

## Appendix 1

### Shropshire Council Response:

### Consultation on Levelling-up and Regeneration Bill: Reforms to National Planning Policy



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

Yes. Shropshire Council is supportive of the principle that Local Planning Authorities should not have to demonstrate a deliverable 5-year housing land supply in circumstances where the housing requirement for its area is set out in a strategic policy that is less than 5 years old.

However, as documented within paragraph 6 of the component of this consultation titled *“Setting out the timeline for preparing local plans, spatial development strategies, minerals and waste plans and supplementary plans under the reformed system”* the reformed system would require Local Plans to be reviewed within 5 years of their adoption and expects reviews to be completed within 30 months. As such, it would seem practical to align the period within which Local Planning Authorities are not required to demonstrate a deliverable 5-year housing land supply, with this wider period – 5 years plus 30 months.

Shropshire Council would also note that the current and proposed requirement is to demonstrate a deliverable 5-year housing land supply on an annual basis, rather than continually. This is an important point as the data gathering and analysis process required to undertake an assessment of the housing land supply is extensive and it would be impractical to suggest that where such an assessment is required, it can be undertaken on anything other than an annual basis.

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

Shropshire council is supportive of the principle of removing the application of a buffer (consisting of supply brought forward from later within the plan period) when calculating the five year housing land supply for an area.

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

Shropshire Council strongly supports this proposal. The purpose of the five year housing land supply is to ensure that housing need can and will be met. Over-delivery of housing earlier in the plan period is and will continue to meet the housing needs of our communities. Recognition of this fact within the Five Year Housing Land Supply Assessment is entirely logical and appropriate.

This would also ensure consistency with the approach to past under-delivery from earlier in the plan period. Shropshire Council does not consider an alternative approach would be more preferable.

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

The planning guidance should specify clearly and concisely how past over-supply from earlier within the plan period should be taken into account. This guidance needs to ensure that there is no room for misinterpretation or challenge and that there is a consistent understanding of the matter.

Shropshire Council would suggest that the specific mechanism is comparable to that recommended within planning guidance (paragraph 31 of the National Planning Practice Guidance (ID68) on Housing Supply and Delivery) with regard to past under-supply from earlier within the plan period. Specifically:

*“The level of over-provision against the adopted housing requirement should be calculated from the base date of the adopted plan and subtracted from the adopted plans housing requirements for the next 5 year period.”*

This is clear and concise guidance.

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

Shropshire Council is generally supportive of the proposed amendments to existing paragraph 14 of the NPPF, which make it much clearer for all, particularly those communities undertaking Neighbourhood Plans, and simple to apply in relation to the presumption in favour of sustainable development. It removes the complexity associated with reviewing the Local Planning Authority's supply and delivery and rather focuses on underpinning the value and role of the Neighbourhood Plan.

Shropshire Council is very much supportive of communities preparing Neighbourhood Plans which positively plan for the area and have a clear purpose. However, it is important to recognise the amount of work that is required during this process. The proposed changes to existing paragraph 14 of the NPPF would positively respond to the time and effort that communities invest in preparing Neighbourhood Plans.

However, Shropshire Council would also encourage a review of the wording of existing paragraph 14a of the NPPF. Currently this requires a Neighbourhood Plan to contain policies and allocations to meet its housing requirements if it is to represent a relevant document in the context of existing paragraph 14 of the NPPF. Given that there are various ways to positively plan for an area, we would suggest that this is amended to specify that a Neighbourhood Plan should: contain policies and/or allocations to meet its housing requirements.

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

This question appears to be (albeit unconfirmed) for the changes to existing paragraphs 1 and 7 of the NPPF – the intention of these proposed changes are supported. However, whilst we understand

the rationale behind the proposed changes, it is considered that the intended objective as documented within the consultation material could more clearly be expressed, perhaps through the inclusion of a new paragraph specifically addressing the matter.

Furthermore, it is noted that there is a clear contradiction between paragraph 11b of this chapter and the revised existing paragraph 35a of Chapter 3: Plan Making. It is assumed that this is unintentional and as such it is assumed that paragraph 11b should have “as a minimum” deleted. Shropshire Council is content with the deletion of existing paragraph 35b and the requisite changes to existing paragraph 11b.

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

Shropshire Council is concerned that where the housing need calculated for an urban area cannot be achieved within the urban area (particularly if meeting housing need is no longer considered an appropriate justification for the release of Green Belt), that if this is not considered an appropriate exceptional circumstance to justify an alternative method for calculating housing need, this could lead to the displacement of housing need to less sustainable or more rural locations that are not in the Green Belt, which seems contradictory to the stated aspiration within proposed paragraph 62 and proposed footnote 30 of the NPPF.

More positively, in combination with the proposed removal of the Duty to Cooperate, such an approach may increase the focus on brownfield land development. The changes proposed in terms of Green Belt would also ultimately make the plan-making process more expedient for Green Belt Authorities, as it would reduce the need to undertake Green Belt assessments..

As documented in response to question 3, Shropshire Council strongly supports the proposal to recognised past over-delivery in the context of the five year housing land supply assessment. The same principle applies with regard to the assessment of need.

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

Yes. Currently exceptional circumstances for utilising an alternative method for assessing housing need is referenced within existing paragraph 61 and within paragraphs 3 and 15 of the National Planning Practice Guidance (ID2a) on Housing and Economic Development Needs Assessments, however at no point is any guidance provided on what actually constitutes an exceptional circumstance. Rather it simply explains that this will be tested at examination.

The lack of clarity regarding what does or does not constitute an exceptional circumstance gives rise to subjectivity, debate with various stakeholders who have different perspectives, and ultimately will extend the timescales required to prepare a Local Plan and for subsequent Local Plan examinations.

The difficulty of course is identifying exceptional circumstances that are responsive to the diverse range of situations that exist and may (or may not) justify the use of an alternative method for assessing housing need.

Shropshire Council is concerned that where the housing need calculated for an urban area cannot be achieved within the urban area (particularly if meeting housing need is no longer considered an appropriate justification for the release of Green Belt), that if this is not considered an appropriate exceptional circumstance to justify an alternative method for calculating housing need, this could lead to the displacement of housing need to less sustainable or more rural locations that are not in the Green Belt, which seems contradictory to the stated aspiration within proposed paragraph 62 and proposed footnote 30 of the NPPF.

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

Partially.

Shropshire Council supports the principle of ensuring high quality and attractive development and achieving well-designed and beautiful places. An important factor that will influence this is ensuring that the density of new development is responsive to that of the existing area.

However, it is important to ensure that the measurement of density is not undertaken in such a way that it reduces incentives for providing an appropriate mix of dwelling types and sizes – specifically if density is calculated using number of dwellings rather than floorspace then developers are likely to seek to increase the number of larger dwellings in order to maximise saleable floorspace.

Shropshire Council is equally supportive of the principle of allowing past over-delivery of housing to be taken into account when assessing future housing need. This is entirely logical and appropriate as the focus is ultimately on meeting the housing needs of our communities.

With regard to Green Belt, the principle of not requiring Green Belt reviews in circumstances where this would be the only way to meet housing need has merit and would shorten timescales for the production of Local Plans as Green Belt reviews are often complex, controversial and time-consuming. However, Shropshire Council is concerned regarding the potential for unintended consequences – as referenced within its response to Question 8. Specifically, if an urban area could only meet its housing need via the release of Green Belt, if this is not considered an appropriate exceptional circumstance for using an alternative method for assessing housing need which reduces the overall housing need, then there is a risk that this need would get displaced to less sustainable and rural locations beyond the Green Belt.

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

As per our response to Question 9, Shropshire Council's initial view is that the measurement of density should be undertaken in the context of floorspace rather than dwellings.

It would seem logical to identify appropriate floorspace ranges for settlements/locations within the Housing and Employment Land Availability Assessments undertaken to inform proposed site allocations. This could then be reflected within local design codes.

This process could be proactively informed through submissions by landowners/developers during the call for sites process, during which developers could provide example density layouts and illustrate how they are responsive to local character.

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

Shropshire Council is content that the explicit reference to justification is removed from the 'soundness' tests identified within Paragraph 35 of the NPPF.

As is recognised within the consultation material, there remains a need for proportionate assessment when plans are examined, and authorities would still need to produce evidence to inform and explain their plan, to satisfy requirements for environmental assessment, and to satisfy the wider requirements of the NPPF.

There should be clear guidance on what essential evidence is required. This is important even if the process and evidence requirements are to be simplified. This could be identified through updated to the Plan Making (ID61) component of the National Planning Practice Guidance.

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

Yes, although Shropshire Council would note that this could incentivise Local Planning Authorities to delay plan making.

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

Shropshire Council supports the principles expressed within proposed paragraph 62 of the NPPF. Specifically, that the urban uplift should be met within the urban area itself as it is these locations that have the greatest potential to make the most effective use of brownfield land. Although we

would note that some ambiguity remains regarding the wider need calculated using the standard method which should be addressed, as it could be read that the uplift must be addressed within the urban area but the base need can be 'exported'.

Shropshire Council also supports the recognition within proposed paragraph 62 of the NPPF that the principle that the urban uplift is met in the urban area does not apply where it would result in conflict with the NPPF or legal obligations.

However, we are concerned about the potential tension between the issues of unmet need, seeking to meet needs within urban areas, the factors that can justify an alternative method for assessing need and the potential implications of displacement of need from urban to rural areas, which seems to be contrary to the aspiration of proposed paragraph 62 of the NPPF.

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

Shropshire Council's administrative area does not contain one of the 20 largest towns or cities subject to the 35% uplift within the standard method for calculating housing need.

However, it would seem sensible to provide further guidance on how brownfield sites (particularly large brownfield sites) can be comprehensively and efficiently delivered in order to optimise their potential and ensure that they effectively contribute to initially the housing land supply and subsequently housing delivery for an area in the short, medium and long term. This is particularly relevant given that one of the factors that informed the 35% uplift for these areas is the availability of such land, yet it is often the case that this land is difficult and time consuming to bring forward, which impacts on its ability to support the housing land supply and housing delivery for a Local Planning Authority in the short – medium term.

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

Shropshire Council recognises that the boundaries of some towns and cities mean that there can be minimal distinction between areas that are part of one of the 20 urban uplift authorities and neighbouring authorities. Given that these areas often function as a single centre, it would seem sensible for some recognition of this within the NPPF.

Equally, Shropshire Council recognises that this is not the case for more rural authorities that adjoin or are in proximity to urban areas subject to the uplift. This should be equally recognised and the implications explained.

Shropshire Council considers that the issues of unmet need, seeking to meet needs within urban areas, the factors that can justify an alternative method for assessing need and the potential implications of displacement of need from urban to rural areas need to be carefully explained.

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

Shropshire Council notes that there is currently no reference in the draft NPPF to a “4 year rolling land supply requirement.” However, such an approach would be supported by Shropshire Council for all Local Planning Authorities in the stage of the plan described (i.e. when a local plan has been submitted for examination or has reached the Reg-18 or Reg-19 stage of consultation for a period of 2 years from the point that the proposed changes to the NPPF take effect).

Shropshire Council would strongly recommend that any reference to the assessment of housing land supply is described as annual rather than rolling. This would ensure consistency with the current and proposed wording of existing paragraph 74 of the NPPF and also reflects the considerable time and resource implications for undertaking an assessment of housing land supply.

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

Not applicable to Shropshire Council. The draft Shropshire Local Plan was submitted for examination prior to the dates referenced in this section.

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

Shropshire Council supports the principle of having a ‘switch off’ for the housing delivery test in circumstances where a robust supply exists and it is development activity that is causing delay.

However, it is considered that the limitation of the ‘switch off’ to permissions is too constrained, another aspect of developer activity that can lead to delays to delivery is land-banking of site allocations. As such, we would strongly encourage the amendment of this ‘switch off’ test to encompass allocations within adopted Local Plans, in order to provide further support for the plan led approach.



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

Shropshire Council is supportive of the principle of a buffer to the 'switch-off' mechanism and is comfortable with this being 15% above need. However, we disagree with the suggestion that the 15% 'buffer' is appropriate as it reflects the number of planning permissions that are not progressed or are revised.

There is a significant distinction between planning permissions being revised and the associated development not being delivered (schemes can be revised but still delivered within a five year period for instance). Ultimately the amount of development that is not delivered on planning permissions will vary significantly from one area to another.

If such a justification is utilised for the 'switch-off' buffer, it is inevitable that this will lead to dispute about whether such a figure is or is not appropriate within a specific location.

This proposal also risks causing unintended consequences. Specifically, if this 'switch-off' buffer establishes the principle that 15% of planning permissions are not deliverable in the context of this test, then this will be referenced by developers seeking to undermine a Council's five year housing land supply (where one is required).

We would therefore encourage the use of an alternative means for determining an appropriate buffer for the 'switch-off' of the Housing Delivery Test.

Shropshire Council also considers that the explanation of any 'switch-off' of the Housing Delivery Test should be provided within a paragraph of the NPPF rather than a footnote, to provide clarity and certainty to all parties.

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

Shropshire Council considers that such an assessment should be informed by a Council's assessment of its five year housing land supply.

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

No comment – Shropshire Council continues to positively plan for and maintain its delivery above need.

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

All affordable housing tenures should receive equal weight in National Planning Policy, and it should be the local policies that dictate what weight should be given to each tenure based on the identified need for that area. For some Local Planning Authority areas, a set percentage for a certain tenure, for example the current 10% requirement for Low Cost Home Ownership causes issues when the total affordable housing provision is also 10% and the identified need is greater for Affordable Rent homes. Allowing Local Authorities to set their own percentages based on evidence of local needs would be a fairer way forward and would best meet needs. If more emphasis was to be placed on Social Rented homes then a provision should be inserted (as with the Low-Cost Home Ownership) that if local evidence suggests otherwise a different split can be used.

Shropshire Council would also advocate for contributions towards affordable housing to be provided by schemes of less than 10 dwellings (or 5 in rural areas), where such contributions are viable. In locations such as Shropshire, small scale development represents a significant component of the total development that occurs, and it seems logical that these developments should proportionately contribute towards meeting affordable housing need.

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

Shropshire Council agrees with the principle of the proposed change to existing paragraph 62 of the NPPF to include specific reference to retirement housing, housing with care and care homes as types of specialist housing for older people to be assessed and reflected in planning policies. Such an approach is generally consistent with the guidance provided within the National Planning Practice Guidance (ID63) Housing for Older and Disabled People and ensures that Local Planning Authorities and will support the provision of the types of specialist housing needed within an area, but equally ensures that the development industry is aware of the types of specialist housing that are not considered necessary or appropriate in an area.

However, Shropshire Council would encourage the types of specialist housing referenced to align with the definitions of specialist housing provided within paragraph 11 of the National Planning Practice Guidance (ID63) on Housing for Older and Disabled People and to also include specific reference to the role of accessible and adaptable housing in meeting the housing needs of older people. Such an approach would ensure greater consistency with guidance and clarify the important role that accessible and adaptable housing can play in meeting the housing needs of older people – particularly as technology advances.

It is also important to recognise that the amount of specialist housing needed within an area is complex and should be informed by the characteristics and constraints and the adult social care strategy for an area, rather than simply responding to standard national prevalence rates. For instance, the prevalence rates of many forms of specialist housing within a rural area such as Shropshire will inevitably be different to that of an urban area, as many forms of specialist housing require economies of scale that cannot be achieved within our rural communities and to suggest that residents need to leave their existing community to live in specialist housing would not be responsive to their needs or aspirations.

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

Shropshire Council considers that the requirements of existing paragraph 69 are effective without constraining the ability to respond to local circumstances or causing significant delays to the plan making process as authorities seek to identify/sub-divide larger sites in order to achieve a specific quota of small/medium sized allocations or too high a minimum amount of development on small/medium sized sites. As such, we would not support amendments to this paragraph.

Whilst small and medium sized sites brought forward by self-builders, small and medium sized developers and other developers play an important role within the housing market, so do larger sites brought forward by developers with the capacity to undertake such sites.

Shropshire Council has successfully enabled a mix of small, medium and large housing sites through a combination of site allocations and a positive approach to appropriate windfall sites, which is consistent with the current policy approach.

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

Shropshire Council considers that existing paragraph 69 of the NPPF appropriately cover the relevant points and so no changes are suggested.

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

In Shropshire we have used a separate definition for private rented affordable units (Discounted Rent). Affordable rent is purely for Registered Providers. It is difficult to monitor and enforce Discounted Rent units and although it would be easier to monitor Alms house or Community Led Groups, they should still be defined separately so Local Authorities can have separate policies for private rents.

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

Shropshire Council’s experience is that Community Led Schemes are very labour intensive, take much longer to complete and on the whole are more expensive. The Council believes that the exception site policy as it stands allows for community led groups to develop them and therefore do not feel any amendments are necessary. Shropshire Council has a good track record of supporting communities through the process of bringing forward community led affordable housing schemes.

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

Shropshire Council and our communities have been very successful in bringing forward Community Led Developments, with 15 schemes either completed or on site. Only one of these have seen the Community Group take ownership of the completed units.

Shropshire Council considers that the main change that would help Community Groups to come forward is the knowledge that they can be fully responsible for the development so identify need, a site, scheme layout and design and local connection allocation criteria, but not have to take on the long term responsibilities of managing the units or take on the financial risks.

In Shropshire, when a community group is formed, we provide them the option of a 'true' Community Led Scheme where they take on full responsibility and risk or they can choose a partner Housing Association (by way of a selection process), the majority choose the partnership approach as they get to fully influence the development without any of the risky elements. The new definition in the glossary should be expanded to include a partnership approach.

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

Include options for the provision of community led development not just an all or nothing approach. Hybrid approaches should be encouraged.

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

In principle this seems a sensible suggestion – in particular the ability to recognise those limited numbers of developers which neglect their responsibility/requirements under any agreements such as a 106, or planning conditions, negligent builds and fraudulent behaviour. However, Shropshire Council envisages a number of potential issues with such an approach. Including:

- Situations where an individual liquidates a development company and starts another under a new name. This is already an issue that Shropshire Council has experienced in the past, particularly in circumstances where a developer has outstanding financial obligations towards necessary infrastructure and/or affordable housing. Such an approach can make securing this funding complex and would equally make the process of determining whether past history is relevant complex. There is also a risk that this proposal could actually lead to more of this behaviour.
- There would perhaps inevitably be conflicting views about what constitutes unreasonable behaviour and the amount of weight that should be given to such behaviour. This could add unnecessary complexity to the decision making process and would also undoubtedly lead to the risk of more legal challenges on decisions.

- Planning permission runs with the land and often the applicant is not the developer, so the same ‘problem developers’ could still bring forward development and the perception would be this is the Local Authorities fault, when we have no control over the matter.
- Equally, if a ‘problem developer’ secures an option on an important development site, then this could significantly delay delivery jeopardising the spatial strategy, housing land supply and housing delivery in an area.

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

Shropshire Council would prefer Option 2 as it considers that Option 1 would be more likely open to challenge and appeals delaying the decision making process. Option 2 would reduce the level of risk (although both options are considered difficult to implement and would have risk associated with them).

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

Shropshire Council is supportive of the proposed measures aimed at incentivising prompt housing delivery on development sites.

Shropshire Council is particularly supportive of the concept of developers being required to notify Council’s of commencement (this is often required with regard to CIL and/or S106 obligations and there is perhaps an opportunity to regularise this); and the principle that developers will be required to notify Council’s annually of progress, as this would significantly speed up the annual monitoring process. Shropshire Council has a good relationship with many of the developers operating in Shropshire, but this would speed up the communication process. However, we would ask that clarity is provided on how this will be applied to smaller developers, or those undertaking self-build projects, as whilst small schemes these are often the ones that entail the most time when undertaking monitoring. We would urge these measures to be introduced as soon as possible.

Shropshire Council is also supportive of the concept of requiring developers to explain how they will increase the diversity of housing tenures (and would suggest that this is also expanded to housing types and sizes), as this will allow for greater market absorption but will also lead to the provision of more diverse types of housing better able to meet the diverse needs of communities and lead to more inclusive communities. This would align with both local and national policy.

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

The proposed amendments to para 135 (to be changed to para 137) are supported as this gives a clear indication of what is expected with very little room for negotiation or interpretation.

However, much of this is very subjective, and often time-consuming and so contradicts the overall message that this revised NPPF is set up to make the plan-making process as a whole much more expedient

The focus on making “beautiful places” need greater clarity on what is required from a Local Authority, as it is not explicit as to whether the NPPF covers design as a whole or whether greater detail is still required within a local plan with a policy specifically on design.

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

Shropshire Council is very much supportive of achieving well-designed and high-quality development. However, the concept of what is “beautiful” is subjective and such subjectivity could extend the timescales for determining planning applications where a developer argues that the design is beautiful where an authority and/or objectors would disagree (so much so that a refusal on such grounds could lead to appeals and possible further litigation).

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

Yes. To reduce any ambiguity and thus give planning officers clear guidance on what is/is not acceptable which would ultimately reduce any challenges or appeals on this aspect.

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

Shropshire Council is generally supportive of this proposed change to the NPPF. However, we would suggest that in addition to consideration of whether a mansard roofs external appearance harmonises with the original building, there is also a need to consider whether it harmonises with the character of the area. The appropriateness of a mansard roof is ultimately a judgement that should be undertaken on a case by case basis informed by how it harmonises with the original building and wider character of the area.

Whilst Shropshire Council has not received significant numbers of applications which include mansard roofs, as a principle we would dispute the statement within the consultation material that it is wrong to consider mansard roofs harmful to the character of an area. This is a decision that needs to be made informed by careful consideration of the specific characteristics of an area, if we are to work towards achieving well-designed and beautiful places.

Shropshire Council would also note that in achieving gentle densification, it will also be important to consider availability of all forms of infrastructure.

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

Shropshire Council would suggest making explicit references to small-scale nature interventions that are or are not considered acceptable. Addressing that within the proposed National Development Management Policies would negate the need for Local Plans to also include this.

With specific regard to artificial grass, there is growing evidence that its use is problematic for nature and can contribute to the urban heat island effect. As such, restricting its use within new development is generally supported by Shropshire Council. However, there are currently no restrictions placed on homeowners using artificial grass once they purchase a new home (or indeed in association with their existing homes). As such, it may be appropriate for Government to consider whether there are measures outside the planning system which could positively control the use of artificial grass in domestic settings.

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

Yes. Shropshire Council is supportive of this proposal. Food security is an important local and national consideration and it is important that high value farm land is adequately weighted in the planning decision making process.

However, to support its implementation across the Country, it would seem sensible for Government to undertake an updated national assessment of agricultural land quality in order to sub-divide grades 3a and 3b agricultural land and provide certainty to all as to where best and most versatile agricultural land is located.

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

Shropshire Councils is broadly supportive of the principle of improving the evidence underpinning carbon impact assessments, although at this stage there does not appear to be an obvious source of information to support this, and as such an assessment and it would be extremely difficult to compare different options effectively.

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

Shropshire Council is supportive of the principle of providing greater scope for planning policies and local plans to contribute to climate change adaptation, particularly through the promotion of nature-based solutions that provide multi-functional benefits. The Council is already embracing such opportunities within the draft Shropshire Local Plan, which has been informed by a detailed Green Infrastructure Assessment, including opportunity mapping.

Shropshire Council also considers that there is a need for a clear explanation of the role of planning policy and building regulations with regard to climate change matters, as currently there is a lack of clarity and confusion on what Local Plan policies can and cannot do.

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

Yes. Shropshire Council is generally supportive of the proposed change to existing paragraph 155 of the NPPF and the principle of providing greater certainty and support for the re-powering and maintenance of existing renewable energy infrastructure.

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

Yes. Shropshire Council is generally supportive of the proposed change to existing paragraph 158 of the NPPF and the principle of providing greater certainty and support for the re-powering and maintenance of existing renewable energy infrastructure.

Shropshire Council would note that this proposed change would apply to all forms of renewable energy and not only wind turbines as is implied within the consultation material. However, this principle is also supported.



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

Yes. Shropshire Council is generally supportive of the proposed change to existing footnote 54 of the NPPF. This change strikes an appropriate balance between providing greater flexibility for Local Planning Authorities to identify appropriate areas for wind turbines, whilst also continuing to ensure that the views of the local communities are addressed.

However, Shropshire Council would suggest that a specific reference to Neighbourhood Plans is included within existing footnote 54. Whilst Neighbourhood Plans are of course a part of the Development Plan, this would remove any uncertainty or ambiguity on this matter. Shropshire Council is of the opinion that Neighbourhood Plans are a particularly effective means of identifying appropriate areas for wind turbines with community support, as they are prepared by the relevant community.

Shropshire Council would also note that the wider reforms to the planning system include ceasing to prepare Supplementary Planning Documents. In the longer term this will need to be reflected within the context of this matter.

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

Shropshire Council agrees with the principle of the proposed revision of existing paragraph 161 of the NPPF, as proposals which retain and adapt existing buildings are often preferable to demolition and replacement. However, as is recognised within the amended text, this requires careful handling in relation to listed buildings and within Conservation Areas. For instance, it is noted that in the explanatory text for the consultation (Chapter 8, para 9) states that *“We have also committed to review the practical planning barriers that households can face when installing energy efficiency measures in their homes, such as improved window glazing and better insulation; and particularly relevant to conservation areas and listed buildings.”* In this respect, there will be a need for additional supporting guidance to provide more clarity to Local Planning Authorities in this area, particularly in terms of how they deal with the balancing exercise when they need to give great weight to the conservation of the heritage asset vs ‘significant weight’ to the energy efficiency measure. It would be particularly helpful if this guidance covered proposals to ‘improve window glazing’ - the Historic Environment Team at Shropshire Council currently spends considerable amounts of time dealing with applications and enquiries for proposals to replace windows on listed buildings and properties subject to Article 4(2) Directions in Conservation with inappropriate uPVC units, and the line is getting ever harder to hold as the window manufacturers improve their products. To a lesser extent, the same applies to solar panels and air source heat pumps.

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

Shropshire Council agrees with the principle that Local Plans to be prepared under the current framework must be submitted by the end of June 2025, and all those after this date would need to be in line with new legislation and policy.

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

Yes. Shropshire Council is supportive of the proposed transitional arrangements, particularly with regard to the proposed 'protection' for Local Planning Authorities, allowing an additional 30-month window where an early update is required (including for SPDs). Such an approach would give Local Planning Authorities confidence of completing their Local Plan update.

The five-year continuous window of drawing up new plans is also considered an appropriate approach.

Shropshire Council also agrees with the proposal that Neighbourhood Plans will also need to adhere to the same timescales as a Local Plan, in terms of the changes in June 2025.

However, to provide certainty it should be explicitly stated that Local Plans are up-to-date for at least 5 years following adoption, plus the 30 month gestation period for a new Local Plan, plus the remainder of any examination period if still ongoing.

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

Yes. Shropshire Council agrees that Neighbourhood Plans as a part of the Development Plan should be subject to the same timelines as a Local Plan.

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

Shropshire Council welcomes the proposed that new Supplementary Plans will be given more weight within the decision making process. The proposed timescales for new Supplementary Plans is considered acceptable.

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

Shropshire Council agrees with the principle that the National Development Management Policies are to become statutory rather than significant material considerations as this will, as implied, aid decision making as it would assist in making the basis of decisions clearer. Such an approach would likely reduce the number of Development Management policies needed within a Local Plan, thus making the whole plan-making process more expedient.

Also agree that such National Development Management Policies should only cover matters that have a direct bearing on the determination of planning applications – this would allow for Local Plan Development Management policies to give their own take on what is acceptable at a more local level.

There is, however, a need to ensure the primacy of Local Plans and recognise the diversity of the country. As such, there should be specific acknowledgement of the ability for Local Planning Authorities to expand upon National Development Management Policies where appropriate within their Local Plans – this would be an expansion rather than a duplication to reflect local circumstances.

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

Shropshire Council strongly considers that to ensure the primacy of Local Plans and recognise the diversity of the country there must be explicit acknowledgement of the ability for Local Planning Authorities to expand upon the National Development Management Policies where appropriate within their Local Plans. Such expansion must of course not represent duplication, but rather reflect local dimensions of relevant issues.

Equally, there should be explicit acknowledgement that Local Planning Authorities can address other matters not addressed within National Development Management Policies within their Local Plans. Without such acknowledgement there could be confusion/uncertainty as to whether the lack of National Development Management Policies on a particular issue is intentional and as such there is no need for such policies at a local level.

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

Presumably the selective additions alluded to are the 3 outlined in the table provided (i.e. Carbon reduction in new developments, Allotments, and Housing in town centres and built-up areas). It would be helpful if the entire list was provided, as this is confirmed as being non-exhaustive – Shropshire Council would then be able to provide a more comprehensive response to this question.

Nonetheless as a concept this is supported, as it would reduce the amount of Development Management Policies needed at the Local Plan level. Our responses to questions 49 and 50 expand on this further.

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

Shropshire Council would suggest that for consistency there is an opportunity to integrate the development management and policy components of the Planning Policy for Traveller Sites (PPTS) into the National Development Management Policies, whilst continuing to allow for a localised response to both needs assessments and development strategies to ensure sufficient accommodation.

Shropshire Council would also strongly suggest that a national policy on the issue on nutrient neutrality in relevant catchments (including the catchment of the River Clun which is primarily in Shropshire Council's administrative area) would be of great benefit and ensure consistency of understanding and approach across the country.

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

Shropshire Council would welcome a change in the policy framework to determine the employment land requirement and the supply of land and premises in a manner similar to the housing policy framework. This amended policy framework should focus greater attention on determining the scale of development needs, the location and distribution of investment opportunity, the density of development, the build quality and the suitability for use and its adaptability to changing market demands.

The knowledge and experience gained through the Covid-19 pandemic and the initial period of recovery through the past few years has been of great value. This has highlighted the need for a greater capacity to respond quickly and flexibly to complex, changing circumstances at the national and regional level and also locally to respond to challenges and new opportunities arising from both effective planning strategies and from changing market demands and investment choices. A review of the Framework to reshape the existing 'Building a strong competitive economy' policies should consider the scope and direction of these new policies and the mechanisms for their implementation. This should facilitate effective responses to changing circumstances and support the capacity to respond quickly and flexibly to new opportunities and investment prospects. Such an approach should also be reflected within any National Development Management Policies.

National policy should strengthen the protection of employment land and premises for a preferred range of employment uses to be advocated within the Framework, Practice Guidance and the Use Classes Order. This strengthened protection should apply to new land and existing floorspace (premises) subject to demonstrable qualitative factors to include age, build quality, suitability, availability, critical mass and viability. This re-evaluation of the policy to build a strong competitive economy critically should clarify the scope and focus of Class E (following the amendment below) to target a narrower range of uses and the permitted development rights to principally support the viability and regeneration of town centres within the Levelling Up Missions.

It is considered beneficial for the ongoing positive plan making and for and protection of employment land, some employment types could be reclassified from Class E to Class B within the Use Class Order, and for this to be reflected in the NPPF and Practice Guidance. In particular, we consider this change should focus on current subset (G) for employment uses in (i) business office

uses, (ii) Research & Development and (iii) light industrial uses and subset (C) for commercial uses for (i) financial services (ii) professional services and (iii) services appropriate to commercial, business or service localities.

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

Shropshire Council would welcome a further research series into the economic forecasting for the UK economy to provide greater understanding of both the national and regional investment potential and to assess post-Covid 19 recovery trends and prospects for key sectors and markets in the UK or global economy. This research could also offer important insights into key and emerging sectors and how the needs of these sectors can be effectively planned and met across the UK. This should provide an important benchmarking position for the key economic missions for the Levelling Up Agenda and provide a foundation for the proposed full review of the Framework to reshape the existing 'Building a strong competitive economy' policies and to align these more closely with the economic vision in the Levelling Up White Paper.

Shropshire Council welcomes the mission to increase the delivery of skills training to equip people for participation in the separate but related mission to increase employment, productivity and pay in order to close the gap in economic performance across the UK economy. To ensure the success of both of these missions, it is considered that measures will be required to counter the ageing demographic in the UK and to address the inequitable spatial distribution of the ageing population. This is likely to require provisions and incentives to persuade economically active people in certain age cohorts to remain in their current employment or to seek redeployment as an alternative to early retirement or retirement on attaining their statutory pensionable age. These provisions and incentives will be necessary to maintain their continuing participation in the economy to harness their contribution to the national drive to increase the performance and productivity of the UK economy.

Shropshire Council welcomes the mission to boost public investment in R&D and to lever in private sector investment in the long term to stimulate investment and productivity. To ensure the success of this mission, it is considered that measures will be required to support the provision of strategic and local infrastructure to access, layout and service new employment land and deliver market ready plots in locations where performance needs a boost to close the gap with the best performing areas of the UK. Business investment in the growth and diversification of enterprises can be frustrated by the need for but lack of market ready locations and plots that are capable of accommodating their investment and within the timescale that their investment capital is available to them.

Shropshire Council welcomes the mission to stimulate growth in employment and productivity in all areas of the UK and to close the gap with the best performing areas. To ensure the success of this mission, it is considered that further provisions and incentives will be needed to support public and private investments in the provision of modern business and industrial floorspace. This is particularly important where there are 'gap funding' limitations to the delivery of the floorspace or to the provision of the required scale of development within less well performing areas of the UK.

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

Shropshire Council is supportive of the effective use of under-utilised brownfield land. However, there may be a risk of 'ousting' other productive uses of land, particularly retail and employment. In order to avoid 'dormitory settlements' it is important that a balanced mix of housing, employment, services and facilities, and infrastructure is provided.

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

Yes.

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

No comment

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

No comment