

# National Planning Policy Framework

POS response to consultation proposals

# Consultation response form

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

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

Planning Officers Society

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

Charity

# Context

The Planning Officers Society represents the most senior professionals and managers of planning functions in the English Local Authorities. We set out to:

- Act as an advocate and promoter of Local Government planning
- Assist and advise the Government and the Local Government Association on planning matters and related issues
- Act as a centre of excellence, undertake research and promote best practice in planning matters
- Promote all aspects of the built and green environment by working closely with other organisations and profession

The Society's aim is to ensure that planning makes a major contribution to achieving sustainable developments, from national to local level, in ways, which are fair and equitable and achieve the social economic and environmental aspirations of all sectors of the community.

We hope you find the enclosed responses useful and please do not hesitate to contact us if you require any further information ([policy@planningofficers.org.uk](mailto:policy@planningofficers.org.uk)).

POS has responded to the consultation questionnaire, but we also submit a track-change version of the NPPF containing the key changes we think are necessary to improve it.

In general POS welcomes the restructuring of the NPPF. It is clearer, more logical and avoids repetition.

When the original NPPF was developed and introduced in 2012 the PPG was not contemplated. As a consequence, there is a degree of guidance in the NPPG that MHCLG acknowledge should be in the PPG and we welcome the approach to consolidate policy issued after 2012 into the new NPPF. We still feel there are a couple

of areas where guidance remains which can be moved into PPG. We indicate these in our track-change NPPF.

There is one element of the new structure that we think could be improved. The chapters 11. Making effective use of land and 12. Achieving well-designed places are welcomed but we feel that they cover more strategic issues applicable to all developments, rather than the more single topic or land-use focused chapters that surround them. We therefore feel they would more logically sit after chapter 4. Decision-making.

POS, representing Local Planning Authorities, has a fundamental and strong objection to the Delivery Test as currently proposed. Being measured on something that you do not control (we do not build the homes) seems fundamentally unjust. If the consequence of the Delivery Test was to trigger the need for an action plan only, that would be a reasonable consequence. However, the proposed result renders the LPAs 5YHLS out-of-date and triggers the “tilted balance” by applying the NPPF to decision-making in the context of a presumption in favour of the development. This will lead to unintended consequences where developers deliberately delay implementing sustainably preferable brownfield sites to force the release of green field sites. POS’s position has always been, if we are given the tools to be proactive (and we have set these out in our Manifesto no 7 Compulsory purchase: three essential improvements) then measuring our delivery performance may be justified, but without the tools to be able to unlock stalled or blocked housing sites it cannot be justified as a piece of public policy as it is fundamentally unfair.

## Chapter 1: Introduction

### Question 1

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

It is noted that paragraph 6 seeks to set out within the NPPF the standing of Written Material Statements. This is considered helpful.

However, concern is expressed about the reference to 'endorsed recommendations of the National Infrastructure Commission'. The recommendations of the Commission are not framed with a view to them becoming national planning policy, and there is therefore scope for confusion and problems of interpretation if they take on such status. Arguably, the Government may be happy to agree the broad thrust of NIC recommendations on a particular matter taken together, but not down to the level of every word within such recommendations. Government must surely wish to be clear about just what it is endorsing through a suitable Ministerial Statement.

## 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?**

The statement in paragraph 9 that the sustainability objectives “are not criteria against which every decision can or should be judged” is welcomed. The emphasis is correctly on addressing sustainability through plan making.

There are several points to be made in relation to paragraph 11.

POS objects to para 11 footnote 7 which deletes “for example” and therefore becomes a prescriptive list. It leaves no discretion to consider other assets that could have been covered under the old policy such as playing fields, public rights of way and important open gaps.

The Society welcomes the proposed removal of the reference to the presumption in favour of sustainable development as a “golden thread running through both plan-making and decision-taking”. The existing wording created confusion about the status of the presumption relative to the development plan and led to inconsistent appeal decisions. This matter is further clarified within the paragraph, in paragraph 12 and in Section 5, on which comment follows below.

Paragraph 11, Sub-paragraph b) refers to “strategic plans”. In the light of our observations below, it is urged that this is either changed to refer to plans containing strategic policies, or footnote 5 changed to do so.

Sub-paragraph b) refers to “objectively assessed needs” for development. This terminology is associated with current policy where objectively assessed needs were identified through a SHMA, whereas in future the standard methodology will be used to set local housing need. The use of the term is therefore potentially confusing, and it is suggested that it would be better to simply refer to “needs”. The same point applies to paragraphs 24, 36 and 117.

However, the reference in the same sub-paragraph to meeting any needs which cannot be met within neighbouring areas is welcomed. The effect of this is to create an expectation that such needs will be met unless the conditions in the following indents i. and ii. apply, and should make it more difficult for LPAs to simply resist helping meet the needs of neighbouring areas.

There is some inconsistency between paragraph 36 and subsection b) which is addressed below in relation to the latter.

The term “decision-taking” appears in the second part of the paragraph, whereas elsewhere the draft uses the better term “decision-making”.

We welcome the clarification in sub-paragraph d) which says that the presumption in favour of sustainable development only applies in decision-making where “there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date”.

### **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,

Although POS appreciates that the content is retained in the most appropriate parts of the revised framework, we feel that to have the core principles upfront and all together set the scene well. Officers, developers, members and PINs all knew the Governments intent clearly.

### **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?**

POS objects to paragraph 14 footnote 9 – clarifies that “recently been brought in to force” means “a NP which was passed at referendum two years or less before the date on which the decision is made”. It is impractical to imply that NPs should be reviewed

every 2 years to give them this greater weight. Surely 5 years would be more reasonable in line with the expectation that Local Plans are reviewed every 5 years (para 23).

We also question why “recently been brought into force” is being used rather than “made” as that is when a NP becomes part of the development plan. If you persist with giving the point of referendum a status and decision-making weight, then why do LPAs have to go through the “made” process?

Also, the wording in para 14 should also be ‘policies or allocations’ not ‘policies and allocations’ which implies that both are required. In most instances they will be but maybe not in all circumstances.

Paragraph 14 sits uncomfortably in this Section. It would fit more logically into Section 4 on decision-making.

## 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?**

The Society has welcomed the shift in Government policy towards joint strategic planning, which will be a keystone of the planning system in the future. Regrettably it is not considered that the importance of joint planning it made sufficiently explicit in this section. This could be addressed in a number of places, but in particular, an additional sub-paragraph could be introduced after a) in paragraph 16 on the lines of

*“be prepared jointly or in compliance with a jointly agreed framework with other LPAs to address cross-boundary issues”*

The Society does have some concerns about the wording of parts of this Section. The comments which follow should be taken as seeking to help make the policy as clear and effective as possible.

Apart from the comment set out above, the revised paragraphs 15 and 16 are welcomed for the concise way they set overall expectations of plans.

In paragraph 16, new subparagraph f) refers to avoiding duplication of policies including policies in the Framework. This is welcomed, but LPAs have some difficulty in actually trying to do so. Some concise guidance in the NPPG on this would be welcome.

The general objective behind paragraph 17, of ensuring that strategic priorities are properly covered, is understood. However, as currently framed it requires that for each area there should be a strategic plan ie a single document, which addresses all the strategic priorities for the area, listed at paragraph 20.

This could present difficulties for groups of LPAs which have responded to MHCLG encouragement to work strategically together by preparing (or proposing) high level strategies which deal only with those matters which need to be dealt with across boundaries (eg West of England). A strength of such high-level strategies is that they

leave other matters, including strategic priorities which do not need to be addressed across boundaries, to be dealt with within the individual LPAs' own plans.

It is appreciated that it is not the intention, but the effect of the way the paragraph is framed would be to effectively require that all joint plans should be akin to core strategies - a backward step.

This concern could be met by changing the introduction to the paragraph to read:

“As a minimum, authorities must ensure that development plans covering their area taken together address the strategic priorities for the area. Such development plans can be produced by:”

Alternatively, footnote 5 could be amended to make it clear that there may be two levels of plans which address strategic priorities.

Concern is also raised about sub-paragraph a) which refers to a joint or individual local plan. It is appreciated that this reflects the reality that there will be some LPAs where there are no cross-boundary issues with neighbours, or where such issues can be resolved by informal strategies or through statements of common ground. However, we are concerned that there will be some planning authorities which will seize upon the reference to individual plans as legitimising going it alone, and not working effectively with neighbours where there are self-evident cross-boundary issues.

It is suggested that wording could be added to the paragraph or perhaps included within the NPPG to say that an individual plan will only be appropriate where a statement of common ground concludes that there are no cross-boundary issues which need to be resolved, or where a statement of common ground sets out clear arrangements to resolve such matters without the need for a statutory joint plan as such.

This leads to the point that whereas there is a clear drive towards joint planning in the draft, there is no indication as to what form that might take, either in the draft revised NPPF or the draft changes to the NPPG. It is suggested that it would be very helpful to LPAs to deal concisely, probably in the NPPG, with the basic models for joint planning which are available to groups of LPAs. The Society has offered suggestions on this previously and would be very pleased to assist further.

Moreover, there is no reference to the role of Government decisions on “deal” areas and the strategies for them.

Paragraph 21 is welcomed for providing a firm statement that they should not extend to detailed matters which should be dealt with by local policies and in terms of the Basic Conditions conformity requirements for Neighbourhood Plans and is supported.

Paragraph 24 refers to “objectively assessed needs”, and it would better to simply say “needs”.

Paragraph 28 is welcomed, particularly the reference to effective joint working being integral to the production of a positively prepared and justified strategy.

There is a real danger of the proposed new statement of common ground becoming just another bit of paper. These will clearly be vital bits of evidence to support the new tests of soundness which will require strategic issues to be agreed across HMAs (or other defined strategic area) yet Para 29 says that they ‘should’ be prepared, not that they ‘must’ be prepared. These must not be a new version of Duty to Cooperate statements – they need to set out a coherent strategy for managing growth across strategic areas, with a clear approach to overall housing and distribution, and to strategic infrastructure priorities. This is not explicit in the NPPF or PPG. There is a real danger that, as with the DtC, we’ll see a few LPAs fail the new tests of soundness at examination before LPAs get the clarity needed.

Paragraph 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.” There are two issues with this. Firstly, until existing local plans are replaced, many existing plans do not distinguish between strategic and non-strategic policies. It is therefore unclear what policies in the local plan the recently adopted NP takes precedence over. This creates confusion for decision takers and the public.

Secondly, with the review of Local Plans at least every 5 years, it is inevitable that the strategic and local policies will be replaced soon after a NP is made, potentially making large parts of it superseded unless there is considerable effort made to recognise subtle differences that the NP policies have introduced. A possible solution would be to require

LPA's to liaise with the NP group and produce an explicit statement to clarify which NP policies remain in force, and those which are superseded. An alternative solution would be for this to only apply in respect of strategic policies, or to only apply where NPs have been made for more than 5 years (to allow sufficient time for the changes to then be considered through a review).

Paragraph 34 - "Plans should set out the contributions expected in association with particular sites and types of development... Such policies should not make development unviable and should be supported by evidence to demonstrate this." The requirement for viability evidence should not apply to neighbourhood plans where they accord with the Local Plan requirements, or where no viability concerns have been raised as part of the consultation process. Adding the words 'if appropriate' would provide flexibility on this and avoid unnecessary work for NP groups.

In general, we really welcome para 34 on viability which sets out a clear statement that developers should be delivering what's in the plan because it has been viability tested and should therefore be deliverable. But they don't, and the historic reason is the current NPPF paragraph 173 allows them to overpay for land in the confident knowledge that they can argue viability in the DM process and Affordable Housing is the area that always takes the hit. In the text below we have added an additional paragraph to try to address this. The crucial part is in italics and this is the RICS Red Book definition of Market Value. Despite what lots of people think, this is not what land HAS sold for in the market, rather than what it SHOULD sell for in the market. The text in brackets is a direct quote from the SoS in response to an Islington JR (Autumn 2015) that his "unambiguous policy position" is that land or site value "should reflect policy requirements". This additional paragraph will really help to stop the gaming where developers overpay for the land in the knowledge that they can argue viability in the planning process, which is generally the most difficult part of the viability argument to tackle. There have been several recent appeal decisions which try to tackle this (Parkhurst Road attached as appendix 1 being the main one) so it would be good if the NPPF could continue the recent progress that has been made to sort out this area.

We suggest additional wording after paragraph 34;

Where a developer claims that a site cannot deliver the contributions identified in the development plan, advice on how to carry out the necessary viability appraisal is set

out in Planning Policy Guidance, however the overriding principle is that the value of the land should be based on *the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing wherein the parties had each acted knowledgeably (including reflecting planning policy requirements), prudently and without compulsion.*

MHCLG may feel that the above paragraph would be better located after paragraph 58 in section 4. Decision-making.

Paragraph 35 on sustainability appraisal is welcomed, since it overcomes a deficiency in the current version of the NPPF, where it is referenced only in relation to the environment.

We have some reservations about the reference in paragraph 36 a) to meeting “as much as possible” of needs, which contrasts with paragraph 11 which refers to providing for needs. The wording could be seen by some interests as justifying not planning to fully meet needs where an LPA could and should do so. It is suggested that the wording here is revised to align more closely with paragraph 11.

In the same paragraph, it is suggested that in sub-paragraph c) the wording should be “as evidenced by a statement or statements of common ground”, to cover the situation where an LPA may need to be party to more than one.

It is questioned whether the wording in paragraph 37 will be found helpful by plan makers or local plan Inspectors, without further definition of what is meant by “a proportionate way”.

The accompanying draft PPG (page 41) states that SoCG should be prepared by “neighbouring” minerals and waste planning authorities to address the need for and distribution of minerals and waste facilities. For minerals, the links between areas of demand and areas of supply are often not just between neighbouring authorities (e.g. Somerset and East Midlands mineral planning authorities provide large quantities of hard rock aggregate to London and the South East and East of England, where this material does not occur naturally. Similarly, significant quantities of waste are transported long distances across the country from where it arises to where it can be managed appropriately. Clarity is required as to whether SCGs on minerals and waste

can and should apply to a wider geographical context than just that of neighbouring authorities.

If the SCG is to be used as a test of soundness, clarity is needed on how it fits with the operation of the Aggregate Working Parties and Managed Aggregates Supply System that requires cooperation and seeks agreement between mineral planning authorities on the supply and demand for aggregates (but not other minerals).

## Question 6

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

POS has the following observations from the Statement of Common Ground pilots:

- Groups of LPAs within an HMA/strategic planning area should attempt to do one SCG covering the main strategic planning issues and not different ones for different topics
- It needs to be updated at key stage stages in the LP process – where this is not being done as a joint plan, all other authorities need to update it at the same time (and publish on website)
- Setting out a vision/ spatial strategy priorities up front is essential as this is what all Local Plans/Joint Spatial Plans will hang off. That can be done through a joint plan but also through a non-statutory framework setting out strategic spatial, infrastructure and economic priorities (reflecting the Local Industrial Strategy) across the area. It doesn't need to be long but needs to demonstrate a collective/ shared view of long term priorities. The Leicestershire Growth plan is a good example of a useful document to demonstrate this. This will also tie the counties into the SCG process much better i.e. strategic infrastructure.
- The only potential distinct SCG that might be needed is to cover minerals and waste planning.
- The risk assessment part of the South Essex SCG was pretty useful for the Joint Spatial Plan but will be even more critical when you have a different Local Plans on different timescales within a strategic planning area.

## 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?**

Yes

There certainly are circumstances where financial information should be treated as confidential (eg, issues of right to light compensation or where particular developers get better than standard build costs or rentals).

It is unlawful to go 100% public on viability appraisals, although we are aware that some Councils have taken this approach, this is likely to be for political reasons. The EI Regs (it's not FOI) require you to balance the developers' reasonable requirement for confidentiality against the public interest of disclosure. This has to be done each time and cannot be set out in policy generically.

However, POS does agree that most of the time a viability assessment will be capable of being made 100% public, it's just that there are circumstances where they should not be and that is a matter of law. The developer is entitled to confidentiality in some circumstances.

### 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?**

POS welcomes para 34 which sets out a clear statement that developers should be delivering what is in the plan because it has been viability tested and should therefore be deliverable. But they don't, and the historic reason is the current NPPF para 173 allows them to overpay for land in the confident knowledge that they can argue viability in the DM process and Affordable Housing is the area that always takes the hit. Please see our answer to question 5 with particular reference to paragraph 34

which also answers this question. The additional text that we have suggested to follow paragraph 34 may be more logical to have here, after paragraph 58.

## **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?**

It is important that review mechanisms should be seen as a mechanism to capture market changes and not a solution for dodgy viability appraisals. The problem is such mechanisms generally provide cash rather than actual affordable housing on site. You also get slightly less than you would have got up-front however you structure it.

## **Question 10**

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

Yes

POS welcomes highlighting the role of statutory and non-statutory consultees as there are examples where electricity or other infrastructure providers can hold up housebuilding. We would want to be sure that County Councils and other consultees have capacity to provide pre-application advice. They should charge appropriately for it to maintain this resource as otherwise the emphasis in the NPPF will not be met with the ability and resources within consultees. It may often be a good idea to include consultees in the PPA process, either in the drafting and timetable or as a signatory.

POS welcomes the support for pre-application and PPAs in paragraphs 42-47, however LPAs should charge appropriately for this service as it is not sustainable to provide professional opinions for no fee. Especially considering that Local Authorities will be self-financing by 2020.

Another incentive for joint planning is the proposed new Strategic Infrastructure Tariff. However, it appears that access to this will be extremely limited. As currently proposed, SIT can only be raised by either a combined authority or a S29 joint committee. All five groups of authorities that are preparing statutory joint strategic plans are not currently using a S29 committee, but most are exploring whether this is an option, and the

proposed SIT is a clear incentive to go down this route. As a S29 committee also ties county councils into the decision-making process in 2 tier areas, this will also help align strategic infrastructure and spatial priorities which is a massive weakness in the current system. However, there are 2 major potential obstacles in the way. Firstly, MHCLG has said that S29 committees can't include both counties and UAs which is clearly perverse and, if true, would rule out South Essex and Greater Exeter from raising SIT through their Joint Strategic Plans, and any other groups with both county and UAs, which tend to be around cities, which is exactly where you will need joint plans in future. Secondly, S29 committees need a small amount of legislation to set them up and, given the significant pressures on Parliamentary time over the next 2-3 years because of Brexit, there must be some major practical issues of setting any new committees up.

We welcome the clarification provided by the proposed removal from paragraph 48 (paragraph 197 of the current NPPF) of reference to the presumption in favour of sustainable development.

Paragraphs 50 and 51 are welcomed, because they bring the considerations relating to prematurity together, rather than split between the NPPF and the NPPG. However, the reference to the presumption in favour of sustainable development in paragraph 50 should be removed, to be consistent with the approach elsewhere, and particularly since the presumption as such has no bearing on whether a planning application is premature.

Paragraph 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". The indication that major decisions affecting a neighbourhood plan in preparation cannot be regarded as premature until the end of the Regulation 16 publicity period needs to be reconsidered as it can cause considerable local tensions and provides a long window for aggrieved parties to make contrary planning applications. The Neighbourhood Plan will have already been subject to a Statutory 6-week consultation period (Regulation 14) so to have to go through a further 6 week Statutory Consultation period (Regulation 16) before it has sufficient weight for the prematurity test can be applied appears onerous. It is suggested that the test should be available from the date of submission of the NP to the LPA.

POS objects strongly to pre-commencement conditions having to be agreed in writing (paragraph 56) and submitted a joint objection with the British Property Federation to the original consultation. We will not repeat our points again but strongly feel this will slow down the planning process and have unintended consequences.

At paragraph 58 we agree with no viability assessment being required where a proposal meets an up-to-date development plan, but do not agree with the viability assessment being made public (please see our answer to question 7 above).

## 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?**

In paragraph 61 it would be clearer to refer to “non-travelling travellers” rather than simply travellers, notwithstanding the footnote. Otherwise POS supports the new standard method for calculating local housing need.

As a result of Paragraph 65 a) it is likely that we will see more build to rent homes. It would be useful for Government to provide national wording for Section 106 agreements or otherwise setting out how long they should remain as rental considering the 0% affordable housing requirement. In general POS supports standardised legal wording where appropriate to save resources and challenge from developers and ultimately get homes built quicker.

Paragraph 68 refers to strategic plans. Having in mind the points made above in answer to question 5, this would be better if it was amended to say that strategic policies should identify the supply.

In the same paragraph, footnote 26 says the definitions of deliverable and developable are to be found in the Glossary. The latter includes a change from the definition in footnote 12 to paragraph 47 of the current NPPF by saying that:

“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.” (emphasis added)

Housing land supply has always been based on assessments of what can reasonably be expected to happen, and this is an inherent part of practice in preparing SHLAAs. The proposed change would mean that rather than needing to show that there is a

reasonable prospect that delivery on sites can happen, LPAs would be required to demonstrate somehow that it definitely will happen. This would be beyond an LPA's control, since only landowners or developers could give the answer, and even then, in many cases they could only indicate their intention or expectation, not say that it will definitely happen. The reference should be changed to say completions are capable of beginning within five years.

Paragraph 66 is to welcome in giving clarity to the NP housing requirement and enabling them to contribute positively to the spatial strategy for the area.

Paragraph 67 – “Where it is not possible to provide a requirement figure for a neighbourhood area<sup>25</sup>, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body.” Note 25 states that “<sup>25</sup> 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”. This paragraph and note are welcomed as they recognise that the timetable for preparation of NPs may not be in synchronisation with the timetable of the preparation of the wider strategic plan or Local Plan and in these circumstances a mechanism is required to give the NP clarity on its housing requirement. However, in practice it may be very difficult to do this for small areas. It would be helpful if a further sentence was added along the lines of “Where this is not practicable a simple methodology, such as a pro-rata allocation by population, would be suitable.”

POS welcomes the ability for neighbourhood plans to make revisions to Green Belts as set out in paragraph 135. However, given that the preparation of strategic and neighbourhood plans may not be in synchronisation, changes should not be restricted to where the need for revision has been demonstrated through a strategic plan. It is suggested that, as with para 67, where it is not possible to provide sites to meet the requirement figure for a neighbourhood area without the release of land currently in the Green Belt, and where the LPA agrees, LPAs should be able to advise a neighbourhood planning body that they may review the Green Belt boundary of a particular settlement to enable land to be released for development. In doing so they must have regard to the purposes of the Green belt set out in para 133 and any changes will, of course, be subject to Independent Examination and the test of a referendum. This suggested change would, like para 67, enable NPs to be progressed where the timetable for

preparation of the wider strategic plan does not synchronise with that of the NP, and has the advantage of retaining the LPAs strategic overview of the extent of the Green Belt. It must follow that if an LPA does not support a Green Belt review it cannot be done.

Paragraph 69 a) sets out that 20% sites allocated should be 0.5 hectares or less. Although we think we understand the intention to be to encourage small house builders with small sites which tend to have a better delivery rate, this figure is arbitrary. Imagine you are an inner-city LPA with many large complex regeneration sites. You cannot allocate them all because you can't find sufficient garage courts to get up to 20%, this would reduce the number of allocated homes and slow down delivery. POS agrees that there is a need to push for these to be recognised as developable sites, but surely clause c) does this?

Clause c) could go further similar to Policy H2 of the London Plan (attached as Appendix 2).

## **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?**

No, see our introductory text where we object to the Housing Delivery Test.

## **Question 13**

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

No

Paragraph 72 as currently framed is ripe for problems of interpretation and dispute over its application. The Society is concerned that it will be exploited by certain landowners and developers claiming compliance with the policy when what they propose is essentially ordinary market housing. In particular:

- the approach runs counter to sustainable development principles which favour development on sites with good access to community services/ infrastructure and readily served by public transport

- the text refers sites being “suitable for first time buyers”, with no definition of how that might be judged or assessed – it must relate to local average wages and not local average house prices and we suggest “priced at no more than 4 x local average annual wages” as used in the Standard Methodology
- where the landowner was willing to accept a fraction of full market value, that could enable homes to be provided at well below normal market prices. Is that the intention, or is the expectation that they would receive a high proportion of full market value and the homes would sell for somewhat below normal market prices?
- sub-paragraph a) refers to a “high proportion” of entry-level homes, with no indication of what level might be acceptable – we suggest at least 80% given land is not housing land and therefore of much lower value
- the paragraph says sites should be “outside existing settlements” and then to them being “adjacent to existing settlements”, creating an issue of interpretation

In paragraph 73, given the government’s current emphasis on new Garden Towns and Villages, it is surprising that they are not mentioned. This paragraph should take account of initial findings of the Oliver Letwin report, where it has been evidenced that large scale development will not necessarily lead to a lot of homes being built quickly. House builders will be sure not to saturate the market.

The same paragraph suggests that where new settlements or large urban extensions are proposed, LPAs should consider whether to establish new Green Belts. There is a major issue of principle here as to whether it is right to promote the creation of new Green Belts, particularly since to date their function has been to contain the growth of conurbations and major urban areas, whereas new settlements and urban extensions are likely to be proposed in a much wider range of locations, where the validity of new bits of Green Belt must be questionable.

Moreover, paragraph 134 makes clear that Green Belts should only be established in exceptional circumstances and sets out specific and stringent conditions. It would be

clearer to remove the reference from paragraph 73, and continue to rely on paragraph 134 for policy guidance.

## **Question 14**

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

Paragraph 74 at sub-paragraph b) proposes that where an LPA prepares an annual position statement there should be a 10% buffer, which can be compared with the 5% buffer which will otherwise apply where the LPA can show sufficient housing delivery over the past three years. Whilst this level of buffer was suggested in the Housing White Paper, the Society questions whether it would serve a useful purpose. It would be likely to be a disincentive to LPAs to prepare annual position statements.

Paragraph 75 contributes to the removal of the concept of the “golden thread” and is welcomed for its clarity.

POS raised the issue in the previous consultations that, where joint plans are being prepared, the LPAs should be able to manage both 5-year land supply and housing delivery test on a ‘plan’ basis and not on a ‘LPA’ basis, as in the current system. The draft PPG allows this where there is no LPA apportionment through the strategic plan but there is no explicit reference in the NPPF – only with regards to HDT in PPG. This must be clearer and must be included in the NPPF or there will be significant legal fallout.

This is a massive incentive for LPAs to do joint plans especially where they are relying on long term strategic solutions, so it is important to get it right.

## 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?**

POS agrees with linking the NPPF to the key aspects of the Government's Industrial Strategy.

We support the flexibility in the NPPF to accommodate sites for local business and community needs outside existing settlements. However, we would urge that existing settlements and existing buildings should be first preference.

### Question 16

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

POS is generally concerned that senior managers in LPAs are going to be held to account on meeting housing numbers, assessed through the housing delivery test and having a sound up-to-date (preferably joint) local plan. With this pressure we feel that employment sites, jobs and some infrastructure will be a much lower priority as there are no similar targets or profile given to this. We believe in mixed and balanced communities for a sustainable future and would urge the NPPF to give priority to employment uses where appropriate as well as the main priority of delivering housing.

Some of our globally successful industries (music, film making, fashion etc) as located in niche clusters, often in a variety of different buildings. It is vital that these are identified and suitably supported and protected through the planning system.

## 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

### Question 18

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

No

## Chapter 8: Promoting healthy and safe communities

### Question 19

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

Paragraph 95 POS considers that the NPPF should be realistic about how much LPAs can do here need to be careful how much LPAs can do here as education is the responsibility of County Councils outside of unitary authorities. Yes, we agree that LPAs should assist and be positive when reviewing a planning application for a new school and should plan for schools in development briefs however there is a real need to get County Councils on board here - this should link back to para 16 c) about plan making and para 41 early involvement in pre-apps encouraging statutory consultees to be involved in the planning process earlier.

### Question 20

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

Although POS acknowledges that design and layout of buildings can help to counter malicious or natural threats. We would question which expertise and resources Local Authorities would rely on to assess this thoroughly. LPAs are likely to need support and guidance in this. The original wording placed an unreasonable and significant burden on LPAs and should say, “a) Working with the Police and other security agencies to seek to anticipate and address plausible malicious threats and natural hazards, ...”.

## 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?**

Paragraph 107 should recognise that the LPA and the planning process are not responsible for car park management and make it clear that the paragraph is in the context of plan-making and decision-making only.

Para 111 refers to “significant amounts of movement” without defining what this means. 5% is generally considered de minimus in Transport Assessments, so should an increase of say 25% be used as the benchmark?

### Question 22

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

Yes

### Question 23

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

The NPPF has never provided specific policies for nationally significant infrastructure projects (NSIPs), and this situation has not changed in the latest draft. However, the new draft has taken a positive step forward in trying to bridge the gap between local authority planning and NSIPs, which is welcomed.

As infrastructure practitioners will be aware, development plans can be an important and relevant consideration for the Examining Authority for an NSIP, especially where there is an absence of a national policy statement. The requirement of the new NPPF for planning policies to: “...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...” is a significant change from the current NPPF which simply requires authorities to “take account” of the need for strategic infrastructure in their development plans.

However, ‘facilities’ is not the best choice of word here, because what the NPPF could particularly consider usefully is the interaction between the non-NSIP ‘facilities’ (i.e. those NSIPs that provide for housing, business and commercial uses, rather than power stations etc), but also those that require significant temporary development that could be repurposed post-construction, e.g. temporary campus development/Park & Rides at Hinkley Point C. These ‘legacy’ opportunities are not dealt with well in the Planning Act, which would generally presume their removal.

The strategic importance of NSIPs at the local scale is also emphasised in the draft NPPF, which cites these projects (along with those consented under Transport and Work Act and hybrid bills) as one ‘wholly exceptional reason’ where the loss or deterioration of habitat as a result of development would be outweighed by the wider public benefit the project would deliver.

On first reading, the NPPF appears to be trying to ensure that NSIPs are supported by policy at the national and local levels. This will definitely benefit scheme promoters who do not benefit from an NPS specific to their development or technology. They will still need to secure local policy support through participation and engagement in the development plan process.

## Chapter 10: Supporting high quality communications

### Question 24

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

Paragraph 115 a) why is a school or college more sensitive a neighbour compared to residential use?

b) and c) It would be good if government could provide information about the health risks next to a mast and this is one of the key objections LPAs receive. Presumably if the statement is self-certifying then the responsibility is with the applicant. LPAs should not be expected to have the knowledge to assess this.

c) is there any onus on building owners to accept approaches to place equipment on their buildings? As it is likely the operator will want control of their site and not be at the gift of a landlord.

## 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?**

The introduction of this section is considered to improve the NPPF, both because it gives proper attention to a key aspect of the planning system, and for the specific policy guidance it contains. However, it is suggested that the section would sit better after Section 4 on Decision making, since it deals with matters which go much wider than the policy topics within which it sits.

We are concerned that, as worded, paragraph 121 could put important existing minerals and waste facilities at risk of loss to housing development. This paragraph should be consistent with national policy on safeguarding of minerals facilities (Chapter 17, paragraph 200) and on making sufficient provision to meet the need for waste management facilities (National Planning Policy for Waste). This can be done by the insertion of “or safeguarded” after “but not allocated” in the second line of paragraph 121. In addition, it should be clarified that the minerals supply and waste management industries are ‘key economic sectors’.

### 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?**

POS welcomes the approach that LPAs should refuse applications which they consider fail to make effective use of land, but this should be the case nationally and not just in areas where there is an existing or anticipated shortage of land to meet identified housing need. Land is a finite resource even in areas which can easily demonstrate a five-year land supply, character of the area and other considerations will of course be balanced against efficient use of land, but the policy should not be explicit to only areas with a shortage of land.

POS seeks clarification as to how it will be defined whether there is an existing or anticipated shortage of land? Is this reflective of the five-year land supply? So, if a LPA can show a five year land supply they will not be required to set out a minimum density as set out in paragraph 123 a). It is not clear when a trigger for minimum densities will be required.

POS would urge that the wording, 'strong reasons why this would be inappropriate' should include taking account of constraints in the area including, conservation areas and heritage assets.

Whilst POS supports buildings using land in the most efficient way we would urge that paragraph 123 c) is followed up with further guidance or that this paragraph is expanded upon as the wording combined with footnote 37 appear contradictory. If policies or guidance are inhibiting making effective use of a site, then the proposal is likely to be overdevelopment. It will be hard for members, officers and the public to rationalise that a policy has been found sound and agreed by an Inspector, but this should be disregarded in order to achieve higher densities. This can create animosity in communities and fractious relationships between the council, members and communities. Government should be clear that amenity is not as high a priority as building new homes if that is the intention. It should not be for LPAs to be caught in the middle of a contradictory policy context.

Although POS supports the efficient use of land and delivering housing quickly, the quality of places is important and if not well designed will not be attractive places to buy, and those living there may experience challenges in the community, which stem from poor design. We do not want to create slums for the future, rather attractive, high quality and therefore sustainable places to live, as emphasised by the Secretary of State and the Planning Minister at the recent Design Conference.

## **Question 27**

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

POS considers that the NPPF should be as clear as possible with no room for interpretation or contradictory paragraphs. This would speed up LPAs in their plan making process. Areas such as the minimum density paragraphs are not clear, for example, at paragraph 123 a) '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;’ is likely to result in delays to plan-making. Either between officers and members agreeing proposed densities or at EIP with PINs being required to test robustly at examination.

## 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?**

The introductory paragraphs 56 and 57 from the current NPPF should be retained because they set out clearly the aim of this policy chapter.

We welcome the support for early discussions as set out in paragraph 127. However a LPA should not weigh the level or quality of engagement in favour of a proposal as this has no bearing on the quality or appropriateness of a scheme. For example, a developer may have completed an exemplary process of engagement but still the development is proposing new housing in Green Belt land, or without any affordable housing for. Developers and the communities' expectations should be managed, and whether early engagement with the community takes place should not be a reason to approve or refuse a scheme. An application should be assessed on its planning merits.

POS welcomes the support for design advice and review arrangements. It is likely that many LPAs would rely on external design review panels (such as CABE), as they do not have sufficient in-house resources and the external review may carry more weight on a politically sensitive scheme. However, it should be made clear that these will be at the cost of the developer.

It should be recognised that an external design review panel is part of a good design process and not a substitute for it.

The requirement of paragraph 128, to have appropriate tools and processes for assessing and improving the design of the development, should not put responsibility onto LPAs to design schemes. It is the developers responsibility to design a high quality and appropriate scheme for an area, and for the LPA to facilitate the engagement that makes that more likely to happen.

The feedback from our members is that there is an acute shortage of design and conservation officers. It would be useful for MHCLG to investigate and address this with the Royal Town Planning Institute and Historic England.

## Question 29

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

The streamlining of the NPPF has removed elements relating to quality of life, paragraph 9 and the 12 core planning principles at paragraph 17 have been removed. For ease the quality of life indicators are:

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. (our emphasis) including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;<sup>6</sup>
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

The 12 Core Planning Principles at para 17 have also gone, including the following which are particularly important to this chapter:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

This change means that the draft feels as if it is numbers driven, and at odds with the MHCLG Design Quality Conference held on 25th April, delivery is about efficient use of land and the way it is written gives the sense that the effect on people either in existing

communities or in new has been relegated even more so than in the current NPPF (which it currently does through the upfront quality of life references in para 9 and through the 12 Core Planning Principles). Also, as highlighted earlier, paragraph 123 (Achieving appropriate densities) sets out that 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. It is only in a footnote where it says 'And so long as the resulting scheme would provide acceptable living standards'.

## 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?**

It is not considered that the new paragraph 136 fits cleanly with paragraph 137, the first three sentences of which are unchanged from paragraph 84 of the existing version. Paragraph 136 refers to whether exceptional circumstances exist, but paragraph 137 then addresses whether needs can be met without going into the Green Belt. It is suggested that these two paragraphs should be re-cast to better represent the process of thinking that LPAs should go through before promoting Green Belt boundary changes.

We suggest that that the two paragraphs are revised together to clearly communicate a message as follows -

- before contemplating Green Belt release, first ensure that the best use will be made of land not in the Green Belt
- then consider whether a sustainable pattern of development can be achieved by development in towns and villages inset within the Green Belt or at locations beyond the Green Belt, including through discussions with other LPAs about options in their areas
- only then consider which would be the best locations within the Green Belt, preferring brownfield land and areas with good public transport connections

Therefore, we suggest the following wording;

*136 Before considering any change to Green Belt boundaries, the strategic plan-making authority should ensure that it makes as much use as possible of land not within the Green Belt, including suitable brownfield sites and under-utilised land. The density of development should be optimised, through policies to promote a significant uplift in minimum*

*density standards in town and city centres, and other locations well served by public transport. The need to promote sustainable patterns of development should also be taken into account, by channelling development towards urban areas, towns and villages inside the Green Belt, or towards locations beyond the outer Green Belt boundary. This should be informed by joint planning with neighbouring authorities to establish whether they could accommodate the identified need for development (or part of it), as demonstrated through the statement of common ground.*

- 137 *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 or is well-served by public transport and will result in a sustainable pattern of development. They should also set out ways in which the impact of removing land from the Green Belt may be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.*

The reference to the examination of the plan is unnecessary, since all aspects of any plan will be tested at examination.

Also, the use of “and/or” in paragraph 137 is questioned. We have used “or” as we consider that it makes it clearer.

Paragraph 144 sub-paragraph g) second bullet should address what is meant by “an identified housing need” mean? Identified by whom? If this proposal is to be taken forward, it should make it clear that the assessment of whether there is a housing need should be assessed by the LPA, and not just be a matter of assertion by applicants.

Paragraph 145 e) limited infilling in villages, is welcomed, since it would restore the policy position which applied to outdoor sport and cemeteries before the present NPPF was published.

Paragraph 145 f) We support the new addition as potentially ‘not inappropriate’ ‘f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order’. This is a sensible and welcome exception albeit limited to cases where the openness of the Green Belt is not affected.

## Question 31

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

The proposal in paragraph 135 that neighbourhood plans should be able to make detailed Green Belt boundary changes is considered reasonable and helpful to neighbourhood planning in Green Belt areas. However, given that the preparation of strategic and neighbourhood plans may not be in synchronisation, changes should not be restricted to where the need for revision has been demonstrated through a strategic plan. It is suggested that, as with para 67, where it is not possible to provide sites to meet the requirement figure for a neighbourhood area without the release of land currently in the Green Belt, and where the LPA agrees, LPAs should be able to advise a neighbourhood planning body that they may review the Green Belt boundary of a particular settlement to enable land to be released for development. In doing so they must have regard to the purposes of the Green belt set out in para 133 and any changes will, of course, be subject to Independent Examination and the test of a referendum. This suggested change would, like para 67, enable NPs to be progressed where the timetable for preparation of the wider strategic plan does not synchronise with that of the NP, and has the advantage of retaining the LPAs strategic overview of the extent of the Green Belt. It must follow that if an LPA does not support a Green Belt review it cannot be done.

Paragraphs 144 and 145 are intended to be closed lists and it would be clearer if they read, "... are limited to:" to avoid room for argument. It is particularly important to be clear whether these paragraphs apply to waste development, particularly regarding re-use of buildings/previously developed land (brownfield) and low visual impact waste development such as open windrow composting, as waste development is technically covered by the NPPW rather than the NPPF.

## 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?**

POS supports renewable energy proposals and considers that para 153b) may be a barrier in approving some schemes as it may not be possible for a wind proposal over one turbine to have the communities backing (footnote 40).

There is a risk that having to agree pre-commencement conditions in writing may attract challenge from developers and undermine the LPAs ability to continue to manage impacts of flood risk.

### Question 33

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

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

The references in paragraph 113 and elsewhere in the current NPPF to locally designated landscapes and wildlife sites do not appear in the revised draft. It is urged that this is addressed, because otherwise there is the risk that the revised NPPF has withdrawn protection from them, which is not believed to be the intention.

Paragraph 173 sub-paragraph c) refers to a suitable mitigation strategy. There can be no mitigation for the loss or deterioration of an irreplaceable habitat for the very reason that it is irreplaceable. A 'compensation' strategy would be required where there are wholly exceptional reasons. The word should be changed. The proposed wording has the effect of weakening the policy.

Footnote 49. The words "unless the need for, and benefits of, development in that location would clearly outweigh the loss" should replace the final phrase to ensure consistency with the final part of paragraph 173, and to be consistent with the wording of the present NPPF (paragraph 118). We do not support any weakening of the terms of this policy.

### Question 35

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

Inclusion of paragraph 180 and clarification on the "agent of change" is welcomed. This is supported as it reinforces the policy objective of safeguarding existing minerals and waste operations/facilities (such as quarries, rail heads, wharves, recycled and

secondary aggregate plants, landfill sites and other waste management facilities), which can have significant local environmental impacts. There have been cases where development such as housing has been allowed near to existing minerals or waste operations that has resulted in those operations finding it increasingly difficult to operate within previously set environmental limits.

The only concern is the reference that “statutory nuisance” is the test, when environmental limits on those existing operations may have been imposed based on an amenity standard (normally a higher standard) as opposed to a “statutory nuisance” standard. This is an environmental health term, it should it say, “would result in a material loss of amenity”.

Government should clarify that paragraph 177 although setting out that land stability and contamination issues are the responsibility of the developer, the LPA may still require details these either as part of an application or a condition to any permission granted.

Paragraph 181 is a very useful statement that applies to a much wider area of controls and we recommend that it appears as a generic requirement at the front of the NPPF in chapter 2. We have included suitable wording in our track change version.

## Chapter 16: Conserving and enhancing the historic environment

### Question 36

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

There is potential in paragraph 192 for unintended consequences. Great weight must be given to the historic asset's conservation (Barwell case) but to say that where there is less than substantial harm only public benefits can outweigh it could be used to argue, for example, that you can't extend grade II listed homes. There is a need to either modify the wording or make it clear that the cumulative effect of a private benefit (eg extending one's home) amounts to a public benefit.

## 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?**

Yes

At paragraph 199, the first sentence of para 142 in the current NPPF should be reinstated to make it clear that 'minerals are essential'. Removal of this sentence implies that government no longer considers minerals to be 'essential'.

Paragraph 201: The first two sentences should be reworded:

*'When determining planning applications, local planning authorities should give great weight to the benefits of mineral supply extraction, including to the economy, and should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.*

*In determining planning applications ~~considering proposals for mineral development extraction~~, minerals planning authorities should:*

*a) to e) unchanged;*

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

*g) & h) unchanged.*

*(See attached schedule for reasons for this rewording.)*

The first sentence of paragraph 201 should be a separate paragraph, as it relates to planning applications in general dealt with by all local planning authorities, whereas the remainder of the paragraph is specifically about applications for mineral development determined by mineral planning authorities. Because of the more general application of

the first sentence, it should be moved to a different part of the NPPF; we suggest it may best fit in chapter 15.

POS notes and welcomes at paragraph 202 that the revised NPPF retains the key elements of the Managed Aggregate Supply System (MASS), in particular Aggregate Working Parties, the National Aggregate Coordinating Group, the National and Sub National Guidelines and landbank policy, in addition to the requirement for Local Aggregate Assessments. POS strongly believes the MASS to be fundamental to the continued provision of a steady and adequate supply of aggregates through the planning system and that this is essential for the delivery of the housing, infrastructure and other development that the country requires.

Paragraph 202 f): Removal of the requirement to make provision for ‘the maintenance of’ landbanks (as I paragraph 145 in the current NPPF) weakens national landbank policy because the revised wording suggests making provision is a one-off action at a particular point in time rather than a requirement for provision to be on-going. The change is inconsistent with the following clause h), which includes a requirement to maintain landbanks. A requirement for landbanks to be maintained is critical to the ensuring a ‘steady and adequate supply of aggregates’. The existing wording should be reinstated.

The consultation document states that it is intended that text that has been omitted from that in the existing NPPF, Section 13 will be incorporated in revised Planning Practice Guidance. Revisions to the minerals section of the PPG have not as yet been published and in their absence, it is difficult to comment fully on revisions to the NPPF that involve deletion of existing wording. At this stage, therefore, a cautious approach should be taken to deletions of text.

Detailed comments on Chapter 17 are set out in the attached schedule, at appendix 3.

### **Question 38**

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

No,

Planning policy on minerals should continue to be contained within the main body of the NPPF. Minerals are essential to support sustainable economic growth and our quality of life, in particular as an essential part of the supply chain for the delivery of housing, infrastructure and other built development. This is supported by Oliver Letwin's 'Independent review of build out' interim report of 9th March 2018, in which he recognises that one of the factors affecting the delivery of housing is the limited supply of building materials. Planning for minerals has an important part to play in addressing this and therefore needs to be seen as part of a holistic planning system.

Mineral safeguarding is an important policy consideration in planning decisions generally. It is therefore important that planning policy on minerals sits alongside and is integrated with other strands of planning policy. In this way, policy on minerals will be clearly visible to all involved in the planning process. To split out policy for minerals into a separate document would be to risk this becoming a ghetto area of planning policy that is forgotten about and not taken into account in other areas of planning. There are clear reasons why policy on waste is contained in a separate document (to do with the requirement for strategic environmental assessment because it constitutes a waste management plan under the Waste Framework Directive) but these do not apply to minerals.

### **Question 39**

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

There is a clear and important role for up to date National and Sub-National guidelines on future provision for aggregates to provide an overall quantitative context for planning for aggregate supply at the local level. Without up to date Guidelines, Mineral Planning Authorities (and Aggregate Working Parties) are operating in a vacuum as regards how much provision is required overall. With Local Aggregate Assessments being primarily based on a rolling average of 10 years sales data, planning for aggregate supply has become backward looking, with provision for the future being based more on past supply than on future demand. Consequently, the decline in sales due to decreased demand during the recession is being replicated in provision for the future in minerals local plans at a time when demand has been, and is expected to continue, increasing.

Without up to date Guidelines on future provision requirements there is a serious risk of significant under-provision for mineral working in mineral local plans relative to future demand. Alongside the publication of forecast housing figures and standard methodology for calculating housing need, there should be a corresponding national assessment of the quantum of materials required to support that housing growth and its supporting and other infrastructure, to enable the planning system to provide for this.

## Transitional arrangements and consequential changes

### Question 40

#### **Do you agree with the proposed transitional arrangements?**

We agree with the 6 months grace period on Local Plans and that the new test of soundness should come in immediately.

We disagree that the Statements of Common Ground should come in immediately, they need some phasing in.

We are concerned about a plan examined under the transitional arrangements (and hence the old NPPF) being found out of date in the DM world as soon as it is adopted. It could be very problematic on say housing numbers examined under the old methodology for example.

Paragraph 213 provides a useful suggestion to keep exploring planning freedoms and flexibilities.

### 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 comment

### 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?**

We have no specific comments on changes that should be made to the National Planning Policy for Waste (NPPW) at this stage. We understand that the Government's proposed Resources and Waste Strategy is expected to be published later this year and

we consider that it would be appropriate to review the NPPW at that time. POS would welcome positive engagement in such a review.

Whilst we understand the reasons why the NPPW is currently separate from the NPPF we wish to see waste planning policy incorporated into the main body of the NPPF, alongside minerals planning policy, at the earliest opportunity, particularly in the light of Brexit. We consider that planning policy for waste should be seen and considered alongside and in an integrated manner with other areas of planning policy. Provision for the management of waste is an essential part of overall provision of the infrastructure that is needed to support sustainable development and quality of life generally. Similarly, the safeguarding of important waste management sites and facilities needs to be integrated with and considered alongside planning for other forms of development and the inclusion of waste policy within the NPPF would make this much clearer.

In the meantime, it would be helpful if there was greater linkage between the NPPF and the NPPW, to make it clear that they are both part of national planning policy and that they need to be used together both in planning for waste management and in planning for development more generally. Paragraph 5 in the revised NPPF includes a cross-reference to the NPPW, replacing paragraph 5 in the existing NPPF, but consideration should be given to strengthening this linkage at other appropriate points in the NPPF. Equally, it would be helpful for cross-referencing to the NPPF to be increased in the National Planning Policy for Waste, beyond the current single reference towards the end of paragraph 1. Whilst duplication is to be avoided, it would be helpful if the NPPW included clarification of how policies in the NPPF are applicable to waste, in particular in relation to development in Green Belt.

## Glossary

### Question 43

#### Do you have any comments on the glossary?

Comments are contained in our track changed NPPF document.

**Appendix 1 - Parkhurst Road appeal decision (link below and attached separately)**

<https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=12584469>

## Appendix 2 Policy H2 - The London Plan

- Small sites should play a much greater role in housing delivery and boroughs should pro-actively support well-designed new homes on small sites through both planning decisions and plan-making in order to:
  1. significantly increase the contribution of small sites to meeting London's housing needs
  2. diversify the sources, locations, type and mix of housing supply
  3. support small and medium-sized housebuilders
  4. support those wishing to bring forward custom, self-build and community-led housing.
- Boroughs should:
  1. recognise in their Development Plans and planning decisions that local character evolves over time and will need to change in appropriate locations to accommodate additional housing provision and increases in residential density through small housing developments
  2. prepare area-wide design codes to promote good design and to proactively encourage increased housing provision and higher residential densities on small housing developments. Design codes should provide clear guidelines and parameters for small housing developments and show how additional housing provision can be accommodated in different locations, drawing on the principles set out in this policy and Supplementary Planning Guidance provided by the GLA.
- Boroughs should increase planning certainty on small sites by:
  1. identifying and allocating appropriate small sites for residential development
  2. listing these sites on their brownfield registers
  3. granting permission in principle on specific sites or preparing local development orders.

- To deliver the small sites targets in Table 4.2, boroughs should apply a presumption in favour of the following types of small housing development which provide between one and 25 homes:
  1. infill development on vacant or underused sites
  2. proposals to increase the density of existing residential homes within PTALs 3-6 or within 800m of a Tube station, rail station or town centre boundary through:
    - residential conversions
    - residential extensions
    - the demolition and redevelopment of existing buildings
    - infill development within the curtilage of a house
  3. the redevelopment or upward extension of flats and non-residential buildings to provide additional housing.
- For the purposes of part D, the presumption in favour of small housing developments means approving small housing developments which are in accordance with a design code developed in accordance with part B. Where there is no such design code, the presumption means approving small housing development unless it can be demonstrated that the development would give rise to an unacceptable level of harm to residential privacy, designated heritage assets, biodiversity or a safeguarded land use that outweighs the benefits of additional housing provision.
- The presumption in favour of small housing developments should not be applied to:
  1. statutory listed buildings
  2. developments providing more than 25 homes
  3. proposals that do not provide net additional housing
  4. sites of more than 0.25 hectares in size

5. non-self contained housing schemes
  6. mixed-use proposals within the Central Activities Zone (CAZ)
  7. estate regeneration schemes.
- New build homes on sites capable of accommodating ten units or fewer which are on the ground floor should meet M4(2) standard for 'accessible and adaptable dwellings' and provide step-free access. New build homes on these sized sites that are not on the ground floor do not need to meet M4(2) standards and can comply with the M4(1) standard, which does not require step-free access.
  - Boroughs wishing to apply affordable housing requirements to sites capable of delivering ten units or fewer and which have a maximum combined gross floor space of no more than 1,000 sq m should only require this through a tariff approach to off-site contributions rather than seeking on-site contributions. Boroughs are strongly encouraged to provide the flexibility for payments to be collected prior to the occupation of development, rather than prior to commencement of development.

### Appendix 3 - detailed comments on chapter 17

**Detailed comments on Chapter 17 – Facilitating the sustainable use of minerals**  
 (Changes in text highlighted)

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
<p>142. Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.</p>	<p>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.</p>	<p>Statement that ‘minerals are essential to support sustainable economic growth and our quality of life’ removed.</p>	<p>The first sentence of para 142 in current NPPF should be reinstated to make it clear that ‘minerals are essential’. Removal of this sentence implies that government no longer considers minerals to be ‘essential’.</p> <p>‘Essential’ is needed to stress that minerals underpin the economy; and this provides a necessary positive context for minerals planning, both to enable a sufficient supply and to safeguard resources effectively. Removal of this sentence would send the wrong message to decision makers and would undermine policy that otherwise seeks to ensure a sufficient supply of minerals.</p>
<p>143. In preparing Local Plans, local planning authorities should:</p>	<p>200. Planning policies should:</p>	<p>No material change.</p>	<p>No comment.</p>

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
<p>identify and include policies for extraction of mineral resource of local and national importance in their area, but should not identify new sites or extensions to existing sites for peat extraction;</p>	<p>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;</p>	<p>The Glossary no longer includes definition of 'minerals of local and national importance'.</p>	<p>Deletion of the definition of minerals of local and national importance seems arbitrary and will reduce clarity of meaning of the NPPF. It should be re-instated in the Glossary to provide necessary clarity:  <b>'Minerals of local and national importance:</b> Minerals which are necessary to meet society's needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas (including hydrocarbons), tungsten, kaolin, ball clay, potash and local minerals of importance to heritage assets and local distinctiveness.'</p>
<p>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;</p>	<p>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;</p>	<p>No change.</p>	<p>No comment.</p>

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
<p>define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Minerals Consultation Areas based on these Minerals Safeguarding Areas;</p>	<p>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);</p>	<ul style="list-style-type: none"> <li>• Wording after semi-colon in revised version does not follow from revised opening wording of paragraph 200.</li> <li>• 'Needlessly' removed from before 'sterilised by non-mineral development' and 'where this should be avoided' inserted after it.</li> <li>• Requirement for local plan policies to define Mineral Consultation Areas (MCAs) removed.</li> </ul>	<p>Amend wording after semi-colon to: 'and ensure that known locations ...'.</p> <p>This change would weaken mineral safeguarding policy and, in any case, the meaning of 'where this should be avoided' is unclear; the existing wording should be reinstated.</p> <p>Support removal of requirement to define MCAs in policy: MCAs are a procedural tool to ensure that in 2-tier areas MPAs are consulted by LPAs on development proposals that affect MSAs; MCAs are not themselves a policy instrument and including them in policy can cause confusion.</p>

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
<p>safeguard:                      - existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and                      - existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.</p>	<p>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;</p>	<ul style="list-style-type: none"> <li>• Individual types of infrastructure to be safeguarded removed.</li> <li>• Reference to safeguarding of storage facilities removed.</li> <li>• Reference to modes of bulk transport removed.</li> <li>• Reference to safeguarding of coating plants removed.</li> </ul>	<p>The full content of the text in the existing NPPF should be reinstated as this sets out clearly and unambiguously the types of facilities which are to be the subject of policies for safeguarding. This is particularly important for local planning authorities and developers that may not be aware of the importance of such facilities for the supply of minerals. The sites of these facilities are under increasing pressure from alternative development proposals and the encroachment of development, particularly housing, that can lead to loss of essential facilities or community pressures for them to close. The removal of reference to coating plants is unexplained and seems arbitrary given the retention of concrete and concrete product plants.</p>
<p>set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place;</p>	<p>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;</p>	<p>No material change.</p>	<p>No comment.</p>

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
<p>set out environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p>	<p>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;</p>	<ul style="list-style-type: none"> <li>• Limitation to 'environmental' criteria removed.</li> <li>• Requirement to set out 'requirements' as well as criteria inserted.</li> <li>• Reference to being in line with the policies in the Framework removed.</li> <li>• Reference to 'proposed' as well as permitted operations inserted.</li> <li>• List of specific sources of impacts removed.</li> </ul>	<p>Change is supported as the revised text is an improvement and avoids repetition, provided that the list of specific sources of impacts that have been removed is included in the Planning Practice Guidance.</p>

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
<p>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</p>	<p>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</p>	<p>No change.</p>	<p>No comment.</p>
<p>put in place policies to ensure 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, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.</p>	<p>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.</p>	<p>Specific examples of restoration land use and reference to safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources removed.</p>	<p>Change is supported provided that the specific examples of restoration land use, and the reference to safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources, that have been removed are included in the Planning Practice Guidance.</p>

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
<p>144. When determining planning applications, local planning authorities should:</p>	<p>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:</p>	<ul style="list-style-type: none"> <li>• The first clause of current paragraph 144, on giving great weight to the benefits of mineral extraction, is now in the opening sentence of 201: no material change.</li> <li>• The first sentence relates to ‘determining planning applications’ whereas the second sentence relates to ‘considering proposals’.</li> <li>• The new second sentence limits the application of the subsequent clauses a) to h) to proposals for ‘mineral extraction’ that are considered by ‘minerals planning authorities’; clause f) on development within minerals safeguarding areas no longer relates to applications in general determined by all local planning authorities.</li> </ul>	<p>No comment.</p> <p>The use of different wording implies a difference in meaning but what this might be and why is not clear; to avoid ambiguity, consistent wording should be used.</p> <p>The revised wording would mean that clause f) would not apply to the very development proposals (i.e for non-minerals development determined by local planning authorities) that can sterilise mineral resources within mineral safeguarding areas; and clause f) would therefore be of no effect in the implementation of mineral safeguarding policy. It would also mean that clauses a) to h) would only apply to applications for mineral extraction and, in particular, that clauses b) and c) would not apply to applications for other minerals developments such as rail heads, wharves or recycled aggregate plants.</p> <p>To resolve this, we suggest the following rewording of paragraph 201:  ‘When determining planning applications, local planning authorities should give great weight to the benefits of mineral <u>supply</u> extraction, including to the economy, <u>and should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.</u>  In <u>determining planning applications</u> considering proposals for mineral development <u>extraction</u>, minerals</p>

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
<p>give great weight to the benefits of the mineral extraction, including to the economy;</p>		<p>These words are moved to the opening sentence of paragraph 201: no material change.</p>	<p>No comment.</p>
<p>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;</p>	<p>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;</p>	<p>No change.</p>	<p>No comment.</p>
<p>ensure, in granting planning permission for mineral development, 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;</p>	<p>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;</p>	<p>Words ‘in granting planning permission for mineral development’ removed: subject to amendment of the opening sentences of paragraph 201, no material change.</p>	<p>No comment, provided the opening sentences of paragraph 201 are amended in line with the comments above.</p>

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source <sup>31</sup> , and establish appropriate noise limits for extraction in proximity to noise sensitive properties;	c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source <sup>57</sup> , and establish appropriate noise limits for extraction in proximity to noise sensitive properties;	No material change.	No comment.
not grant planning permission for peat extraction from new or extended sites;	d) not grant planning permission for peat extraction from new or extended sites;	No change.	No comment.
provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, <b>where necessary</b> . Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;	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;	'Where necessary' removed.	Change supported, as application of appropriate conditions is ubiquitous.

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;	f) not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;	No change (but see comments above on opening sentences of paragraph 201).	No comment, provided the opening sentences of paragraph 201 are amended in line with the comments above.
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	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	No change.	No comment.
recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the <b>potentially long</b> duration of planning permissions reflecting the intermittent or low rate of working at many sites.	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.	Words 'potentially long' removed: no material change.	No comment.
145. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:	202) Minerals planning authorities should plan for a steady and adequate supply of aggregates by	No change.	No comment.

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
<p>preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, 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);</p>	<p>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);</p>	<p>Words 'by agreement with another or other mineral planning authorities' removed: no material change.</p>	<p>No comment.</p>
<p>participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;</p>	<p>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;</p>	<p>No change.</p>	<p>No comment.</p>

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
<p>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 appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;</p>	<p>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 appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;</p>	<p>No change.</p>	<p>No comment.</p>
<p>taking account of 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;</p>	<p>d) taking account of <b>any</b> 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;</p>	<p>Word ‘any’ inserted before published National and Sub National Guidelines.</p>	<p>It is not clear what this change achieves and why it has been made; it could cause ambiguity as to what is meant by ‘published National and Sub National Guidelines’. (See also response to consultation question Q39.)</p>

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
<p>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;</p>	<p>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;</p>	<p>No change.</p>	<p>No comment.</p>
<p>making provision for the maintenance of 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. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;</p>	<p>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</p>	<ul style="list-style-type: none"> <li>• Requirement to make provision for 'the maintenance of' landbanks removed.</li> <li>• Sentence on the circumstances in which longer landbank periods may be appropriate removed.</li> </ul>	<p>This change weakens national landbank policy because the revised wording suggests making provision is a one-off action at a particular point in time (presumably at the time a local plan is prepared) rather than a requirement for provision to be on-going (i.e. throughout the period covered by a local plan). The change is inconsistent with the following clause h), which includes a requirement to maintain landbanks. A requirement for landbanks to be maintained is critical to the ensuring a 'steady and adequate supply of aggregates'. The existing wording should be reinstated.</p> <p>This omission would signal that the importance of maintaining longer landbanks than the minimum specified periods in certain circumstances has been reduced in the NPPF, with a consequent reduction in weight to be given to it in the planning process. This sentence should be reinstated.</p>

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market	h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market	No change.	No comment, except that retention of reference to 'maintaining' landbanks is supported.
146. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:	203) Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:	No change.	No comment.
co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals to ensure adequate provision is made to support their likely use in industrial and manufacturing processes;	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;	Requirement 'to co-ordinate the planning of industrial minerals' removed.	A requirement to 'co-ordinate the planning of industrial minerals', in addition to cooperating with other authorities, would seem to go beyond what the NPPF requires in the case of planning for aggregates and also what is required under the duty to co-operate. The requirement to co-operate to ensure an adequate provision of industrial minerals would seem to be all that is reasonable needed. We therefore have no objection to this change.
encouraging safeguarding or stockpiling so that important minerals remain available for use;	b) encouraging an appropriate level of safeguarding or stockpiling so that important minerals remain available for use;	Additional words 'an appropriate level of' inserted before safeguarding or stockpiling.	It is not clear what this change is intended to achieve, or what an 'appropriate level' might be. There is a risk of introducing ambiguity. Such words are not included in the general policy on safeguarding at paragraph 200 c). The safeguarding process is not absolute but enables consideration of the relative importance of the mineral in relation to other proposed development on a case by case basis. The inserted words should be removed.

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
<p>providing 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, as follows:                      - at least 10 years for individual silica sand sites                      - at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and                      - at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.</p>	<p>c) <b>maintaining</b> 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; <b>and</b></p>	<ul style="list-style-type: none"> <li>Requirement to provide a stock of permitted reserves changed to a requirement to maintain.</li> <li>Specification of levels of stocks of permitted reserves for specified minerals removed.</li> </ul>	<p>This change is supported as being an improvement, since 'maintaining' also requires, but goes beyond, 'providing'.</p> <p>Specified levels of stocks of reserves to be maintained are necessary in order to ensure there is adequate security of supply and to reflect the timescales and level of investment involved in developing reserves. The existing wording should be reinstated.</p>
<p>taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.</p>	<p>d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.</p>	<p>No change.</p>	<p>No comment.</p>

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
147. Minerals planning authorities should <b>also</b> :	204. Minerals planning authorities should:	No material change.	No comment.
	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;	New sub-paragraph inserted.	POS supports the addition of this sub-paragraph which reflects the Written Ministerial Statement of 16.09.2015 and provides increased clarity on government policy.
when planning for on-shore oil and gas development, <b>including unconventional hydrocarbons</b> , clearly distinguish between the three phases of development (exploration, appraisal and production) <b>and address constraints on production and processing within areas that are licensed for oil and gas exploration or production</b> ;	b) when planning for on-shore oil and gas development, clearly distinguish between, <b>and plan positively for</b> , the three phases of development (exploration, appraisal and production);	Specific reference to unconventional hydrocarbons removed. Requirement to plan positively inserted. Specific reference to addressing constraints removed.	POS accepts the removal of specific references to unconventional hydrocarbons and addressing constraints as the former is covered by the general term 'oil and gas development' and the latter is required by other parts of the NPPF including, in particular, paragraphs 200 and 201. POS accepts the insertion of an additional requirement to 'plan positively' as this reflects general requirements of the NPPF for positive planning in paragraphs 36 a) and 39.

<b>Current NPPF Text (Chapter 13)</b>	<b>Revised NPPF Text (Chapter 17)</b>	<b>Significant Changes</b>	<b>POS Minerals &amp; Waste Comments</b>
encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;	c) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;	No change.	No comment.
indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;	d) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;	No change.	No comment.
encourage capture and use of methane from coal mines in active and abandoned coalfield areas; and	e) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and	No change.	No comment.
provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.	f) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.	No change.	No comment.

Current NPPF Text (Chapter 13)	Revised NPPF Text (Chapter 17)	Significant Changes	POS Minerals & Waste Comments
148. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.	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.	Underground exploration and extraction operations inserted.	POS supports this insertion which extends this paragraph to cover underground exploration and extraction operations in addition to storage facilities.
149. 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.	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.	No change	No comment.