarified and include a definition of designated rural areas. The partnership considers, that for its area, that this could be based on the definition contained in the Housing (right to acquire)(Designated Rural Areas in the East) Order 1997 provided that this was brought up-to-date to better reflect the situation in

rural areas.

Paragraph 65 – The Greater Norwich Partnership agrees to the principle of affordable home ownership forming part of the affordable homes provision on qualifying sites. However, rather than a blanket approach of at least 10%, the requirement should match the local needs identified in housing market assessments. In addition, the NPPF must make it clear such housing should be conditioned to ensure it is affordable in perpetuity (intial and subsequent occupations).

Also, the wording in criterion (c) is too vague as it would enable the proposer to meet the requirement but the actual developer could do something different. It should be reworded to: "…requires development to be by people who commission or build their own homes".

Paragraph 66 – The requirement for strategic plans to set out a housing requirement figure for designated Neighbourhood Areas is not realistic nor is it necessary. To work it would require Neighbourhood Plans to be produced in tandem with the strategic plans, wherea they arise as and when communities wish to do them. Also, it would result in no housing provision being made in a designated area if the Neighbourhood Plan did not progress. The requirement in paragraph 67 for lpa's to provide an indicative figure if requested is sufficient.

Paragraph 69 d) – the Greater Norwich Development Partnership welcomes the clause to encourage the sub-division of larger housing sites to help speed up delivery. Unfortunately the NPPF does not give any indication of how this can be achieved. To achieve this policy aspiration it would be helpful if the NPPF how local planning authorities could do this, along with any new powers to give them a stronger hand to intervene.

Also, it would be useful to make reference to the need to still ensure a "consistency of place" when breaking up larger sites.

Paragraph 79 – the reflection of local needs is supported.

There are also concerns over the definition of affordable housing as set out in the glossary (see Q43).

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

The Greater Norwich Development Partnership considers the greater Norwich area to have great potential for economic growth and increased productivity. The partnership is already engaged in preparing positive local plan policies that will drive innovation and contribute to the Government's Industrial Strategy. The partnership also welcomes the section on supporting a prosperous rural economy, and recognises the contribution rural economies can make to the grand challenges set out in the industrial strategy. We consider the draft proposals will provide a helpful framework for us in preparing our local plan.

Question 16

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

There should be a recognition of the fact employment related allocations tend to h ave a longer lead-in time and NPPF should local planning authorities to protect strategic employment allocations for employment uses.

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

The Greater Norwich Development Partnerships welcomes this section.

Question 18

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

The further clarification in para 86(g) is welcomed.

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?

No Comment

Question 20

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

The introduction of the word “safe” and the reference to “community safety” within the chapter is welcomed. A definition of “local green space” would be useful, perhaps in the glossary.

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?

Yes

Please enter your comments here

The measures advocated here are already in practice here at the Greater Norwich Development Partnership, with the transport authority (Norfolk County Council) being a full and active member the partnership. This means transport issues are considered at the earliest stages of plan-making.

Question 22

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

Yes

Please enter your comments here

The reference to “highway safety” is welcomed.

Question 23

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

None

Chapter 10: Supporting high quality communications

Question 24

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

The Greater Norwich Development Partnership recognises the importance of high quality communications and supports what is being proposed.

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?

Not sure

Please enter your comments here

The Greater Norwich Development Partnership broadly agrees with the approach set out, but reiterates its concerns that it will create pressure to release important employment related sites for housing development.

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?

Yes

Please enter your comments here

No additional comment

Question 27

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

In particular, para 122(d) and (e) are supported, as is footnote 37, and these should be retained.

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?

No additional comment.

Question 29

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

Paragraph 125 – the reference to SPDs is welcomed and should be retained.

Paragraph 127 is supported and the emphasis on the importance of pre-application discussions welcomed.

Paragraph 129 – the last sentence is not required as development which complies with local design policies would not be refused on design grounds.

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?

Yes

Please enter your comments here

No additional comment.

Question 31

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

The Greater Norwich Development Partnership supports the approach advocated for defining and designating Green Belts.

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?

No comment

Question 33

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

No

No comment

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

No additional comment

Question 35

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

The Greater Norwich Development Partnership welcomes the emphasis given to protecting and enhancing valued landscapes. The Partneship would welcome clarity as to how valued landscapes are defined. In any definintion the partnership would suggest include a specific reference to the need to protect locally important landscapes and features, such as important gaps between settlements.

Chapter 16: Conserving and enhancing the historic environment

Question 36

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

No additional comment

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?

No comment

Question 38

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

Yes

Please enter your comments here

No comment

Question 39

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

No

Please enter your comments here

No comment

Transitional arrangements and consequential changes

Question 40

Do you agree with the proposed transitional arrangements?

Yes

Please enter your comments here

No comments

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?

No

Please enter your comments here

No comments

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?

Not sure

Please enter your comments here

No comments

Glossary

Question 43

Do you have any comments on the glossary?

The Greater Norwich Development Partnership has a concern at the definition of affordable housing as set out in the glossary:

- Criterion (a)(c) refers to the “normal form” which is imprecise.
- Criterion (b) does not give a sufficiently clear definition of “starter homes”.
- In criterion (c) the reference to local incomes and house prices, and to ensuring the discount remains for the future, is supported.
- Criterion (d) does not appear to provide provision for such housing to remain affordable in subsequent occupations, other than where public grant funding is provided. A clause requiring the affordability to be retained in the future, similar to the wording in the other criteria, should be included in d). The partnership would suggest the following wording be added: “There should be provision for homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative housing provision, or (where public grant funding is provided) the grant refunded to Government or the relevant authgority specified in the funding agreement”.

Developer Contributions Consultation response form

If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. You are able to expand the comments box should you need more space. Required fields are indicated with an asterisk (*)

This form should be returned to
developercontributionsconsultation@communities.gsi.gov.uk

Or posted to:

Planning and Infrastructure Division
Ministry of Housing, Communities and Local Government
2nd floor, South East
Fry Building
2 Marsham Street
LONDON
SW1P 4DF

By 10 May 2018

Your details

First name*	
Family name (surname)*	
Title	
Address	
City/Town*	
Postal Code*	
Telephone Number	
Email Address*	

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)

Click here to enter text.

Reducing Complexity and Increasing Certainty

Question 1

Do you agree with the Governments' proposals to set out that:

i. Evidence of local infrastructure need for CIL-setting purposes can be the same infrastructure planning and viability evidence produced for plan making?

Yes

ii. Evidence of a funding gap significantly greater than anticipated CIL income is likely to be sufficient as evidence of infrastructure need?

Yes

iii Where charging authorities consider there may have been significant changes in market conditions since evidence was produced, it may be appropriate for charging authorities to take a pragmatic approach to supplementing this information as part of setting CIL – for instance, assessing recent economic and development trends and working with developers (e.g. through local development forums), rather than procuring new and costly evidence?

Yes

Question 2

Are there any factors that the Government should take into account when implementing proposals to align the evidence for CIL charging schedules and plan making?

(i) The Greater Norwich Development Partnership can see the advantages in relying on the local plan evidence for CIL-setting purposes and supports this suggestion. (ii) The Partnership would hope the Government will assist provision of infrastructure through the provision of funding opportunities to ensure the delivery of strategic infrastructure. This will greatly assist local planning authorities to deliver the growth in the

numbers of new homes being completed. (iii) While the Greater Norwich Development Partnership welcomes the proposed pragmatic approach to responding to significant changes in market conditions, it remains doubtful as to whether the development industry or planning inspectors will follow this approach. It is likely there will still be a requirement to have some form of independent verification. The Partnership suggests that, when reviewing the CIL Regulations, the Government considers making amendments that would allow a review of a local plan and CIL to be done together, with one examination. This would help streamline the process, and would be a manifestation of the Government's proposals that local plan viability evidence will form the basis of a CIL charging schedule.

Ensuring that consultation is proportionate

Question 3

Do you agree with the Government's proposal to replace the current statutory consultation requirements with a requirement on the charging authority to publish a statement on how it has sought an appropriate level of engagement?

Yes

Question 4

Do you have views on how guidance can ensure that consultation is proportionate to the scale of any charge being introduced or amended?

As set out in the response to question 2, the Greater Norwich Development Partnership believes there is merit in using the local plan process to meet the statutory requirement of adopting CIL. If local plans and CIL charging schedules were prepared together, and consulted as part of the local plan there would be adequate engagement with all relevant stakeholders.

Removing unnecessary barriers: the pooling restriction

Question 5

Do you agree with the Government's proposal to allow local authorities to pool section 106 planning obligations:

i. Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106?

Yes

ii. Where significant development is planned on several large strategic sites?

Yes

Question 6

i. Do you agree that, if the pooling restriction is to be lifted where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106, this should be measures based on the tenth percentile of average new build house prices?

Yes

ii. What comments, if any, do you have on how the restriction is lifted in areas where CIL is not feasible, or in national parks?

No Comments

Question 7

Do you believe that, if lifting the pooling restriction where significant development is planned on several large strategic sites, this should be based on either:

i. a set percentage of homes, set out in a plan, are being delivered through a limited number of strategic sites; or

The Greater Norwich Development Partnership suggests both options be available to local planning authorities. It is important to be able to pool contributions to enable strategic sites to deliver essential infrastructure across the local plan area.

ii. all planning obligations from a strategic site count as one planning obligation?

The Greater Norwich Development Partnership suggests both options be available to local planning authorities. It is important to be able to pool contributions to enable strategic sites to deliver essential infrastructure across the local plan area.

Question 8

What factors should the Government take into account when defining 'strategic sites' for the purposes of lifting the pooling restriction?

The Greater Norwich Development Partnership asks the Government to take into account the following factors: The contribution the site(s) make in delivering the new housing allocation requirement. Any site size delivering 10% or more should be considered as strategic. In addition, sites that require infrastructure that has benefits

across the whole plan area should be considered as strategic. Such infrastructure will have been identified as a requirement through the local plan process.

Question 9

What further comments, if any, do you have on how pooling restrictions should be lifted?

The Greater Norwich Development Partnership would welcome the lifting of pooling restrictions. The partnership already pools CIL receipts from the partner authorities, and share a common charging schedule. Allowing pooling of S106 would greatly assist the three local planning authorities to strengthen their collective ability to provide infrastructure across the partnership area. Also, the draft implies that pooling is only an issue where significant development is planned, but it is also an issue for smaller scale development, such as where pooling could allow for the provision of meaningful areas of open space and play provision to be provided for developments which of themselves cannot provide on-site requirements. Therefore, there should be a general lifting of the pooling restrictions.

Improvements to the operation of CIL

Question 10

Do you agree with the Government's proposal to introduce a 2 month grace period for developers to submit a Commencement Notice in relation to exempted development?

Yes

Question 11

If introducing a grace period, what other factors, such as a small penalty for submitting a Commencement Notice during the grace period, should the Government take into account?

In order to simplify the Regs consideration should be given to a 2 month grace for the submission of all commencement notices, not just where exemptions have been agreed. Introducing a penalty would add further complexity, ie is it proportionate to when the notice was submitted within the 2 month grace period (small penalty at the beginning of the 2 months, larger penalty at the end). If 2 months was given for all commencement notices, but the date for payment remained 60 days from the commencement date, the "penalty" would be that those submitting late would have less time in which to pay the liability. Any penalty tends to have more impact on smaller developers due to the maximum surcharge of £2500.

Question 12

How else can the Government seek to take a more proportionate approach to administering exemptions?

Should remove relief for domestic extensions. This is predominantly an administrative exercise with no clawback provision.

Question 13

Do you agree that Government should amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development?

Yes

Question 14

Are there any particular factors the Government should take into account in allowing abatement for phased planning permissions secured before introduction of CIL?

If the floorspace from a previous phase could be offset against future phases, this could create difficulties where the payment has already been paid. ie on larger developments, the timing of payments relative to one phase could already have been paid and committed to infrastructure, and a proportion passed to the Parish Council. An abatement should not be available where payment has already been made.

Question 15

Do you agree that Government should amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force to align with the approach taken in the recently amended CIL regulations?

Yes

Increasing market responsiveness

Question 16

Do you agree with the Government's proposal to allow local authorities to set differential CIL rates based on the existing use of land?

Yes

Question 17

If implementing this proposal do you agree that the Government should:

i. encourage authorities to set a single CIL rate for strategic sites?

Yes

ii. for sites with multiple existing uses, set out that CIL liabilities should be calculated on the basis of the majority existing use for small sites? Yes/No

Yes

iii. set out that, for other sites, CIL liabilities should be calculated on the basis of the majority existing use where 80% or more of the site is in a single existing use?

Yes

iv. What comments, if any, do you have on using a threshold of 80% or more of a site being in a single existing use, to determine where CIL liabilities should be calculated on the basis of the majority existing use?

There are likely to be challenges in establishing the extent of different uses, the implications of the extent of the "planning unit" and whether uses are lawful or whether they have been abandoned. The definition of "lawful use" differs in the current CIL regs to planning practice and this could create difficulties in different definitions for the establishment of the relevant CIL rate and subsequently establishing which floorspaces can be offset from liability calculations.

Question 18

What further comments, if any, do you have on how CIL should operate on sites with multiple existing uses, including the avoidance of gaming?

Consider that the CIL rate should be apportioned between the existing uses (eg 40% agricultural to residential, 60% industrial to residential)

Indexing CIL rates to house prices

Question 19

Do you have a preference that CIL rates for residential development being indexed to either:

a) The change in seasonally adjusted regional house price indexation on a monthly or quarterly basis; OR

No

b) The change in local authority-level house price indexation on an annual basis

No

Question 20

Do you agree with the Government's proposal to index CIL to a different metric for non-residential development?

Yes

Question 21

If yes, do you believe that indexation for non-residential development should be based on:

i. the Consumer Price Index? OR

No

ii. a combined proportion of the House Price Index and Consumer Prices Index?

No

Question 22

What alternative regularly updated, robust, nationally applied and publicly available data could be used to index CIL for non-residential development?

The Building Cost Information Service of the Royal Institution of Chartered Surveyors. The existing BCIS index should be retained for residential and non-

residential, although the Ministry may wish to try and negotiate a rate for the use of this Index by all CIL authorities.

Question 23

Do you have any further comments on how the way in which CIL is indexed can be made more market responsive?

No comments

Improving transparency and increasing accountability

Question 24

Do you agree with the Government's proposal to?

i. remove the restrictions in regulation 123, and regulation 123 lists?

Yes

ii. introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement?

Yes

Question 25

What details should the Government require or encourage Infrastructure Funding Statements to include?

The Greater Norwich Development Partnership's sister organisation, the Greater Norwich Growth Board, already produces a five year infrastructure delivery plan, which is reviewed on an annual basis. The Greater Norwich Growth Board would be delighted to share its approach with Government as an example of good practice.

Question 26

What views do you have on whether local planning authorities may need to seek a sum as part of Section 106 planning obligations for monitoring planning obligations? Any views on potential impacts would also be welcomed.

It is important for the successful implementation of infrastructure and the requirements of S106 agreements that monitoring is undertaken to secure payments and to facilitate provision by third parties such as Parish Councils. It is therefore appropriate that a monitoring payment is included.

A Strategic Infrastructure Tariff (SIT)

Question 27

Do you agree that Combined Authorities and Joint Committees with strategic planning powers should be given the ability to charge a SIT?

Yes

Question 28

Do you agree with the proposed definition of strategic infrastructure?

Yes

Question 29

Do you have any further comments on the definition of strategic infrastructure?

Consider that there should be further clarification regarding what constitutes a "Combined Authority". The Greater Norwich Development Partnership prepares the Local Plan as a joint planning function and undertakes the preparation of the Infrastructure Delivery Plan through the Greater Norwich Growth Board. It is considered appropriate that such a body should be considered as a combined authority for the purposes of CIL.

Question 30

Do you agree that a proportion of funding raised through SIT could be used to fund local infrastructure priorities that mitigate the impacts of strategic infrastructure?

Yes

Question 31

If so, what proportion of the funding raised through SIT do you think should be spent on local infrastructure priorities?

The Greater Norwich Development Partnership suggest the percentage dedicated to local priorities should match the proportion of CIL that is passed to town and parish councils.

Question 32

Do you agree that the SIT should be collected by local authorities on behalf of the SIT charging authority?

Yes

Question 33

Do you agree that the local authority should be able to keep up to 4% of the SIT receipts to cover the administrative costs of collecting the SIT?

Yes

Technical clarifications

Question 34

Do you have any comments on the other technical clarifications to CIL?

No comments