

Appendix 1

Topic	Government justification for making the proposed amendment	Exact proposed text amendment to the NPPF (red = deletions, blue = new text) *Paragraph numbers are as proposed	Governments explanation for the change.	Government proposal for when the changes will take effect.	Implications for South Derbyshire	Government Consultation Question	Proposed South Derbyshire Response
<p><b>Five Year Housing Land Supply (5YHLS)</b></p>	<p>Remove the requirement for local authorities with an up-to-date plan, (which in this case means where the housing requirement as set out in strategic policies is less than 5 years old, to demonstrate continually a deliverable 5-year housing land supply.</p>	<p><sup>9</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites <del>(with the appropriate buffer, as set out in paragraph 74 and its</del> <u>the relevant housing requirement set out in strategic policies is more than five years old, unless these strategic policies have been reviewed and found not to require updating</u>); or where the Housing Delivery Test indicates that the delivery of housing was <del>substantially below (less than 75% of)</del> the housing requirement over the previous three years <u>(unless permissions for housing in excess of 115% of the requirement over the same period have been granted, as set out in footnote 49]</u>.</p> <p><del>74</del> <u>75</u>. Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should <u>monitor</u></p>	<p>To incentivise LPAs to have an up-to-date Local Plan</p>	<p>Spring 2023 when revised NPPF is published</p>	<p>This would mean that the 'presumption in favour of sustainable development' would not apply as often (providing the Council had a Local Plan with housing requirement policies that was less than five years old).</p> <p>It would provide the Council with more security/certainty and would mean that existing resources can be spent developing Local Plans rather than defending appeals. This is particularly important given other proposed changes to the planning system including speeding up the Local Plan process.</p> <p>The changes would make the system more genuinely plan-led.</p> <p>It provides a time buffer to accommodate the lead in times of any large sites allocated in the Local Plan to begin delivering.</p> <p>It could mean that the Council is inundated with speculative applications / appeals at a time when they are trying to prepare a new Local Plan.</p> <p>It puts more pressure on the Council to</p>	<p>Q.1: Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) for as long as the housing requirement set out in its strategic policies is less than 5 years old?</p>	<p>Yes.</p> <p>South Derbyshire District Council agree with this and would support the amendment as drafted.</p> <p>The proposed changes support and incentivises a genuinely plan-led system and provides certainty for planning authorities who have an up-to-date Local Plan.</p>

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	Remove the 5%,10% & 20% 5-year housing land supply buffers from 5YHLS calculation	<p><u>their deliverable land supply against their housing requirement as set out in adopted strategic policies<sup>43</sup>. When the housing requirement set out in strategic policies becomes more than five years old<sup>44</sup>, local planning authorities should</u> identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against <del>their housing requirement set out in adopted strategic policies<sup>45</sup>, or against</del> their local housing need <u>(taking into account any previous under or over-supply as set out in planning practice guidance)</u> <del>where the strategic policies are more than five years old<sup>46</sup>. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:</del></p> <p><del>a) 5% to ensure choice and competition in the market for land; or</del></p> <p><del>b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan<sup>47</sup>, to account for any fluctuations in the market during that year; or</del></p>	To reduce complexity and speed up process	Spring 2023 when revised NPPF is published	<p>review/update the plan within a five-year timescale and is likely to mean that having a two-part plan isn't a viable option.</p> <p>The five-year housing land supply is likely to become more of an issue for debate during Local Plan Examination.</p> <p>If no buffer was applied, then the requirement would fall which should make it easier to demonstrate a five-year housing land supply (because the target is lower).</p> <p>The five-year housing land supply will need to be robust and so it's likely that, although the explicit requirement is removed, a buffer of some sort may need to be included in the calculation which without clear parameters could open us up to debate. It's likely that this will be tested through the Courts.</p> <p>The five-year housing land supply calculation as existing is clear and has been applied for several years. South Derbyshire have been delivering houses and so we currently only apply the lower 5% buffer.</p>	Do you agree that buffers should not be required as part of five-year housing land supply calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?	<p>Yes.</p> <p>South Derbyshire District Council agree with this and would support the amendment as drafted.</p> <p>The requirement for buffers should however be kept under review in light of any legal decisions.</p>

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	<p>Bring position on oversupply in line with that on undersupply, when calculating a 5-year housing land supply i.e. to eliminate penalisation where a local planning authority cannot justify using historic oversupply in its 5-year housing land supply calculations, it can result in a shortfall in a 5-year housing land supply later in the plan period</p>	<p><del>e) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply<sup>48</sup></del></p> <p><sup>43</sup> <u>For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document.</u></p> <p><sup>44</sup> <u>Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.</u></p> <p><del><sup>45</sup> For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document.</del></p> <p><del><sup>46</sup> Unless these strategic policies have been reviewed and found not to</del></p>	<p>To remove penalisation for early delivery (over the requirement)</p>	<p>Spring 2023 when revised NPPF is published</p>	<p>This would mean that where Councils (like South Derbyshire) have been delivering above the annual requirement this could off-set requirements later in the plan period when the oversupply would be taken forwards in five-year housing land supply calculations making it easier to demonstrate a five-year housing land supply in the future.</p> <p>It is likely to make the calculations slightly more complex.</p> <p>The proposed changes support Councils to deliver houses and makes it 'fairer' for those that have (i.e. they aren't penalised later).</p>	<p>Q.3: Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on, or is there an alternative approach that is preferable?</p> <p>Q.4: What should any planning guidance dealing with oversupply and undersupply say?</p>	<p>Yes.</p> <p>South Derbyshire District Council considers that oversupply of homes early in a plan period should be taken into account later on. Councils should not be penalised for delivering swiftly.</p> <p>No alternative approach is proposed.</p> <p>No comment.</p>

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		<p><del>require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.</del></p> <p><del>47. For the purposes of paragraphs 74b and 75 a plan adopted between 1 May and 31 October will be considered 'recently adopted' until 31 October of the following year; and a plan adopted between 1 November and 30 April will be considered recently adopted until 31 October in the same year.</del></p> <p><del>48. This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.</del></p> <p><del>75. 76. A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in an subsequent annual position statement which...</del></p>					
<b>Boosting the status of Neighbourhood Plans</b>	Where a local planning authority's policies for the area covered by the neighbourhood plan are out-of-date extend protection to neighbourhood	14. a) the neighbourhood plan became part of the development plan <del>two</del> <b>five</b> years or less before the		Spring 2023 when revised NPPF is published	Where a Neighbourhood Plan allocates sites to meet its housing requirement (and the Local Plan is more than	Q.5: Do you have any views about the potential changes to paragraph 14 of the existing Framework	South Derbyshire District Council supports the proposed changes.

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	<p>plans that are up to 5 years old instead of the current 2 years.</p> <p>removing tests which currently mean local planning authorities need to demonstrate a minimum housing land supply and have delivered a minimum amount in the Housing Delivery Test for Neighbourhood Plans to benefit from the protection afforded by the Framework</p>	<p>date on which the decision is made;</p> <p>14.  <del>e) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and</del>   d) the local planning authority's housing delivery was at least 45% of that required<del>11 over the previous three years.</del></p>			<p>five years old) the 'presumption in favour of sustainable development' would not apply for up to five years from being 'made' (i.e. adopted) which is an increase from the existing two years.</p> <p>Where a community (through the Neighbourhood Plan process) has taken difficult decisions to allocate sites to meet its housing requirement they should be afforded protection from additional/other development for as long as possible particularly as the speed of delivery of the Local Plan is outside their control.</p> <p>Where a Neighbourhood Plan has not allocated sites to meet its housing requirement the protection from additional development would not apply.</p> <p>South Derbyshire currently has 3 'made' (adopted) Neighbourhood Plans and 2 that are under production. The made plans do not allocate sites for development and so these changes will not affect them.</p>	<p>and increasing the protection given to neighbourhood plans?</p>	<p>The Council considers that Neighbourhood Plans that meet their housing need through site allocations should be afforded protection from additional/other development coming forward outside the plan-led system. Particularly where the triggers for the 'presumption' to apply fall outside of the Control of the Neighbourhood Area (i.e. linked to Local Plan production or delivery of houses over the whole authority area).</p>
<b>Planning for housing</b>	<p>Small additions to paragraphs 1 and 7 of the existing Framework (the Introduction</p>	<p>1. The National Planning Policy Framework sets out the Government's planning policies for England and</p>	<p>intended to signal that providing for necessary development that is</p>	<p>Spring 2023 when revised NPPF is published</p>	<p>Emphases that having an up-to-date Local Plan that meets development requirements (including</p>	<p>Q.6: Do you agree that the opening chapters of the Framework should</p>	<p>South Derbyshire District Council agrees with the principle of</p>

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	and Chapter 2 on Achieving Sustainable Development)	<p>how these should be applied<sup>1</sup>. It provides a framework within which locally-prepared plans <u>can provide</u> for <u>sufficient</u> housing and other development <u>in a sustainable manner</u>. <del>can be produced</del>. <u>Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.</u></p> <p>7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes and other forms of development, <u>including supporting infrastructure in a sustainable manner.</u></p>	integrated with local infrastructure is a core purpose of the planning system, while not negating the fundamental importance of respecting the overarching economic, social and environmental objectives which set out in Chapter 2.		associated infrastructure) in a sustainable manner is a priority.	be revised to be clearer about the importance of planning for the homes and other development our communities need?	preparing up to date plans as a priority. This needs to be accompanied by sufficient resources to do this.
<b>Local housing need and the standard method</b>	<p>Local housing need, assessed through the standard method, is the expectation to inform the preparation of plans; proposed to retain the ability to use an alternative approach where there are exceptional circumstances that can be justified.</p> <p>Clarify that the outcome of the standard method is an advisory starting-point to inform plan-making.</p> <p>Provide more explicit indications in planning guidance of the types of local characteristics which may justify the use of an alternative method.</p>	<p>60 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. <u>The overall aim should be to meet as much housing need as possible with an appropriate mix of housing types to meet the needs of communities.</u></p>	These changes are designed to support local authorities to set local housing requirements that respond to demographic and affordability pressures while being realistic given local constraints.	Spring 2023 when revised NPPF is published.	<p>A standard method for calculating the need means that nationally everyone is starting at the same baseline.</p> <p>Using a standard method means that it is harder for authorities to artificially manipulate or constrain the need figure.</p>	<p>Q.7: What are your views on the implications these changes may have on plan-making and housing supply?</p> <p>Q.8: Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs?</p>	<p>South Derbyshire District Council welcomes the recognition that the type of housing is as important as the quantity.</p> <p>Yes.</p> <p>The exceptional circumstances should be clarified. The issue of exceptional circumstances can be (and will be) used by the development industry to argue that housing</p>

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	<p>Exceptional circumstances examples focus on demographic and geographic factors (i.e. specialist accommodation provision e.g. students or older person).</p>	<p>61 To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. <u>The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area (see paragraph 67 below).</u> <u>There may be</u> <del>—unless</del> exceptional circumstances <u>relating to the particular characteristics of an authority which</u> justify an alternative approach <u>to assessing housing need; in which case the alternative used</u> <del>which should</del> also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.</p>			<p>Where there are exceptional circumstances (the examples given relate to the need to provide a large proportion of a specialist accommodation i.e. student / older person) it should be clear what this is.</p>	<p>Are there other issues we should consider alongside those set out above?</p>	<p>requirements should be significantly higher than the Standard Method, and will amount to a return to the times when local plan examinations could take a week (or more) to examine evidence that has taken a year (or more) to prepare at a very great financial cost to the Council involved.</p>
		<p><del>66.</del> 67 Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. <u>The</u></p>		<p>Spring 2023 when revised NPPF is published.</p>	<p>Explicit reference to meeting a higher figure including the needs of a neighbouring area is now included.</p>		<p>Although not a specific question, this matter needs careful consideration in view of the need to ensure that any unmet need is dealt with in a proportionate and sustainable way.</p>

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		<p><a href="#">requirement may be higher than the identified housing need, if it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment....</a></p>					This is given more detailed consideration under question 9.
	<p>Authorities may take past 'over-delivery' into account, such that if permissions that have been granted exceed the provision made in the existing plan, that surplus may be deducted from what needs to be provided in the new plan</p>	<p>11. b) <a href="#">iii. there is clear evidence of past over-delivery, in terms of the number of homes permitted compared to the housing requirement in the existing plan,; in which case this over-delivery may be deducted from the provision required in the new plan.</a></p>		<p>Spring 2023 when revised NPPF is published.</p>	<p>Over-delivery beyond the Local Plan requirements.</p>	<p>Q.9: Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?</p>	<p>Yes. This change will be helpful in securing high quality development and will assist in avoiding 'town cramming'. South Derbyshire has significant area of land that can (in theory) be developed for lower density of housing, and this change needs to be seen in the context of ensuring that city council's who are in the top 20 urban area in the Country continue to maximise opportunities for higher density development within their own areas.</p>
	<p>Propose to make clear that local planning authorities are not required to review and alter Green Belt boundaries if this would be the only way of meeting need in full.</p>	<p><del>140.</del> 142. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. <a href="#">Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period.</a></p>		<p>Spring 2023 when revised NPPF is published.</p>	<p>This increases pressure on non-GB constrained authorities (i.e. South Derbyshire).</p> <p>As existing Green Belt boundaries can only be altered in 'exceptional circumstances' (which to date has included meeting unmet housing need. If this is no longer an exceptional circumstance it is hard to imagine a circumstance where they would be required to be reviewed/alterd?</p>		
	<p>if housing need can be met only by building at densities which would be significantly out-of-character with the existing area (taking into account the principles in local</p>	<p>11. b) b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses,</p>		<p>Spring 2023 when revised NPPF is published.</p>	<p>Assumes that there isn't other additional land available for consideration (i.e. densities increased on sites already identified).</p>	<p>Q.10: Do you have views on what evidence local planning authorities should be expected to provide when</p>	<p>Clarification should be included that building at densities higher than the existing density, in some</p>

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	design guides or codes), this may be an adverse impact which could outweigh the benefits of meeting need in full	<p>as well as any needs that cannot be met within neighbouring areas<sup>6</sup>, unless:</p> <p>ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.; <u>such adverse impacts may include situations where meeting need in full would mean building at densities significantly out of character with the existing area<sup>8</sup></u></p> <p><u><sup>8</sup> Taking into account any design guides or codes which form part of the development plan for the area, or which are adopted as supplementary planning guidance.</u></p>			<p>Design Codes will be key.</p> <p>There may be situations where the density of new development should/could be increased even if its higher density than the surrounding area (i.e. city centre development).</p> <p>Possible timing issue, where housing need can't be met the design code would need to part of the Local Plan in order to determine capacity of sites (rather than as supplementary planning guidance as the new text states).</p>	making the case that need could only be met by building at densities significantly out-of-character with the existing area?	<p>circumstances (e.g. within an existing city centre), may be appropriate.</p> <p>Evidence could include an assessment of the:</p> <ul style="list-style-type: none"> <li>• Type of settlement where development is proposed.</li> <li>• Details of the existing built form e.g. tall buildings studies.</li> <li>• Proximity to existing services including public transport hubs.</li> </ul>
	propose to simplify and amend the tests of 'soundness' through which plans are examined, so that they are no longer required to be 'justified'. Instead, the examination would assess whether the local planning authority's proposed target meets need so far as possible, takes into account other policies in the Framework, and will be effective and deliverable.	<p>35 Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:</p> <p>a) Positively prepared – providing a strategy which, <del>as a minimum,</del> seeks to meet the area's objectively assessed needs <u>so far as possible, taking into account the policies in this</u></p>	Intended to allow a proportionate approach to their examination, in light of these other evidential requirements	spring 2023 - will not apply to plans that have reached pre-submission consultation stage, plans that reach that stage within 3 months of the introduction of this policy change, or plans that have been submitted for independent examination.	<p>Question does not relate to changes to 'positively prepared' but it's unclear what the expectation is for unmet need.</p> <p>Welcome the recognition that evidence should be proportionate but it's not clear what evidence wouldn't be required at this stage or the application of this by the Planning Inspectorate.</p> <p>Timing with regards to the Duty to Cooperate policy</p>	Q.11: Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?	<p>Yes.</p> <p>The principal of ensuring that evidence should be proportionate is welcomed.</p> <p>The Council notes that there is not a question relating specifically to the amendments to the 'positively prepared' test however South Derbyshire District</p>

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		<p><del>Framework<sup>22</sup>; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;</del></p> <p><del>b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;</del></p>			<p>which remains in place until 2025 but this test is removed straight away.</p> <p>Given the current stage of plan making at South Derbyshire, the proposed amendments would be in place well in advance of the proposed exclusionary thresholds to apply.</p>	<p>Q.12: Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?</p>	<p>Council supports the proposed amendment.</p> <p>Yes.</p> <p>This will help to avoid delay.</p>
<b>Delivering the urban uplift</b>	<p>The government intends to maintain the 35% uplift and to require that this is, so far as possible, met by the towns and cities concerned rather than exported to surrounding areas, except where there is voluntary cross-boundary agreement to do so (for example through a joint local plan or spatial development strategy).</p> <p>propose a change to the Framework (see associated draft revised Framework published alongside this document for details) to make clear in policy how the uplift should be applied.</p>	<p><del>61, 62. The Standard Method incorporates an uplift for those urban local authorities in the top 20 most populated cities and urban centres. This uplift should be accommodated within those cities and urban centres themselves unless it would conflict with the policies in this Framework and legal obligations<sup>30</sup></del></p> <p><del><sup>30</sup> In doing so, brownfield and other under-utilised urban sites should be prioritised, and on these sites density should be optimised to promote the most efficient use of land, something which can be informed by masterplans and design codes. This is to ensure that homes are built in the right places, to make the most of existing infrastructure, and to allow people to live near the</del></p>		<p>Spring 2023 when revised NPPF is published.</p>	<p>The 35% uplift whilst not up for discussion through this paper is a key aspect of the delivery pressures in the area. 35% has not been evidenced as an appropriate figure. Any uplift to the Standard Method in Derby could impact on the requirement for South Derbyshire.</p> <p>Derby City will need to demonstrate that they have maximised the capacity on sites within the City (including via masterplans and design code work).</p> <p>The supporting text refers to ‘voluntary cross-boundary agreements’ to take neighbouring unmet need. The example of how this would work is through a joint local plan or spatial development strategy.</p>	<p>Q.13: Do you agree that we should make a change to the Framework on the application of the urban uplift?</p> <p>Q.14: What, if any, additional policy or guidance could the department provide which could help support authorities</p>	<p>South Derbyshire District Council considers that the 35% uplift is based on an arbitrary figure and is unjustified.</p> <p>Many of these identified areas (including Derby) are tightly administratively constrained and there is limited opportunity for them to expand outwards within their own authority areas which consequently puts pressure on rural neighbouring authorities.</p> <p>South Derbyshire District Council welcomes the clarification in footnote 30 that brownfield and</p>

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		<p><u>services they rely on, making travel patterns more sustainable.</u></p>			<p>For South Derbyshire this would take the form of a joint spatial strategy as it is not proposed to undertake a joint Local Plan.</p> <p>If unmet need from Derby is transposed (through agreement) to South Derbyshire then it should be located so as to make the most of existing infrastructure and allow people to live near the services they rely on).</p>	<p>plan for more homes in urban areas where the uplift applies?</p> <p>Q.15: How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?</p>	<p>other under-utilised urban sites should be prioritised.</p> <p>There should also be recognition that interventions to bring development forwards on more difficult sites should be prioritised / exhausted before the need is outsourced to be met elsewhere.</p> <p>There should also be recognition that for the identified urban local authorities the review/assessment other land within those areas should be prioritised for suitability for development to meet their own need in advance of determining the level of any unmet need.</p> <p>More clarity is needed as part of the 'policy alignment test'. When finalised, this should recognise that there are circumstances such as urban sprawl, erosion of the character of the countryside and unsustainable</p>

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							<p>patterns of development that will make it unsustainable and bad planning to expect district and borough councils to meet any unmet need within a housing market area in its entirety. Where need is 'exported' this should only be on the basis of an agreed position between the Council's involved, and development to be accommodated on well contained sites with long term defensible boundaries, in close proximity to the area of need to avoid the need to make long trips. There should be a clear position, including on viability grounds, to meet cross boundary infrastructure requirements and in particular interlinked green and blue infrastructure, effective highways mitigation including sustainable transport</p>

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	propose to introduce an “alignment policy” as part of a future revised Framework.		to secure appropriate engagement between authorities where strategic planning considerations cut across boundaries	Further consultation on what should constitute the alignment policy will be undertaken	No detail provided as part of this consultation.		prioritisation, and education and health needs to be met on or in close proximity to the site.
<b>Enabling communities with plans already in the system to benefit from changes</b>	where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation which included both a policies map and proposed allocations towards meeting housing need, those authorities will benefit from a reduced housing land supply requirement (4 years).			Spring 2023 when revised NPPF is published and would apply for 2 years.	<p>Lowering the requirement whilst in the more detailed stages of plan preparation is welcomed, this should support a genuinely planned system.</p> <p>At the current time South Derbyshire does have a five year housing land supply and so whilst we would not benefit from this proposed change it does help to resist pressure from speculative development whilst the Local Plan is prepared.</p> <p>The thresholds for the four-year requirement to apply however (particularly in terms of the policies map at regulation 18 consultation) are high and whilst maps of any proposed site allocations would be included in the consultation staffing and skills resources mean that a policies map is unlikely</p>	Q.16: Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?	<p>Yes.</p> <p>The requirement to have a policies map included in the consultation (particularly at Regulation 18) is too high and this aspect of the threshold should be removed.</p> <p>The requirement to demonstrate a four-year supply should also be annually (rather than rolling) as this would allow the Authority to focus on Plan preparation (rather than constantly having to update the land-supply position).</p>

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					<p>to be produced at this stage of consultation.</p> <p>At Regulation 18 consultation it would be unlikely that we could produce a full policies map (given that this is still an initial scoping stage of consultation). If by this the government mean a single map that showing the proposed housing allocations this would be easier to produce.</p> <p>The requirement for this to be a 'rolling' supply would mean that at any point the Council may have to go back and review its position (rather than publish annually). This could have significant resource implications particularly at a critical time in Local Plan production.</p>		
						<p>Q.17: Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?</p> <p>Q.18: Do you support adding an additional permissions-based test that will 'switch</p>	<p>There should be transitional arrangements with a bit more flexibility on timescales.</p>
<b>Taking account of permissions granted in the Housing</b>	Proposing adding to the current Housing Delivery Test an additional permissions-based test.	77. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have		Spring 2023 when revised NPPF is published.	South Derbyshire District Council is currently achieving 145% of the Housing Delivery Test and therefore at the		Yes.

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<b>Delivery Test (HDT)</b>	<p>This will 'switch off' the 'presumption', where it can be demonstrated that there are 'sufficient' deliverable permissions (+15% buffer) to meet the housing requirement set out in its local plan.</p> <p>The preparation of an Action Plan will still be required to assess the causes of housing under-delivery and identify actions to increase future delivery.</p>	<p>permission. Where the Housing Delivery Test indicates that delivery has fallen below <del>95% of</del> the local planning authority's housing requirement over the previous three years, the <a href="#">following policy consequences should apply</a>:</p> <p>a) <a href="#">where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan <del>in line with national planning guidance</del>, to assess the causes of under-delivery and identify actions to increase delivery in future years;</a></p> <p>b) <a href="#">where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote <sup>9</sup> of this Framework<sup>49</sup>, in addition to the requirement for an action plan.</a></p> <p><del>76.</del> <a href="#">78. The Housing Delivery Test consequences set out above will apply the day following the annual publication of the Housing Delivery Test results by DLUHC.</a></p>			<p>current time the consequences for under-delivery do not apply.</p> <p>Notwithstanding this where a Local Planning Authority has been taking steps to rectify this position and has been granting the necessary permissions to meet its requirements it should not be penalised. Particularly as often the delivery of site (beyond the swift grant of planning permissions) is beyond the control of the Council.</p> <p>How the permissions are factored into the housing delivery test results does need some consideration particularly in terms of the expected build out rate (and the length of time that permission can be counted towards meeting the 115% requirement). For example a large permission that is expected to take a few years to begin delivering and will deliver over a number of years should not count towards a single period for Housing Delivery Test purposes (i.e. you can't assume that all houses granted permission will deliver in full from the date of permission over the 3 years of the Housing Delivery Test period).</p>	<p>off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?</p>	

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		<p><sup>49</sup> <u>The presumption is, however, not to be applied if permissions have been granted for homes in excess of 115% of the authority's housing requirement over the applicable Housing Delivery Test monitoring period.</u></p> <p>Glossary:  <b>Housing Delivery Test:</b>  Measures net homes delivered <u>and the number of homes granted permission</u> in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England <del>every November</del> <u>each winter</u>.</p>			<p>This should align more closely with the five land supply calculations in terms of expected delivery rates (thus taking into account permissions granted outside of the HDT period and carrying the delivery rate over a number of years).</p>	<p>Q.19: Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?</p>	<p>Yes.</p> <p>Depending on how it is calculated.</p> <p>How the permissions are factored into the housing delivery test results does need some consideration particularly in terms of the expected build out rate (and the length of time that permission can be counted towards</p>

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							<p>meeting the 115% requirement). For example, a large permission that is expected to take a few years to begin delivering and will deliver over a number of years should not count towards a single period for Housing Delivery Test purposes (i.e. you can't assume that all houses granted permission will deliver in full from the date of permission over the 3 years of the Housing Delivery Test period).</p> <p>This should align more closely with the five land supply calculations in terms of expected delivery rates (thus taking into account permissions granted outside of the HDT period and carrying the delivery rate over a number of years).</p>
	the test's consequences should follow from the			decision on the approach and	The Housing Delivery Test is published annually	<p>Q.20: Do you have views on a robust method for counting deliverable homes permissioned for these purposes?</p> <p>Q. 21: What are your views on the right</p>	<p>See above.</p> <p>No comment. South Derbyshire</p>

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	publication of the 2022 Test or if they should be amended, suspended until the publication of the 2023 Housing Delivery Test, or frozen to reflect the 2021 Housing Delivery Test results while work continues on our proposals to improve it			implementation in due course	(proposed changes only relate to the subsequent consequences of not meeting the Test requirements and not the calculation of the test itself).  Note as above the consequences do not currently apply to South Derbyshire and given the current level of development within the borough its unlikely to affect us even if the latest suggested timescale of publication of the consequences in 2023 results (next year) was applied.	approach to applying Housing Delivery Test consequences pending the 2022 results?	are comfortably meeting the requirements of the Housing Delivery Test.
<b>More homes for social rent</b>	intend to make changes to the Framework to make clear that local planning authorities should give greater importance in planning for Social Rent homes, when addressing their overall housing requirements in their development plan and making planning decisions				Whilst it is important to have a range of different Affordable Housing types. The provision of Social Rented homes should be prioritised over any other forms of Affordable Housing.  Social Rented housing directly meets the acute needs from people that are waiting for housing on the housing register.	Q.22: Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?	Yes.  South Derbyshire District Council considers that Social Rented Affordable Housing provision should be given more weight in planning policy and decision making in order to assist the Council meeting the acute needs of people on the housing register.
<b>More older people's housing</b>	add an additional specific expectation that within ensuring that the needs of older people are met, particular regard is given to retirement housing, housing-with-care and care homes,	<del>62.</del> <u>63</u> Within this context of <u>establishing need</u> , the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in	to ensure that our housing market is prepared for this challenge and that older people are offered a better choice of	Spring 2023 when revised NPPF is published.	South Derbyshire District Council has recently commissioned a local housing needs assessment which will be reviewing the housing need for different groups	Q.23: Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of	Yes.  South Derbyshire District Council supports the proposed amendments to

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	which are important typologies of housing that can help support our ageing population.	planning policies (including, but not limited to, : those who require affordable housing, ; families with children, ; older people <u>including for retirement housing, housing-with-care and care homes</u> ; students, ; people with disabilities, ; service families, ; travellers <sup>34 32</sup> ; people who rent their homes and people wishing to commission or build their own homes <sup>33</sup> ).	accommodation to suit their changing needs, to help them to live independently and feel more connected to their communities.		<p>in the community including older peoples housing (and will cover the specified typologies in the proposed amendments).</p> <p>Ensuring the right type of housing is built within the district is key to ensuring that the needs of the local population are met.</p> <p>It is also worth noting that this list is not an exhaustive list.</p>	specialist older people's housing?	include specified typologies for older peoples housing.
<b>More small sites for small builders</b>	inviting comments on whether paragraph 69 of the existing Framework could be strengthened to encourage greater use of small sites, particularly in urban areas,	<p><del>69</del>. <u>70</u>. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:</p> <p>a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;</p> <p>b) use tools such as area-wide design assessments and Local Development Orders to help bring small</p>	to speed up the delivery of housing (including affordable housing), give greater confidence and certainty to SME builders and diversify the house building market.	seeking initial views, ahead of consultation as part of a fuller review of national planning policy next year.	<p>Small sites will often gain planning consent and be built out in advance of the Local Plan timescales and therefore whilst contributing towards the supply they may not be allocated for development.</p> <p>The 10% requirement for small sites to be identified through the development plan or brownfield registers should be considered in the context of the overall supply (including windfall allowances).</p> <p>There should also be recognition that not all small sites are brownfield sites and therefore wouldn't be identified in the Brownfield Register (which itself is subject to minimum site size and capacity thresholds for inclusion).</p>	Q.24 Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?	These sites often amount to 'windfall development' (i.e. sites not allocated for development). The principle of achieving a range of sites is welcomed and will help to provide a resilient housing supply, but recognition is also needed that a requirement to 'allocate' a certain proportion of small sites is not considered to be the best approach to achieve this. A robust policy framework (including area wide design assessments) in an up-to-date local plan setting out the circumstances where new housing

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		<p>and medium sized sites forward;</p> <p>c) support the development of windfall sites through their policies and decisions –giving great weight to the benefits of using suitable sites within existing settlements for homes; and</p> <p>d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.</p>			<p>The sub-division of larger sites may not be desirable from a LPA perspective as this could have impacts on the delivery of infrastructure and can hinder the latter stages of development.</p>	<p>Q.25 How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?</p>	<p>development will be permitted is considered to be the better approach. No comment.</p>
<b>More community-led developments</b>	<p>strengthen statements to make sure there is more emphasis on the role that community-led development can have in supporting the provision of more locally-led affordable homes.</p> <p>proposing to define community-led developments in the Glossary of the framework to assist in the implementation of this policy change.</p> <p>welcome views on whether the definition of “affordable housing for rent” should be amended to make it easier for organisations that are not Registered Providers</p> <p>make it easier for community groups to bring forward exception sites for affordable housing in rural areas, as they are often particularly well placed to understand</p>	<p><del>78.</del> <u>80.</u> In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, <u>including development proposals from community-led housing groups</u>. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.</p> <p>Glossary: <u>Community-led developments:</u> <u>Community-led developments are those that are driven by non-profit</u></p>		<p>Spring 2023 when revised NPPF is published.</p>	<p>Development of affordable houses to meet identified local need in rural areas is important for South Derbyshire District Council.</p> <p>The changes to the text specifically relate to include development proposals from community led housing groups.</p>	<p>Q.26: Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?</p>	<p>Yes.</p> <p>South Derbyshire District Council supports the proposed amendments to make it easier for community led housing groups to deliver affordable homes in rural areas.</p>

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	community needs and aspirations.	<u>organisations that are owned by and accountable to their community members. The community group or organisation owns, manages or stewards the homes and other assets in a manner of their choosing, and this may be done through a mutually supported arrangement with a Registered Provider that owns the freehold or leasehold for the property. The benefits to the specified community are clearly defined and legally protected in perpetuity.</u>					
	Are there any broader changes that government could make to encourage community involvement in affordable housing delivery, particularly in rural areas					Q.27: Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?	This is a matter for Neighbourhood Plans in combination with national policy requiring the Local Planning Authority to set the strategic housing requirement through it's local plan, but once this is done, if there are local circumstances justified through a neighbourhood plan to exceed the requirement then Neighbourhood Plans should have the flexibility to do that.
						Q.28: Is there anything else that you think would help community groups in delivering affordable	See question 27.

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						housing on exception sites?	
	<p>Should past irresponsible planning behaviour should be taken into account when applying for planning permission?</p> <p>Potential ways to do this?</p> <p>option 1: making such behaviour a material consideration when local planning authorities determine planning applications so that any previous irresponsible behaviour can be taken into account alongside other planning considerations;</p> <p>option 2: allowing local planning authorities to decline to determine applications submitted by applicants who have a demonstrated track record of past irresponsible behaviour prior to the application being considered on its planning merits - similar to the amendment which we have already made to the Levelling Up and Regeneration Bill allowing local planning authorities to decline to determine new applications on sites where the build out of development has been too slow.</p>			<p>require primary legislation, as well as further engagement with local planning authorities, the development sector and other stakeholders to ensure that the proposals are fair, proportionate and workable</p>	<p>In some instances, developer behaviour can be frustrating for the Council particularly when development permissioned is not delivered at the speed expected / assured. This can have implications of the Council in terms of the ability to demonstrate a five-year housing land supply and can mean that the plan-led system is derailed.</p> <p>Judgement of behaviour is subjective which is likely to lead to inconsistencies with application and undoubtedly will open the Council up to potential financial consequences through the legal system.</p> <p>It is difficult to envisage a situation where this could be achieved without the development industry being able to 'play the system' through for example the sale of planning permissions</p>	<p>Q.29: Is there anything else national planning policy could do to support community-led developments?</p> <p>Q.30: Do you agree in principle that an applicant's past behaviour should be taken into account into decision making? If yes, what past behaviour should be in scope?</p> <p>Q.31: Of the 2 options above, what would be the most effective</p>	<p>See question 27.</p> <p>No.</p> <p>South Derbyshire District Council do not believe that this proposal is workable and would not support this being developed further. There is too much potential for applicant's to 'game the system' and this would erode the fundamental and long-standing planning principle that it is the development in question that is the issue, not who is putting the application in.</p> <p>South Derbyshire District Council do not believe that this proposal is</p>

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						mechanism? Are there any alternative mechanisms?	workable and would not support this being developed further.
<b>More build out</b>	<p>intend to introduce 3 further measures, via changes to national planning policy:</p> <p>a) We will publish data on developers of sites over a certain size in cases where they fail to build out according to their commitments.</p> <p>b) Developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate (which is the rate at which homes are sold or occupied).</p> <p>c) The National Planning Policy Framework will highlight that delivery can be a material consideration in planning applications. This could mean that applications with trajectories that propose a slow delivery rate may be refused in certain circumstances.</p>		<p>to incentivise the prompt build-out of permitted housing sites and to support local authorities to act against those who fail to meet these commitments.</p> <p>By improving transparency and public accountability over build out rates once permission is granted, empower local authorities to take account of build out considerations when making planning decisions, and give authorities stronger tools to address build out problems where they arise.</p>	<p>Seeking initial views, ahead of consultation as part of a fuller review of national planning policy.</p> <p>Launching a separate consultation on proposals to introduce a financial penalty against developers who are building out too slowly.</p>	<p>South Derbyshire do not believe that a developer's behaviour should be considered as part of the Local Plan or decision-making process. Therefore the suggested proposals would have limited impact on incentivising developers to build out quicker.</p>	<p>Q.32 Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?</p>	<p>No.</p> <p>South Derbyshire District Council do not believe that past behaviour should be considered when determining planning applications or that these proposed amendments would incentivise development being built out quicker.</p>
<b>Ask for beauty</b>	<p>Intend to consult on introducing secondary legislation so that existing permitted development rights with design or external appearance prior approvals will take into account design codes where they are in place locally.</p> <p>Propose to make the changes to the Framework to</p>	<p>20 Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, (to ensure outcomes support beauty and placemaking), and make sufficient provision<sup>14</sup> for...</p> <p><del>92.</del> <del>94.</del> Planning policies and decisions should aim to achieve healthy, inclusive</p>	<p>better design supports housing supply because we know that communities are more welcoming of new development that is beautiful.</p>	<p>Spring 2023 when revised NPPF is published.</p>	<p>Good design does help communities accept developments.</p> <p>'Beauty' and 'beautiful' are both subjective terms and without hooks to specified assessment criteria it is unlikely that this will have a huge impact on the aesthetics of the</p>	<p>Q.33: Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?</p>	<p>Yes.</p> <p>South Derbyshire District Council would welcome further emphasis on well-designed beautiful places. However, without links to specific assessment criteria for determining</p>

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	<p>emphasise the role of beauty and placemaking in strategic policies to further encourage beautiful development and deliver on the levelling up missions through our national planning policy.</p> <p>Propose to make a stronger link between good design and beauty by making additions to Chapters 6, 8 and 12 of the Framework to further reflect the importance of beautiful development in our everyday lives as recognised by the Building Better, Building Beautiful Commission report so it becomes a natural result of working within the planning system.</p>	<p>and safe places <a href="#">and beautiful buildings</a> which...</p> <p>b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of <a href="#">beautiful</a> <del>attractive</del>, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas;</p> <p><del>124-126.</del> the importance of securing well-designed <a href="#">and beautiful</a>, attractive and healthy places.</p> <p>Title of Chapter 12: 12.Achieving well-designed <a href="#">and beautiful</a> places</p>			<p>development that is delivered.</p> <p>It is also unclear why at 94 b) 'attractive' has been substituted for 'beautiful' (as though they are the same thing), whereas at para 124 'attractive' and 'beautiful' are both included in the text (as though they are different things).</p>	<p>Q.34: Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places' to further encourage well-designed and beautiful development?</p>	<p>what these terms mean then the proposed changes are too subjective and are unlikely to have any tangible impact on the design of development.</p> <p>Yes, although with the qualifying points addressed regarding further guidance.</p>
Refuse ugliness	<p>propose to amend the Framework to encourage local planning authorities to consider how they can ensure that planning conditions associated with applications reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process.</p>	<p><del>135- 137.</del> Local planning authorities <a href="#">should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate, to make enforcement easier.</a> They should <a href="#">also</a> seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the</p>		Spring 2023 when revised NPPF is published.		<p>Q.35: Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?</p>	Yes.

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		permitted scheme (for example through changes to approved details such as the materials used).					
<b>Embracing gentle density</b>	proposed that a reference to mansard roofs as an appropriate form of upward extension would recognise their value in securing gentle densification where appropriate	122. e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. <u>They should also allow mansard roof extensions where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard. Where there was a tradition of mansard construction locally at the time of the building's construction, the extension should emulate it with respect to external appearance. A condition of simultaneous development should not be imposed on an application for multiple mansard extensions unless there is an exceptional justification.</u>	Building upwards in managed ways can help deliver new homes and extend existing ones in forms that are consistent with the existing street design, contributing to gentle increases in density	Spring 2023 when revised NPPF is published.	<p>A mansard or mansard roof (also called a French roof or curb roof) is a multi-sided gambrel-style hip roof characterised by two slopes on each of its sides, with the lower slope at a steeper angle than the upper, and often punctured by dormer windows.</p> <p>Considering that the NPPF (as currently drafted) states that upwards extensions should be allowed (etc.). This does not need further explanation focusing on a specific type of upward extension.</p>	Q.36 Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?	<p>No.</p> <p>South Derbyshire District Council do not consider that a single specific style of roof should be included in this part of the text and would not support the proposed text change as drafted. The existing text is sufficient for this to be considered at a local level by LPAs.</p>

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<b>Delivering biodiversity net gain and local nature recovery</b>	seeking views on how we can strengthen policy and associated national design guidance to promote small-scale changes that can enhance biodiversity and support wildlife recovery.				<p>Examples of small-scale nature interventions include green roofs, rain gardens, rainwater harvesting, permeable pavements and trees.</p> <p>In biodiversity net gain terms consideration needs to be given to small-scale interventions that may not deliver large 'biodiversity credits/ units' and therefore may not be desirable for large scale developments but do have a significant value/impact on biodiversity provision (e.g., small ponds and tree planting).</p> <p>Where proposals have very little/no biodiversity value (e.g. artificial grass) these should be resisted or pursued as a last resort taking into account other factors (e.g. maintenance and reasonable alternatives).</p>	Q.37 How do you think national policy on small scale nature interventions could be strengthened? For example in relation to the use of artificial grass by developers in new development?	<p>South Derbyshire would support the strengthening of small-scale nature interventions.</p> <p>Consideration needs to be given to the value of small-scale interventions that may not deliver large 'biodiversity credits/ units' but do have a significant value/impact on biodiversity provision (e.g., small ponds and tree planting).</p> <p>Where proposals have very little/no biodiversity value (e.g. artificial grass) these should be resisted or pursued as a last resort taking into account other factors (e.g. maintenance and reasonable alternatives).</p>
<b>Recognising the food production value of farmland</b>	propose a change to the current Framework footnote 58 by adding detail on the consideration that should be given to the relative value of agricultural land for food production, where significant development of higher quality agricultural land is demonstrated to be	<sup>67</sup> Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. <a href="#">The availability of agricultural land used for food production should be</a>	maintain a high degree of food security	Spring 2023 when revised NPPF is published.	<p>Consideration would also need to be given to other factors in addition for example the need to ensure sustainable patterns of development etc.</p> <p>If this was a key issue for the government then BMV</p>	Q.38 Do you agree that this is the right approach to making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current	Yes. In combination with this change the Council would support an up to date review of the national classifications of Agricultural Land and whether this is

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	necessary, compared to areas of poorer quality land.	<a href="#">considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.</a>			land should be afforded the same protection as Green Belt when considering the ability to meet housing need.  Should 'significant' be removed from the text of the policy?	references in the Framework on best and most versatile agricultural land?	still fit for purpose in correctly categorising best and most versatile agricultural land.
<b>Climate change mitigation: exploring a form of carbon assessment</b>	whether effective and proportionate ways of deploying a broad carbon assessment exist, including what they should measure, what evidence could underpin them such as Local Area Energy Plans, and how they may be used in a plan-making context or as a tool for assessing individual developments.			will inform a further consultation on national planning policy in due course. Alongside this, the government intends to consult in 2023 on Quantifiable Carbon Reductions guidance as part of the statutory Local Transport Plans process		Q.39: What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?	South Derbyshire District Council considers that a standardised toolkit for Local Authorities to use when undertaking a carbon impact assessment supported with guidance would be beneficial.  The toolkit should consider materials used in construction, design of development to mitigate/adapt to climate change, proximity to infrastructure and sustainable patterns of development.
<b>Climate adaptation and flood-risk management</b>	planning policy should address other climate risks identified in the third Climate Change Risk Assessment, such as overheating and water scarcity, and that it should help put more focus on nature-based solutions and multi-functional benefits				Incentivise the use of nature-based solutions by attributing BNG 'value' to them.	Q.40 Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which	Incentivise the use of nature-based solutions by attributing biodiversity net gain 'value' to them.  Greater value should be

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						provide multi-functional benefits?	attributed to trees, woodlands and vegetation.
<b>Enabling the repowering of existing onshore wind turbines</b>	propose making changes to Paragraphs 155 and 158 of the existing National Planning Policy Framework to enable the re-powering of renewable and low carbon energy where planning permission is needed, and providing that the impacts of any development proposal are or can be made acceptable in planning terms	<p><del>155.</del> <del>157.</del> To help increase the use and supply of renewable and low carbon energy and heat, plans should:</p> <p>a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, <u>and their future re-powering and maintenance</u>, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).</p> <p><del>158.</del> <del>160.</del> When determining planning applications<sup>62</sup> for renewable and low carbon development, local planning authorities should...</p> <p><u>c) approve an application for the repowering and life-extension of existing renewables sites, where its impacts are or can be made acceptable. The impacts of repowered and life-extended sites should be considered for the purposes of this policy from</u></p>	<p>to further reduce our reliance on expensive and imported fossil fuels.</p> <p>a number of onshore wind turbines will be starting to reach the end of their design life over the next few years. The British Energy Security Strategy set out a commitment to support the repowering of existing onshore wind sites when they require updating or replacement.</p>	<p>Spring 2023 when revised NPPF is published.</p> <p>Spring 2023 when revised NPPF is published.</p>	<p>It is appropriate to enabling the repowering and maintenance of existing renewable and low carbon energy sources.</p> <p>Recognition that the baseline for assessing the impact is 'as existing' and not prior to the original consent.</p>	<p>Q.41: Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?</p> <p>Q.42: Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?</p>	<p>Yes.</p> <p>Local plans should recognise the need to upgrade and maintain existing renewable sources of energy.</p> <p>Yes.</p> <p>South Derbyshire District Council supports the repowering and life-extension of existing renewable sites.</p> <p>Consideration should also be given to supporting the repurposing of existing non-renewable energy sites for renewable energy</p>

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		<a href="#">the baseline existing on the site.</a>					development which would benefit from the existing energy infrastructure.
<b>Introducing more flexibility to plan for new onshore wind deployment</b>		<p><a href="#">62 Wind energy development involving one or more turbines can be granted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders, if it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.</a></p> <p>63 Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in either the development plan, <a href="#">or a supplementary planning document identifies an area as suitable for wind energy development (where the development plan includes policy on supporting renewable energy)</a>; and, following consultation it can be demonstrated that the planning impacts identified by the affected local community have been <b>fully</b></p>	<p>To ensure that:</p> <p>Permission is predicated on satisfactorily addressing the planning impacts of onshore wind projects as identified by local communities, and on demonstrable local support for the scheme, learning from best practice and using new digital engagement techniques.</p> <p>Local authorities have a range of routes to demonstrate their support for certain areas in their boundaries to be suitable for onshore wind, outside the overly rigid requirement for onshore wind sites to be designated in the development plan.</p>	<p>Spring 2023 when revised NPPF is published.</p> <p>retain regulations that require onshore wind developers to consult with the local community at pre-application stage, so communities will retain the right to have a say before an application is submitted; provide further information in planning practice guidance to explain how it can be demonstrated that the planning impacts identified by the affected local community have been satisfactorily addressed and the proposal has community support, reflecting our proposed changes to the Framework;</p>	<p>Based on the future on-shore wind generation predictions in South Derbyshire (Derbyshire Spatial Energy Study) large-scale wind energy development is limited.</p> <p>How would community support be determined?</p> <p>As a result of this consultation supplementary planning documents (SPDs) are not proposed to be retained as a future means of adding local context to planning policy (as part of this consultation) and therefore reference to them in footnote 63 seems contradictory in acknowledging their important place within the planning system.</p>	<p>Q.43: Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?</p> <p>Do you have any views on specific wording for new footnote 62?</p>	<p>Yes.</p> <p>South Derbyshire District Council would support the additional routes for approving wind energy development subject that has community support for the proposals.</p> <p>Further guidance should be provided as to the definition of 'community support' and how this is determined.</p> <p>Further consideration should also be given to supporting and incentivising community-led energy projects.</p> <p>Reference to SPDs in footnote 63 seems contradictory given the proposal to remove the ability of Authorities to prepare them in the future.</p>

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		<p><u>satisfactorily</u> addressed and the proposal has <del>their</del> <u>backing, community support.</u></p>		<p>retain current legislation that provides for all onshore wind applications to be considered by local planning authorities rather than through the Nationally Significant Infrastructure Projects regime; and consult in the coming months on the development of local partnerships with supportive communities who wish to host onshore wind in exchange for community benefits such as discounted energy bills; delivering our commitment on this in the British Energy Security Strategy.</p>			
<b>Barriers to energy efficiency</b>	<p>proposed adding new Paragraph 161 to the National Planning Policy Framework to clarify that significant weight should be given to the importance of energy efficiency through adaptation of buildings, whilst ensuring that local amenity and heritage continues to be protected</p>	<p><u>161. To support energy efficiency improvements, significant weight should be given to the need to support energy efficiency improvements through the adaptation of existing buildings, particularly large non-domestic buildings, to improve their energy performance (including through installation of heat</u></p>	<p>To help the delivery of installing energy efficiency measures in their homes, such as improved window glazing and better insulation; and particularly relevant to conservation</p>	<p>Spring 2023 when revised NPPF is published.</p>	<p>Energy efficiency to reduce energy demand is key in South Derbyshire (Derbyshire Spatial Energy Study).</p> <p>Permitted development (amongst other things) currently limits the capacity of the energy generation on existing non-domestic buildings to</p>	<p>Q.44: Do you agree with our proposed new Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their</p>	<p>Yes.</p> <p>The Council agrees that support should be given to improve the energy efficiency of existing buildings.</p> <p>The Council would advise against the term 'large' in the</p>

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		<p><a href="#">pumps and solar panels where these do not already benefit from permitted development rights</a>). <a href="#">Proposals affecting conservation areas and listed buildings should also take into account the policies set out in chapter 16 of this Framework</a>.</p>	areas and listed buildings		<p>1MW and so anything beyond that would require planning permission.</p> <p>'Large' in the context of the size of non-domestic buildings is subjective and it would be useful if this was defined.</p> <p>National policy should consider prioritising suitable under-utilised space on existing buildings in advance of development on agricultural fields.</p>	energy performance?	<p>policy unless this is going to be defined elsewhere.</p> <p>Consideration should also be given, through national policy and guidance, to adaptations to existing building being prioritised over other land intensive energy developments (e.g., large scale solar farms on agricultural land).</p> <p>Further guidance and support should be given to support historic areas and Listed Buildings to undertake energy efficiency improvements.</p>
<p><b>Giving time to finalise and adopt plans already in development before the reformed plan-making system is introduced</b></p>	<p>Plan makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework - this will mean that existing legal requirements and duties, for example the Duty to Cooperate, will still apply.</p> <p>We are also proposing that all independent examinations of local plans, minerals and waste plans and spatial development strategies must</p>	<p>224. For the purposes of the policy on larger-scale development in paragraph 22, this applies only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage at the point <del>this</del> previous version of this Framework was published on 20 July 2021(for Spatial Development Strategies this would refer to consultation under section 335(2) of the Greater</p>		<p>Spring 2023 when revised NPPF is published.</p> <p>The reformed plan-making system is intended to be introduced in late 2024.</p>	<p>This timescale is already quite tight as it is very much in the interest of SDDC to get a replacement Part 1 Local Plan in place by this date with the LDS currently anticipating adoption by the end of 2024. This timescale is ambitious but achievable provided work with HMA partners is progressed as planned under the current duty to cooperate.</p>	<p>Q.45: Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?</p>	<p>The Council agrees with the principle of transitional arrangement with some flexibilities allowed on the basis that there are some issues that need resolving that are outside the Councils control.</p>

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	<p>be concluded, with plans adopted, by 31 December 2026. These plans will be examined under the current legislation.</p>	<p>London Authority Act 1999).</p> <p><u>225. For the purposes of the tests of soundness in paragraph 35 and the policy on renewable and low carbon energy and heat in plans in paragraph 156, these policies apply only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage, or that reach this stage within three months, of the publication of this version. For Spatial Development Strategies, this applies to plans that have not reached consultation under section 335(2) of the Greater London Authority Act 1999, or are within three months of reaching this stage. For all other plans, the policy contained in the corresponding paragraph in the National Planning Policy Framework published in July 2021 will apply.</u></p> <p><u>226. From the date of publication of this revision of the NPPF, for the purposes of changes to paragraph 61, for decision-taking, where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18</u></p>					

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		<p><u>or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) consultation which included both a policies map and proposed allocations towards meeting housing need, and the housing requirement as set out in strategic policies has become more than five years old in the extant plan, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against their local housing need instead of a minimum of five years as set out in paragraph 75 of this document. These arrangements will apply for a period of two years from the publication date of this version.</u></p> <p><del>224. The Housing Delivery Test will apply the day following publication of the results, at which point they supersede previously published results. Until new Housing Delivery Test results are published, the previously published result should be used. For the purpose of footnote 8 in this Framework, delivery of housing which was substantially below the housing requirement</del></p>					

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		<p><del>means where the Housing Delivery Test results:</del></p> <p><del>a) for years 2016/17 to 2018/19 (Housing Delivery Test: 2019 Measurement, published 13 February 2020), indicated that delivery was below 45% of housing required over the previous three years;</del></p> <p><del>b) for years 2017/18 to 2019/20 (Housing Delivery Test: 2020 Measurement, published 19 January 2021), and in subsequent years indicate that delivery was below 75% of housing required over the previous three years.</del></p>					
<b>Setting out the timeline for preparing local plans, spatial development strategies, minerals and waste plans and supplementary plans under the reformed system</b>	Reformed System = <ul style="list-style-type: none"> <li>• Live in late 2024, requirement to start work on new plans within 5 years of adoption and to adopt new plan within 30 months.</li> <li>• If the 30<sup>th</sup> June deadline is not met the plan will need to be prepared under the new system.</li> <li>• Where a plan becomes more than 5 years old during the first 30 months of the new system it will be considered 'up-to-date' for 30 months after the new system starts.</li> <li>• Where an 'early review' requirement is required within the first 30</li> </ul>		To ensure that local planning authorities are protected from the risk of speculative development while preparing their new plan.			Q.46: Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?	The Council agrees with the principle of transitional arrangement with some flexibilities allowed on the basis that there are some issues that need resolving that are outside the Councils control.

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	months after the system goes live the deadline will be extended to 30 months after the new system goes live.						
	Neighbourhood plans - submitted for examination after 30 June 2025 will be required to comply with the new legal framework					Q.47: Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?	No comment.
	Supplementary planning documents - authorities will no longer be able to prepare supplementary planning documents (SPDs) when the new system comes into force (expected late 2024), existing SPDs will remain in force for a time-bound period (until the local planning authority is required to adopt a new-style plan). Current SPDs will automatically cease to have effect at the point at which authorities are required to have a new-style plan in place.					Q.48: Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?	No. SPD's are an agile way for LPAs to respond quickly to changing circumstances (including changes to national policy or Regulations). They may also be key to guide the local interpretation of the National Development Management Policies. The proposal to replace these with Supplementary Plans (which need to go through a process of formal examination) will add extra burdens onto LPAs in terms of resources and will make the system more complex and will reduce the LPAs ability to respond quickly to change.

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<p><b>The scope of National Development Management Policies</b></p>	<p>he government’s initial view is that National Development Management Policies would fall within 3 broad categories:</p> <p>Existing policies aimed at decision-making already provided within the National Planning Policy Framework, subject to these being reviewed on a case-by-case basis so that the rationale for their inclusion is clear;</p> <p>Selective new additions to reflect new national priorities, for example net zero policies that it would be difficult to develop evidence to support at a district level, but which are nationally important.</p> <p>Selective new additions to close ‘gaps’ where existing national policy is silent on planning considerations that regularly affect decision-making across the country (or significant parts of it).</p> <p>We also propose that any National Development Management Policies would adhere to a number of principles:</p> <p>Covering only matters that have a direct bearing on the determination of planning applications;  Limited to key, nationally important issues commonly encountered in making decisions on planning applications across the</p>				<p>It will be very difficult to get an appropriate balance between adding clarity on issues that apply nationally (such as flood risk) and not undermining the ability to develop an appropriate local policy approach. National policy is already clear in that vulnerable development in high-risk flood areas should be avoided. It is difficult to see how a national policy could assist greatly in defining what (if any) local issues apply to mitigate this. There is a risk that national policies could add very little to current national policy, could result in unintended consequences of undermining existing up to date local plans (and delaying the preparation of future ones) with the extra consideration of consistency with the new national policies.</p>	<p>Q.49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?</p>	<p>It will be very difficult to get an appropriate balance between adding clarity on issues that apply nationally (such as flood risk) and not undermining the ability to develop an appropriate local policy approach. National policy is already clear in that vulnerable development in high-risk flood areas should be avoided. It is difficult to see how a national policy could assist greatly in defining what (if any) local issues apply to mitigate this. There is a risk that national policies could add very little to current national policy, could result in unintended consequences of undermining existing up to date local plans (and delaying the preparation of future ones) with the extra consideration of consistency with the new national policies.</p>

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	country (or significant parts of the country); and solely addressing planning issues, in other words that concern the development and use of land. National Development Management Policies would not address subjects which are regulated through other legislation, for example the building regulations or acts relating to public health, pollution, and employment; although we are minded to retain the scope for optional technical standards to be set locally through plans, where these remain appropriate, so that local planning authorities can go above certain minima set through building standards.					Q.50 What other principles, if any, do you believe should inform the scope of National Development Management Policies?	No comment.				
	<p>Indicative examples of 'gaps' where national policy is silent on common decision-making issues, which National Development Management Policies might address, are provided in the table below</p> <table border="1" data-bbox="439 1423 851 1894"> <thead> <tr> <th data-bbox="439 1423 647 1570">Topic</th> <th data-bbox="647 1423 851 1570">Rationale for including</th> </tr> </thead> <tbody> <tr> <td data-bbox="439 1570 647 1894">Carbon reduction in new developments</td> <td data-bbox="647 1570 851 1894">A national policy on carbon measurement and reduction could set a baseline</td> </tr> </tbody> </table>	Topic	Rationale for including	Carbon reduction in new developments	A national policy on carbon measurement and reduction could set a baseline					<p>Q.51: Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?</p> <p>Q.52: Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?</p>	<p>No comment.</p> <p>No comment.</p>
Topic	Rationale for including										
Carbon reduction in new developments	A national policy on carbon measurement and reduction could set a baseline										

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	<p>whilst enabling authorities to set further measures in their own plans based on parameters set in national policies, perhaps through an optional technical standard to allow for consistency and sound decision making. Chapter 7 of this prospectus outlines our thinking on how national policy could go further on the environment and climate change.</p> <hr/> <p>Allotments      A policy issue that has relevance across many authorities</p>						

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	<p>who seek to protect this land use against development. This may not require an individual National Development Management Policy but, instead, might be incorporated into a wider policy on protection of green spaces.</p> <hr/> <p>Housing in town centres and built-up areas</p>						
	<p>National policy does not currently contain a policy explicitly encouraging or supporting the development of housing in built-up areas that are accessible and connected by sustainable transport modes. Local</p>						

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	<p>plans frequently contain this sort of policy, so creating a National Development Management Policy for this could help standardise expectations across the country and deliver more housing in suitable areas. This could be included in a general policy about housing on brownfield land, space above shops, or town centres (potentially building upon the paragraph 86(f) of the existing National Planning Policy Framework).</p>						
	<p>We are therefore interested in any and all bold, innovative ideas through which the planning system can better</p>					<p>Q.53: What, if any, planning policies do you think could be included in a new</p>	<p>No comment.</p>

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	enable the government to achieve its levelling up missions.					Framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?	
<b>Levelling up and boosting economic growth</b>	propose to reshape the existing 'Building a strong competitive economy' policies to align more closely with the economic vision set out in the Levelling Up White Paper		support local planning authorities to attract new business investment to areas that have lagged in the past; whilst making sure that those parts of the country with high levels of productivity can continue to capitalise on their performance and potential and attract investment as they do now. We also want to make sure that planning policies/decisions support SMEs grow and develop			Q.54: How do you think the Framework could better support development that will drive economic growth and productivity in every part of the country, in support of the levelling up agenda?	The provision of appropriate resources, including financial resources is key to unlock the delivery of difficult sites which in turn will drive economic growth. Viability issues are often the biggest barrier to delivery particularly in existing urban areas and city centres.
			In support of levelling up, the UK government will target the majority of delivery on brownfield sites outside London and the south east. As part of the wider Framework review, we therefore want to make sure that national planning policies are fully supportive of our aim to gently			Q.55: Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?	Yes. This point is covered in the response to earlier questions.  The provision of appropriate resources, including financial resources is key to unlock the delivery of difficult brownfield sites.

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			densify our urban centres, especially outside London and the south east. In previous chapters we pose questions on boosting small sites and mansard roofs, but we are interested in wider proposals for boosting existing planning policies on brownfield land.				
<b>Levelling up and boosting pride in place</b>	we want to understand if national planning policy should do more to enable local authorities to consider the safety of women and girls, and other vulnerable groups, when setting policies or making decisions					Q.56: Do you think that the government should bring forward proposals to update the Framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups feel safe in our public spaces, including for example policies on lighting/street lighting?	The Council agrees that the safety of women and girls is an important issue however all members of the community should feel safe in public spaces.
	intend to explore the creation of a more accessible and interactive, web-based set of national policies (both the statutory National Development Management Policies and the residual National Planning Policy Framework). PDF versions of policies would be retained for those who need them.					Q.57 Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?	No comment.
						Q.58 We continue to keep the impacts of	No comment.

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