

Consultation response form

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

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

Organisational response

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

Local authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)

If you selected other, please state the type of organisation

Local Authority

Please provide the name of the organisation (if applicable)

Tonbridge and Malling Borough Council

Chapter 1: Introduction

Question 1

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

Paragraph 6 – Ministerial Statements – some further guidance as to when these may be material and/or the weight that should be attributed would be welcomed.

Chapter 2: Achieving sustainable development

Question 2

Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

No

Please enter your comments here

Paragraph 11 (d) which states ‘..or the policies which are most important for determining the application are out of date..’ requires clarification. Read in conjunction with Paragraph 75 it seems clear that the ‘most important’ policies referred to relate to the supply of housing.

Footnote 7 to Paragraph 11 is contradictory where it concludes ‘It does not refer to policies in development plans’ – there will be policies in development plans relating to the designations listed at footnote 7 and Paragraph 2 of the NPPF confirms the plan-led approach.

The NPPF is a material consideration - it is not part of the development plan. The way this is worded suggests the policies in the NPPF, which are a material consideration, supersede the policies in the development plan.

Question 3

Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

Yes

Please enter your comments here

[Click here to enter text.](#)

Question 4

Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

[Click here to enter text.](#)

Chapter 3: Plan-making

Question 5

Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

No

Please enter your comments here

Paragraphs 17-19 describing the documents that make up the development plan for an area is confusing for those unaware that in two tier areas Counties prepare 'strategic' Minerals and Waste Local Plans covering several Districts, while Districts prepare 'strategic' Local Plans for their area, but the development plan for a given District will comprise the Local Plan, any adopted Neighbourhood Plans and the relevant part of the Minerals and Waste Local Plan.

By not making the distinction, Minerals and Waste Local Plans might be overlooked.

Paragraph 23 – reviewing policies within 5 years or earlier ‘..if local housing need is expected to increase in the near future.’

There are two points to make in respect of this requirement. The first is to note that Local Plan preparation is a significant resource implication for Local Planning Authorities and this requirement will in effect require Local Plans to be constantly under review. The second point is to seek clarification as to what constitutes an earlier review should housing need be expected to increase. For example, the bi-annual publication of Sub-National Population and Household Projections would imply reviews being necessary every 24 months in some parts of the country.

Also, would this require an early review for those Local Planning Authorities submitting a Local Plan within the transitional period based on locally derived objectively assessed housing needs, even though those Plans will apply the previous Framework for Examination purposes?

Question 6

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

[Click here to enter text.](#)

Chapter 4: Decision-making

Question 7

The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

Not sure

Please enter your comments here

[Click here to enter text.](#)

Question 8

Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

Yes

Please enter your comments here:

[Click here to enter text.](#)

Question 9

What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

Please enter your comments below

What is required is a fresh look at the basis for viability assessment. This should include a more radical look at how land values are addressed. It is simply not right for the massive increases in landvalue as a result of planning permission rather than being captured in significant part to enable the provision of infrastructure that is required to fully mitigate development and provide the community infrastructure that is seen as deficient locally.

Question 10

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

Paragraph 49 (c) refers to the weight attributable to policies in emerging Local Plans and the degree of consistency with the NPPF. Presumably, for those Local plans submitted within the transitional period, this means consistency with the previous NPPF?

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Chapter 5: Delivering a wide choice of high quality homes

Question 11

What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Please enter your comments here

In response to the proposed standardised methodology set out in Planning for the Right Homes in the Right Places last September Tonbridge and Malling raised a number of concerns regarding the derivation and the practical deliverability of the 23% uplift in housing need implied by the methodology and the inconsistencies compared to other Local Planning Authorities with similar affordability ratios (i.e. Tonbridge and Malling and South Oxfordshire). Most Local Authorities in Kent and the wider south east are facing similar challenges begging the question where will unmet need be accommodated? These concerns do not seem to have been addressed and we wish the consequences of the approach now to be properly considered.

Question 12

Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

No

Please enter your comments here

If delivery is based on the standardised methodology and for the reasons states in respect of Q11 above then no.

Question 13

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

No

Please enter your comments here

Paragraph 72 (b) states that such sites should be adjacent to existing settlements and proportionate in size to them. Further guidance on what may constitute a proportionate extension may be would be welcomed.

Question 14

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

Paragraph 62 – travellers not meeting the definition under Annex 1 of the PPTS – in this context does ‘..identifying the size, type and tenure of homes..’ mean

caravans? In this respect we would welcome the Government revisiting the draft Guidance for Period Reviews for the need for Caravans and Houseboats, which was never finalised.

Paragraph 76 (b) refers to the five year supply of deliverable housing sites established either in a recently adopted Local Plan or in subsequent annual position statements which 'incorporate all the recommendations of the Secretary of State where the position on specific sites could not be agreed during the engagement process'. This engagement process appears to be a new requirement? Will there be further information on how this will be introduced and work in practice?

There needs to be a more direct planning policy approach to affordable housing provision which is not fully addressed and is sorely lacking in terms of ways in which planning policy can truly influence the affordability of homes, especially rented accommodation – please see comments made at question 43

Chapter 6: Building a strong, competitive economy

Question 15

Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

Yes

Please enter your comments here

Paragraphs 84 and 85 supporting the growth of rural businesses are welcomed.

Question 16

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

In Tonbridge and Malling some of the rural businesses that would benefit from the comment above are also located in the Green Belt. Clarification as to whether this would constitute Very Special Circumstances would be helpful.

Chapter 7: Ensuring the vitality of town centres

Question 17

Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Yes

Please enter your comments here

[Click here to enter text.](#)

Question 18

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

Paragraph 90 refers to impact assessments for leisure development outside town centres and that are not in accordance with an up to date Local Plan. Further guidance on what these assessments should address would be welcomed.

Paragraph 89 is unnecessary and could be removed.

Chapter 8: Promoting healthy and safe communities

Question 19

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

[Click here to enter text.](#)

Question 20

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

Paragraph 95 refers to a sufficient choice of school places being available. Local Planning Authorities work closely with Education Authorities and developers to ensure there is adequate capacity to meet the needs arising from new developments, but this is already challenging given current funding mechanisms and particularly as permitted development is not required to contribute to this infrastructure. This paragraph implies that there will be spare capacity built in to facilitate more choice. This is unlikely to be achievable within the current limitations referred to.

Chapter 9: Promoting sustainable transport

Question 21

Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Yes

Please enter your comments here

Click here to enter text.

Question 22

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

Yes

Please enter your comments here

Click here to enter text.

Question 23

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

No.

Chapter 10: Supporting high quality communications

Question 24

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

No.

Chapter 11: Making effective use of land

Question 25

Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

No

Please enter your comments here

Paragraph 118 (e) refers to the prospect of new PD rights for airspace above exiting residential and commercial properties. This presents a number of potential challenges for Local Planning Authorities, relating to parking, access, health and safety and the issues already raised in relation to infrastructure contributions, which would outweigh the increase in new homes delivered.

Question 26

Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

No

Please enter your comments here

Paragraph 123 (a) suggests including minimum densities for housing to ensure the most efficient use of land. Density of development should remain a local consideration taking into consideration wider planning considerations.

Question 27

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

No.

Chapter 12 : Achieving well-designed places

Question 28

Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

No.

Question 29

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

No.

Chapter 13: Protecting the Green Belt

Question 30

Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

Not sure

Please enter your comments here

Paragraph 144 (g) refers to meeting an identified local affordable housing need. Would this be based on evidence of need prepared by a developer, the local community or by the Local Planning Authority?

Question 31

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

Paragraph 137 refers to compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. It is not clear how this can be achieved if the remaining Green Belt land is in private ownership and not related to the land that is proposed to be removed?

Paragraph 140 suggests Local planning Authorities should plan positively to enhance the beneficial use of Green Belt land for example by enhancing landscapes and visual amenity or improving damaged or derelict land. Notwithstanding the same concern as that expressed in relation to Para 137 above if the land owner is unwilling to cooperate, this sends a confusing message about the function of Green belt which is to preserve openness, not as is commonly misconceived, to have intrinsic landscape or amenity value, which are matters dealt with by other policies.

Paragraph 145 (e) is welcomed as it clarifies that material changes in the use of land that preserves the openness of the Green Belt while not conflicting with the purpose of including land within it should be allowed. The examples used are unnecessary.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Question 32

Do you have any comments on the text of Chapter 14?

No.

Question 33

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

No

[Click here to enter text.](#)

Chapter 15: Conserving and enhancing the natural environment

Question 34

Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan

and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Yes

Please enter your comments here

[Click here to enter text.](#)

Question 35

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

No.

Chapter 16: Conserving and enhancing the historic environment

Question 36

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

[Click here to enter text.](#)

Chapter 17: Facilitating the sustainable use of minerals

Question 37

Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this chapter?

No.

Question 38

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

No

Please enter your comments here

The Minerals and Waste Local Plans form part of the development plan for an area so it is important that they are addressed in the same Framework. There should be a section addressing Waste though. In the previous NPPF paragraph 5 clarified that this would be addressed by the National Waste Management Plan for England. For completeness there should be a similar statement here.

Question 39

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

No

Please enter your comments here

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Transitional arrangements and consequential changes

Question 40

Do you agree with the proposed transitional arrangements?

Yes

Please enter your comments here

The introduction of a transitional period for the introduction of the NPPF is welcomed and Tonbridge and Malling anticipate being able to submit a Local Plan within this period. Assuming a number of other Local Planning Authorities are making arrangements to do the same, this does raise the question as to there being sufficient capacity in the Planning Inspectorate to ensure that there are no undue delays in appointing Inspectors in early 2019?

Paragraph 211 – Housing Delivery Test – for those Local Planning Authorities submitting a Local Plan during the transitional arrangements can it be confirmed that the HDT will apply the locally derived objectively assessed housing needs upon which those Local plans are based as opposed to the standardised methodology assessment of need?

Question 41

Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Yes

Please enter your comments here

As noted, Local Planning Authorities have been waiting for revised Guidance for assessing future needs for the Traveller community, both those who meet the definition and those who do not. In the light of the amendments to the NPPF this would be a useful addition to the NPPG.

Question 42

Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Yes

Please enter your comments here

See response to Q38 above.

Glossary

Question 43

Do you have any comments on the glossary?

Although ostensibly covered by the definition for Affordable housing for rent, the omission of 'social rent' within the affordable housing definition is very unfortunate omission. The ability of Local Planning and Housing Authorities to deliver rental models for those in most need of truly affordable options is greatly reduced by this factor. It is a proven fact that the current planning definition of affordable housing is simply not affordable due to a variety of reasons relating to the financing of housing and the benefit regime, for example. Until these matters are properly addressed the planning definition has little or very low impact of meeting the housing needs of those groups most needing assistance, including low earning family households.