

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

12 October 2011

Report of the Director of Planning Transport and Leisure

Part 1- Public

Executive Non Key Decisions

1 NATIONAL PLANNING POLICY FRAMEWORK – CONSULTATION

Summary

The Government is consulting on a draft of the National Planning Policy Framework which consolidates 1000 pages of existing policy and guidance into a document only 52 pages long. This report considers the implications of the document and recommends a response to the consultation.

1.1 Introduction

1.1.1 Following an open consultation earlier this year on what it should contain, the Government has now published for consultation a draft of its National Planning Policy Framework (NPPF). It reduces over 1000 pages of current national policy set out in Planning Policy Statements/Guidance (PPS/PPGs 1 to 25) down to just over 50 pages. Most of the existing national policy has been retained in a highly summarised form, but there are some new areas and some significant changes of emphasis. The deadline for comments is 17 October 2011. The intention is that this report and the detailed comments in **Annex B** should be sent Government with copies under covering letters directly to the Minister and the local MPs.

1.2 The main themes

1.2.1 The key theme of the document is delivering sustainable development. This is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Government considers it critical that planning operates to encourage growth, since without economic growth a sustainable future cannot be achieved. The Government has made it plain that the approach to planning is strongly allied to other planks of national policy, including the economy in general and on public sector financing.

1.2.2 The draft NPPF sends a strong signal to local authorities about the need to plan proactively for appropriate new development and not to hinder or prevent development or burden it with onerous requirements. The presumption in favour of sustainable development is a “golden thread” running throughout the document. The default answer to development should be “yes” unless the adverse impacts of

allowing development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

- 1.2.3 Significant weight is afforded to the benefits of economic and housing growth. In this respect, Local Plans (the term is reintroduced by the NPPF) should be prepared on the basis that objectively assessed local development needs should be met in full, with sufficient flexibility to respond to rapid shifts in demand or other economic changes. Proposals that accord with a Local Plan should be approved without delay. Where a plan is “absent, silent, indeterminate or out-of-date” permission should be granted unless the proposal conflicts with the policies in the NPPF.
- 1.2.4 The NPPF supports the localism agenda. It sets out the Government’s requirements for the planning system “only to the extent that it is relevant, proportionate and necessary to do so”. In effect, it delegates the detail of plan-making and decision-taking to the local level since most guidance has been removed. Following the impending abolition of Regional Spatial Strategies (RSS) it will be the only statement of planning policy between the national and local level. In the absence of regional housing targets it will be for local authorities to set their own local targets having regard to the evidence of local housing need and this should be done in collaboration with neighbouring authorities within housing market areas. In this respect, it is anticipated that neighbouring authorities may have to voluntarily share meeting those needs across boundaries. Neighbourhood Plans will need to be in accordance with the NPPF and in general conformity with the “strategic policies” of the Local Plan. Neighbourhoods will have the power to promote more development than in the Local Plan.
- 1.2.5 For us at Tonbridge and Malling, the NPPF will set a key direction for the production of the next Local Plan which in turn will establish the pattern of development and planning policies for local communities in the Borough.

1.3 The main changes

- 1.3.1 Whilst most planning policy has been carried forward the following matters have changed:
- Office (B1) development has been removed from the “Town Centre First” policy;
 - The time horizon for assessing the impact of retail and leisure development has changed from 5 to 10 years;
 - Maximum non-residential car parking standards have been removed;
 - The specific “Brownfield Land First” policy and the target of (60%) has gone;

- The five year land supply must include a margin of at least 20% above the requirement for that period;
- The Rural Exception Site policy has gone;
- There is a commitment to support the retention of community facilities (developers may have to justify why their development removes such facilities)
- Green Belt policy remains more or less unaltered, apart from the following:-
 - redevelopment of any site in the Green Belt is allowed, not just those identified as Major Developed Sites in the Development Plan;
 - Any building, not just a dwelling, can be extended or rebuilt;
 - local transport infrastructure is allowed if a requirement can be demonstrated
 - Community “Right to Build” schemes will be acceptable in the Green Belt.
- An ability to identify “Local Green Spaces” to which effectively Green Belt policy will apply;
- A strategic approach to Green Infrastructure is required;
- A pro-active approach to identifying opportunities for renewable and low carbon energy;

One of the main, and perhaps most important, changes is one not occasioned by the NPPF itself, but by the proposal in the Localism Bill to abolish the Regional Strategies and the housing targets they contained. It will now be for local authorities to set their own targets and in this respect the NPPF says that **local needs should be met in full**.

1.3.2 **Annex A** is a very brief synopsis of all of the main policy requirements set out in the NPPF. The full document may be viewed at :

<http://www.communities.gov.uk/publications/planningandbuilding/drafftframeworkconsultation>

1.4 **Commentary**

1.4.1 When commenting earlier this year on what the NPPF should contain, we said that “in principle, a rationalisation and consolidation of existing national policy is to be welcomed, provided it is clear and unambiguous and deals comprehensively with those matters that need to be dealt with at the national level in order to ensure a fair and consistent approach” (PTAB - 22 February 2011).

- 1.4.2 In the event, the consultation draft NPPF is a remarkably comprehensive document, bearing in mind it has reduced over 1000 pages of policy and guidance down to only 52. It is also generally well written in terms of plain English. As outlined in Section 1.2 above and in **Annex A**, in terms of subject matter nearly all areas covered by the previous PPG/PPSs have been retained and there is little that has fundamentally changed, so why has it received such an adverse reaction in the national press?
- 1.4.3 The problem is in the tone and emphasis of the document. There is absolutely no doubt that the Government wishes to send a message to the development industry and the markets that it is strongly in favour of growth and new development and that the planning system must not be seen as obstructing this objective. Indeed, without a shift in this direction it is difficult to see how the planning system can deliver the approach to housing and economic growth needed to address the needs and wider well-being of local communities across the country. However, this has been interpreted by some as being a developers' charter. But is this entirely fair? Despite a natural reluctance in many areas to welcome new development, there is often an identified need for homes, jobs and other investment to sustain communities that should be balanced against other factors. The key to this is so often 'getting the message across' about why change and growth can be beneficial in the round. As is so often the case, the devil is in the detail, or in this case, the lack of it. **Annex B** is a comprehensive draft response to the consultation for Members' endorsement. I set out below some of the main issues of particular interest to this Borough.

Presumption in favour of development

- 1.4.4 Much has been said in the press about the presumption in favour of sustainable development as though this is something new. In fact, there has been a presumption in favour of development since the Town and Country Planning system came into effect in 1947. In 1990 the presumption was amended so that planning applications should be determined in accordance with the development plan (which itself had to be sustainable) unless material considerations indicate otherwise. On first reading of the presumption in favour of development the primacy of the development plan appears to have been lost, but elsewhere in the document (para 62) it clearly says that the system is plan-led and that "Local Plans are the starting point for the determination of any planning application".
- 1.4.5 Of perhaps greater concern to some has been the oft-quoted statement that "where a plan is absent, silent, indeterminate or out-of-date" the default answer should be "Yes" and permission should be granted. But the important caveat is rarely quoted, which is that this is only the case if the development does not compromise the key sustainability principles set out in the NPPF. Development can still be refused if it can be demonstrated that the impacts "would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole" (ie. all 88 policies summarised under **Annex A**). So there is not necessarily a carte blanche for development, although I do believe that

this tips the balance too far in favour of development and would be a very difficult test to apply in practice bearing in mind that the NPPF contains policies that point firmly in different directions. Greater clarity is necessary to ensure that local considerations properly and proportionately assessed against the NPPF can also weigh in the balance. In particular, the NPPF should indicate explicitly that the principle of “other material considerations” established in law cannot be overridden by the NPPF and that there will therefore still be cases where such consideration might justify refusal for good reason.

- 1.4.6 There are problems because the term “out-of-date” is not defined, other than in terms of a plan being in compliance with the NPPF. I believe it would be difficult to demonstrate that any plan, including our own LDF, was totally in accordance with all 88 policies set out in **Annex A**. It is most important that plans like ours do not lose their status as soon as the NPPF is published. The NPPF says that authorities can have the option of seeking a **Certificate of Conformity** with the NPPF. Putting on one side, the rather strange optional nature of the process (what would be the status of a plan if an authority simply chose not to seek a Certificate?), it is my view that certification would be an extremely cumbersome, complex, time-consuming, expensive and completely unnecessary process.
- 1.4.7 Under **Annex B** I put forward some suggested changes to the wording of the NPPF which are aimed at re-asserting the primacy of the development plan and avoiding the need for certification. In terms of the presumption in favour I believe it should say:

There should be a presumption in favour of development which is in accordance with an up-to-date, adopted development plan unless material considerations indicate otherwise.

One such material consideration would be the policies in the NPPF. For a plan to be considered “up-to-date” it should be in “general conformity with” the NPPF (not “consistent with”). The term “general conformity” enables some local flexibility in line with the current localism agenda. A plan would not have to be consistent with every one of the 88 NPPF policies to be considered to be in general conformity. If these words are used then the complex certification process is not necessary. To the extent that the policies of the Local Plan are at variance with the NPPF, so the NPPF would simply take precedence. This is no different to the situation that has previously existed every time a new PPS was published. I fear that unless clarity is provided on this range of matters we will see a significant growth in planning appeals.

- 1.4.8 There is one other concern about plans being “silent or indeterminate” on particular issues which is that this might lead to authorities attempting to cover every eventuality in their Local Plans, contrary to the intention that Local Plans should be concise documents. A longer plan will take longer and be more expensive to produce.

Definition of Sustainable Development

- 1.4.9 There is a lack of consistency in the definition of sustainable development with other Government publications on the matter. More particularly the principles of sustainable development depend upon a balanced judgement being made in the light of local circumstances at the time a proposal is being considered. It depends upon balancing the three pillars of sustainability (economy, society and the environment). These are correctly referred to in the NPPF but the balance of the whole document is too much in favour of the economic element. Whilst economic growth and sustainability are not incompatible, it is not possible as matter of national policy to prioritise one facet over all others. That balanced judgement can only be made in relation to an individual proposal at the time the decision is made.
- 1.4.10 Certainly the loss of the explicit “***Brownfield First***” policy is contrary to the principles of sustainable development where the re-use of an existing resource is a much more sustainable solution than developing a greenfield site.

Planning for Housing

- 1.4.11 One of the most significant aspects of the NPPF is that, in the absence of any regional targets, authorities will now be required to “use an evidence base to ensure that the Local Plan meets **the full requirements** for market and affordable housing in the market area”. This should be based upon a Strategic Housing Market Assessment (SHMA). To remind Members, the RSS requires the provision of 450 dwellings a year in Tonbridge and Malling, whilst our SHMA identified needs well in excess of 1000 dwellings a year. The NPPF expects there to be joint working on this issue and for authorities to meet the requirements of neighbouring authorities if the identified needs cannot be met in those authorities’ areas. This could be by means of a joint committee, a memorandum of understanding or a jointly agreed strategy.
- 1.4.12 Authorities will not only have to identify a rolling 5 years supply of deliverable housing sites (as previously) but “include an additional allowance of at least 20% to ensure choice and competition in the market for land”. Furthermore, authorities are not allowed to make an allowance for windfall development (ie development on sites not specifically identified in the Plan). In this Borough windfall completions have averaged around 200 a year. That could amount to 3,000 additional dwellings above the planned requirement over a 15 year plan period added to which will now be the additional 20%. It is therefore important that windfall development should be counted. The additional 20% seems to be a totally arbitrary figure and is unnecessary if the 5 year supply contains demonstrably deliverable sites. Of course, if the market advanced more than the intended supply in the five year period there would in most cases be no real reason to resist further development proposals, subject to all the other tests. Indeed, that is exactly what happened in this Borough when the market was buoyant.

- 1.4.13 I believe this whole approach is fraught with difficulties, particularly the joint working arrangements (bearing in mind neighbouring authorities will all be at different stages in their planning processes) and the use of SHMAs is not an appropriate basis for identifying need because they tend to measure housing aspirations rather than need. Aiming to meet needs **in full** may be extremely difficult, particularly in Green Belt areas. It is disingenuous of the Government to suggest that it is continuing to defend the Green Belt when meeting full development requirements in an entirely Green Belt authority (like those in Surrey, for example) will be extremely difficult without the loss of Green Belt land. This demonstrates that, in parts, the NPPF includes policy that is so absolute and unwaiving that it will create tensions incapable of resolution, unless it is made clear that it is subject to local priorities and policy application.
- 1.4.14 In Tonbridge and Malling we have the benefit of a small part of the Borough lying outside of the Green Belt, but much of this area is covered by other planning constraints. Some very difficult planning choices will need to be made under this new regime unless it becomes more realistic in its approach. In this respect, it is not helpful that the former "**Exception Site**" Policy has been lost because this was a means, under exceptional circumstances, of bringing forward housing to meet local affordable housing needs in the rural areas, including the Green Belt.
- 1.4.15 The requirement to meet housing needs in full is incompatible with the principle of localism where it should be a choice at the local level as to how much of the identified need should and could be met having regard to local economic and environmental circumstances. In this respect, it must be born in mind that there will be important incentives for the Council to encourage the delivery of housing both to meet affordable housing needs and to secure the New Homes Bonus. In this respect, I am surprised that the NPPF makes no mention of the weight that should be afforded in planning decisions to the financial incentives to encourage development (a requirement that is likely to be included in the Localism Bill).

Development Planning

- 1.4.16 Members will note, and no doubt welcome, the fact that the titles Local Development Framework and Core Strategy will no longer exist, but instead we will revert to the term Local Plan. This will be a Development Plan Document (DPD). The number of separate DPDs that we can produce under the new arrangements will be up to us. This change is to be welcomed, but I think it would be helpful if the NPPF distinguished between the Local Plan, which should contain high level strategic policies (like those in the Core Strategy) as well as Development Management policies (like those in the MDE DPD) and a Development Allocations Document which in my view ought to remain as a separate document so that it can be updated more regularly without the need to review the entire plan.
- 1.4.17 Having regard to the comments above about the issue of Certification, it is going to be important that the NPPF includes some practical ***transitional***

arrangements so that existing adopted DPDs, like ours, do not lose currency when the NPPF comes into effect. Transitional arrangements need to be made clear in the NPPF such that existing adopted DPDs (to the extent that they are in general conformity with the NPPF) will automatically be regarded as the Local Plan for the Borough until such time as they are reviewed. We also need some form of transitional arrangement to avoid a policy vacuum and enable appropriate weight still to be given to certain RSS policies which support and underpin our LDF policies. These were specifically omitted from the LDF because the previous advice was not to duplicate policies in higher level documents.

- 1.4.18 I have a concern about the restrictions to be placed on the preparation of **Supplementary Planning Documents** (SPD) which the NPPF says can only be prepared where their production “can help bring forward sustainable development at an accelerated rate and must not be used to add financial burdens on development”. Our Affordable Housing SPD and Character Area Appraisals SPD would not pass these tests which are too restrictive and do not allow SPDs to be prepared to positively and constructively amplify policies in an adopted plan, which should be their primary purpose.
- 1.4.19 I likewise have concerns that the inter-relationship between the Local Plan and **Neighbourhood Plans** has not been clarified by the NPPF. It says that Neighbourhood Plans must generally conform with the “strategic policies of the Local Plan”, but when a Neighbourhood Plan is adopted its policies then take precedence over the Local Plan. This needs clarification. It makes it clear that a Neighbourhood Plan can identify more development than the Local Plan, but it does not overtly say that they cannot provide less. More particularly the words “strategic policies of the Local Plan” do not make it clear that once the Local Plan has allocated a site for development a Neighbourhood Plan cannot change it. This is important in terms of providing confidence to landowners and developers.

Green Belt

- 1.4.20 Green Belt policy itself is hardly changed by the NPPF. The main impact on the Green Belt will come from the pressure to meet the full development needs of the area. However, one change that does raise some concern is the fact that any building can be extended or altered provided it does not result in disproportionate additions over and above the size of the original building and any building may be replaced provided the new building is not materially larger than the one it replaces. Previously (in PPG2) this policy only applied to dwellings. It will now apply to any building regardless of its location, condition or former use. This could result in a lot more residential development in the Green Belt as disused agricultural and other buildings are re-used for housing.
- 1.4.21 I have always been of the view that the size of the original dwelling is immaterial as to whether an extension or replacement is acceptable. What is more important is that the new building has no worse, and preferably less, impact on the openness of the Green Belt. There may be circumstances where a larger building

might achieve this objective (eg replacing a three storey building with a larger two storey building in a less conspicuous location.). In **Annex B** I suggest some alterations to the text to meet these concerns.

- 1.4.22 I am concerned that a development brought forward under a **Community Right to Build Order** is being regarded as appropriate development in the Green Belt. It is hard to see how, what might be quite large developments, are going to preserve the openness of the Green Belt. It would be better, as mentioned earlier, to re-instate the Exception Site Policy from PPS3 so that such developments can be promoted under the “very special circumstances” rule.

Employment Land

- 1.4.23 The NPPF indicates that the long term protection of employment land should be avoided and that applications for alternative uses (residential or retail, for example) should be considered on their merits. This advice seems contrary to the objective of promoting economic development and also at odds with the current consultation on the review of Local Government Finance which proposes, inter alia, the localisation of Business Rates as an incentive to encourage further economic development. It could lead to a shortage of available employment land and eventually the need allocate fresh land (probably greenfield) for employment purposes. In **Annex B** I commend the approach previously included in PPS4, which only allowed such changes when a plan was being reviewed when the wider implications of releasing the site for other purposes can be properly considered.

Flooding

- 1.4.24 The policies on flooding have been brought forward from PPS25 unaltered but considerably simplified. I have some detailed criticisms which are set out in **Annex B**, but the fundamental point is that the opportunity has not been taken to recognise that many towns (like Tonbridge) are, for historical reasons, centred on rivers. In the light of the thrust of the NPPF in encouraging economic development and growth, the flooding policies should recognise that in such centres the primary objective should be to pursue risk management, mitigation and enhancement to allow the development to happen in a safe and acceptable way, rather than to start with a presumption against that development.

Climate Change, Open Space and the Natural Environment

- 1.4.25 I am pleased to say that these policies seem to be generally supportive of the approach that this authority has followed in the MDE DPD. I do have some concerns on points of detail and some of the natural environment protection policies seem a little weak. Where this is the case comments are made in **Annex B**. I am, however, concerned that there is nothing in the NPPF that seeks to protect the countryside for the sake of its intrinsic qualities. I have suggested some words in **Annex B** to address this omission.

Enforcement

Enforcement is conspicuous by its absence. There is no mention of this important aspect of Development Management anywhere in the document. This is an omission that needs to be rectified. The NPPF needs to include a clear policy on the importance of ensuring that development is compliant with permissions granted for sustainable development and a firm basis for local authorities to make expediency judgements as to whether to enforce against unauthorised developments. This would reflect a general expectation that if local communities are to accept generally higher levels of development, then those developments should be governed by stronger controls in respect of their implementation and sustainability credentials. Equally so for unauthorised development in this context.

Supplementary Guidance

- 1.4.26 The question is asked as to what other Guidance might be necessary and who should provide it. In **Annex B** I list the areas where I believe further Guidance is necessary to ensure a consistent approach. However, I make the point that, whilst it is not important who prepares it, it is important that that it is carefully co-ordinated by Government and ultimately endorsed by Government. What we have to be wary of is the amount of Supplementary Guidance growing out of control so that we are back to a 1000 pages of Guidance again. It is particularly important that such Guidance is not duplicated by different organisations.

1.5 Gypsies and Travellers

- 1.5.1 At PTAB in July 2011 I reported on a Government consultation on changes to guidance and policy on planning for Gypsies, Travellers and Travelling Showmen in a new draft Circular. At the time, we commented that it seemed premature to be revising the Circulars when the draft NPPF was about to be published and that it would be disproportionate if the full 8 pages of the Circular were to be included in the NPPF when the entire document, dealing with the full ambit of planning issues, was not likely to be much more than 50 pages long.
- 1.5.2 In the event, the Government has indicated that it intends to revise the policy and guidance on Gypsies and Travellers in the light of the consultation response and incorporate a version of it in the final NPPF without further consultation. This cannot be acceptable. The guidance may either be inadequate or disproportionate depending upon what Government decides to do. There must be a further stage of consultation on this particular matter before the final advice appears in the NPPF.

1.6 Local Planning Regulations

- 1.6.1 In parallel with consultation on the NPPF the Government is also consulting on associated changes to the Local Planning Regulations but the deadline for this separate consultation was 7 October 2011 and so an officer level response on this technical matter has already been sent. The Government proposes to update and consolidate the 2004, 2008 and 2009 Town and Country Planning (Local

Planning) (England) Regulations and make other changes consequent upon the reforms in the Localism Bill.

1.6.2 Most of these are technical and legal changes but the following are of note:

- Whilst the Regulations have “Local Planning” in the title and the NPPF reintroduces the term Local Plan, the Regulations still refer to Development Plan Documents because this is the term used in the primary legislation. However, the new Regulations remove the terms Local Development Framework, Core Strategy and Area Action Plan. Whilst I have no objection to these changes, I feel that a definition of the term Local Plan should appear in the Regulations. The opportunity could also be taken to formalise the suggestion that development land allocations could be included in a separate DPD to the Local Plan to ease review.
- The proposed Regulations specify the public bodies in addition to other local planning authorities that will be bound by the Duty to Co-operate.
- In line with the Localism Bill, the requirement to submit the Local Development Scheme (LDS) to the Secretary of State is removed, though it still has to be prepared and made available to the public. I have no problem with this but the Regulation specifying the broad structure and content of the LDS has been removed which I think is a retrograde step. It would be helpful for users if there was at least some consistency throughout the Country in the way these documents are prepared.
- It is disappointing that the opportunity has not been taken to simplify and clarify the process for preparing Supplementary Planning Documents.
- The need for DPDs to seek a certificate of general conformity with the RSS is removed in consequence of the proposed abolition of the RSS. This is to be expected.
- The proposed Regulations also remove the detailed prescription for public consultation in the preparation of the Statement of Community Involvement. This is welcome.
- The proposed Regulations remove the requirement to submit the Annual Monitoring Report to the Secretary of State but they are still required to be prepared and published and the range of matters covered has been increased to include information on the Community Infrastructure Levy and Neighbourhood Plans.

1.7 Conclusion

1.7.1 The NPPF is going to be an extremely important document once it is finalised because it will determine the way our Local Plan is prepared and what it contains and the context for decisions on planning applications. It is important that we take

this opportunity to comment constructively on the document because it is important that the Government gets this right. The consolidation of national policy into a single, concise document is helpful, particularly if supported by a limited suite of Supplementary Guidance Notes, but, as written the tone and emphasis of the draft document is too far in favour of meeting the needs of the development industry at the expense of environmental and social objectives. The implication of this balance being wrong is that the NPPF will fail to achieve its ultimate goal of creating sustainable development.

- 1.7.2 Finally, there is some degree of assumption in the NPPF that a change in approach to planning is a solution to the wider economic problems of the country. It has been quite fashionable to blame the planning process for stalling development, when often it is actually factors such as market conditions, mortgage and finance availability and decisions about investment that have a more fundamental effect on implementation and delivery.

1.8 Legal Implications

- 1.8.1 Whilst, once finally approved the NPPF will become an important policy document, there are no legal implications at this stage

1.9 Financial and Value for Money Considerations

- 1.9.1 There is nothing in the NPPF itself which reduces the cost of Planning.

1.10 Risk Assessment

- 1.10.1 None arising from this response to consultation.
- 1.10.2 In view of the return date for this consultation (17 October 2011) it will be necessary to circumvent the usual 'call-in' procedures. Accordingly, I have sent a draft of this report to the Leader of the Opposition Group and the Chairman of Overview & Scrutiny Committee to seek their agreement to this draft response. I shall update Members on the evening of the meeting with any comments received.

1.11 Equality Impact Assessment

- 1.11.1 None arising from this response to consultation.

1.12 Recommendations

- 1.12.1 A copy of this report and the detailed response set out in **Annex B** be sent to the Secretary of State as this Council's views on the National Planning Policy Framework.
- 1.12.2 Copies of the report and the detailed response be sent directly to the Minister for Planning and to the two local Members of Parliament.

1.12.3 in accordance with Overview and Scrutiny Procedure Rule 15(i), set aside the normal call-in procedures to allow the response to be submitted by the deadline of 17 October 2011.

Background papers:

contact: Brian Gates

Report to PTAB - 22 February 2011

Steve Humphrey

Director of Planning, Transport and Leisure

| Screening for equality impacts: | | |
|---|---------------|--|
| Question | Answer | Explanation of impacts |
| a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? | No | The decision in this report is concerned with a response to Government Consultation. |
| b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? | No | See above. |
| c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above? | | |

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.