Tonbridge and Malling Borough Council response to the 'Proposed reforms and other changes to the planning system' Published December 2025

Chapter 2 Consultation Introduction

1) **Do you have any views on how statutory National Development Management Policies could be introduced in the most effective manner, should a future decision be made to progress these?**

On page 9 of the NPPF consultation document, it is explained that MHCLG has decided to not commence powers at this stage to progress National Development Management Policies (NDMPs), as per reasons set out on page 11.

In relation to, how NDMPs could be rolled out in the future, then an approach could be to roll out NDMPs for less contentious policy areas, such as heritage or where it would be helpful to have a clear national policy approach, such as addressing climate change and design, before considering other more contentious matters such as housing. A phased approach, testing, piloting and learning is suggested should the Government progress forward with National Development Management Policies. A full consultation on any NDMPs must take place before they are statutorily made, alongside technical workshops with relevant stakeholders as relevant.

2) **Do you agree with the new format and structure of the draft Framework which comprises separate plan-making policies and national decision-making policies?**

Partly agree.

a) **Please provide your reasons, particularly if you disagree.**

The 'using the Framework' section of the draft NPPF sets out clearly how the proposed format and structure should work and having reviewed the draft NPPF it is considered that separating plan-making policies from national decision-making policies will improve usability and transparency, making it easier to navigate the Framework and identify which aspects apply to which planning function. This separation will also ensure greater consistency in decision-making, particularly where local plans are out of date, and may also reduce duplication across policy layers. However, without getting into too much detail, there are areas that overlap, for example, NDMP Policy CC2 (1a) talks to 'development proposals being located where a genuine choice of sustainable transport modes exist'. This would also be relevant to development plans, yet this is not explicitly set out under the 'Plan Making Policies' section. Therefore, further thought and clarity is needed to ensure that overlapping policies are clear and also how these can be managed in practice including ensuring that expectations and associated outputs are managed between plan-making and decision making. Both plan-making and decision making needs to work together to a degree. An option could be to identify some 'cross cutting policies' although it is noted that this may move away from the premise of National Decision Making Policies. Overall, the role of plan-making provides communities and stakeholders certainty, therefore the role of local plans to shape development and ensure that local and strategic priorities can be met should remain clear rather than be diluted through splitting matters between plan-making policies and national decision-making policies.

3) **Do you agree with the proposed set of annexes to be incorporated into the draft Framework?**

Partly agree

a) Please provide your reasons, particularly if you disagree.

The draft NPPF provides Annexes including Annexe A Implementation, Annexe B a Glossary, Annex C: Information requirements, Annex D Housing calculations and supply, Annex E Green belt assessments and Annex F Managing Flood Risk and Coastal Change. We agree that Annexe A, B and F should remain, as this is within the current NPPF and works well. In relation to Annex C, D and E if this information is within the PPG does it need to be repeated in the NPPF? This is especially the case given that the PPG can be updated more frequently as required.

4) Do you agree with incorporating Planning Policy for Traveller Sites within the draft Framework?

Strongly agree

a) Please provide your reasons, particularly if you disagree.

We agree that it is helpful to incorporate planning policy for traveller sites within the Framework as this will aid decision making, provide clarity and consistency.

Chapter 1 - Introduction

5) Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied?

Strongly agree

a) Please provide your reasons, particularly if you disagree

Identifying where substantial weight should be applied is useful as this tells users where those elements that are of most importance in plan making / decision making.

Chapter 2 – Plan-making policies

6) Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1?

Partly agree

a) Please provide your reasons, particularly if you disagree.

The strategic role of spatial strategies is welcomed, especially where unmet need and other strategic cross boundary matters such as infrastructure provision can be strategically planned. It would be helpful to define the level of growth that would be considered as a ‘broad location’ and ‘major urban extensions’ and ‘major cross boundary development’ and the difference between these and any ‘large site allocation’. Further clarification is required in relation to how spatial strategies and Local Plans will work together.

7) Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area?

Partly agree

a) **If not, do you think there should be a different approach, for example, that alterations should only be made to spatial development strategies every five years where there are significant changes to housing need in the strategy area?**

While a five-year cycle provides helpful regularity, it is important that alterations are driven by clear, nationally-defined thresholds to determine when updates are genuinely necessary. These thresholds could include changes in Housing Delivery Test performance, five-year supply calculations, significant shifts in standard method outputs, or cross-boundary factors such as migration trends or strategic infrastructure investment.

In addition, updates should also be triggered where there are material changes in environmental evidence, including climate-related risks and Local Nature Recovery Strategy priorities. A proportionate, criteria-based approach would avoid unnecessary full alterations while ensuring spatial strategies remain responsive to meaningful changes in need and context.

8) If spatial development strategies are not altered every five years, should related policy on the requirements used in five year housing land supply and housing delivery test policies, set out in Annex D of the draft Framework, be updated to allow housing requirement figures from spatial development strategies to continue to be applied after 5 years, so long as there has not been a significant change in that area's local housing need?

Strongly agree.

a) **Please provide your reasons, particularly if you disagree.**

Allowing SDS housing requirement figures to continue to be applied beyond five years, where there has not been a significant change in local housing need, will limit speculative appeals while plans are being updated. This will provide stability and ensure that both strategic and local plans continue to carry meaningful weight, offering greater certainty for communities and reducing the risk of speculative development.

Maintaining the applicability of SDS requirements beyond five years also supports consistent plan-making across the wider geography, aligns with long-term strategic infrastructure planning, and avoids unnecessary volatility in land supply calculations. This approach also reflects the need for proportionality in updating evidence and helps to manage resource pressures for authorities preparing SDSs across multiple local planning areas.

9) Do you agree with the role, purpose and content of local plans set out in policy PM2?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

Overall, while the intent behind PM2 is positive to create clearer, faster, and more accessible local plans, there are also a number of concerns and further considerations and therefore refinement required to enable this to be deliverable in practice.

We support the policy in the sense that there is a strengthened emphasis on a positive vision, spatial strategy and clear outcomes and a more consistent plan-making system that is genuinely plan-led. Streamlining plan-making is also welcomed, with a focus on digital tools and engagement, which will provide consistency between different plan-making

authorities / areas. Digital planning will allow Plans to be better navigated with opportunities to improve engagement.

However, whilst a desirable suggestion, the proposed timeline of 30 months for plan making is unrealistic in terms of the complexity of plan-making even in a simplified form with a two-tier system. This includes embedding huge reforms in the planning system, how a new NPPF may work in practice, local government reorganisation, evolving evidence requirements and the time it takes to procure and progress work as well as embed data standardisation. In addition to this, as experienced across the country currently, local plan teams lack the resources needed to meet current timescales, let alone a 30-month timeframe. There are both recruitment and retention issues, which provide risks in meeting already challenging timescales. This therefore could affect the deliverability of PM2, particularly in relation to evidence gathering, community engagement, design policy integration and infrastructure planning. It is worth noting that local policies will also require proportionate evidence and to run to meaningful engagement, otherwise this could result in a risk where local policies and under evidenced or could be considered at examination overly generic.

In relation to setting out other policies, further consideration and potentially national guidance is needed to provide greater clarity on national vs local policies. This would reduce uncertainty over which matters must remain localised, will reduce duplication and / or gaps in policy. Until national policy has stabilised, it will not be possible to understand plan content or whether timeframes for plan-making can be met.

There may also be a risk that aspirations may not align with local realities

While PM2 requires a “positive vision” and “measurable outcomes, aspirations must be credible and grounded in what LPAs can genuinely influence. Given ongoing changes in NPPF content, local housing need methodologies, and the increasing complexity of evidence requirements, there is a risk that PM2 creates expectations that exceed what can be realistically delivered within each plan cycle and that aspirations may not align with local realities.

10) Do you think that local plans should cover a period of at least 15 years from the point of adoption of the plan? Yes/No

Yes

a) **If not, do you think they should cover a period of at least 10 years, or a different period of time. Please explain why.**

The principle of a minimum 15-year plan period is supported on the grounds that it allows Council’s to plan proactively for housing, infrastructure and economic needs over an appropriate timeframe , which will align with spatial strategies as well as provide stability and certainty. However, it is important to recognise that in certain circumstances a shorter plan period may be appropriate, provided that robust review mechanisms are in place. And this has been accepted by Planning Inspectors. In addition, it is often difficult to forecast over a 15 year period. Therefore, there may be circumstances for a shorter time period with a commitment for an early review.

11) Do you agree with the principles set out in policy PM6 (1c), including its provisions for preventing duplication of national decision-making policies?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

It is positive that Plans may still provide local policy which extends beyond site or location-specific requirements where necessary. It is important for Plans to still be able to provide local detail, spatial specificity and contextual interpretation, which cannot always be achieved through national policy. It will be important to ensure that local policies are provided sufficient weight in this regard in order to meet a plans vision and measurable outcomes which are likely to be locally specific. Making sense of national policy on a local level and to address local issues, where supported by evidence will be required and this may be an area where accompanying guidance is provided to ensure that plans remain streamlined, yet effective, at the local level.

12) Do you agree with the approach to initiating plan-making in PM7?

Partly agree

a) **Please provide your reasons, particularly if you disagree**

A more structured and predictable approach to plan-making is welcomed. However, local authorities should not be constrained to tailor made processes and should be able to adapt to account for local circumstance. Even with tailor made processes local authorities can face complex constraints and pressures and whilst good project planning is key, overly prescriptive initiation requirements may risk increasing the workload of already overstretched planning teams, reducing the ability to meet 30-month timeframes, as well as respond to local challenges that are required to be addressed in local plans. Policy PM 7 should therefore allow flexibility to ensure practical deliverability.

13) Do you agree with the approach to the preparation of plan evidence set out in policy PM8?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

Policy PM8's intention to make plan evidence more focused and proportionate etc is welcomed. However, this should not restrict local authorities from preparing locally responsive evidence or where it is justified seeking to meet local ambitions. Whilst the policy seeks to simplify evidence gathering, proportionate evidence still requires skilled staff to (1) identify what is proportionate, (2) to progress the evidence including consultancies and (3) skilled staff to direct, interpret and analyse the evidence. Therefore, it is questionable what will change from now in practical terms. There will also likely be some uncertainty in relation to evidence requirements in the transitional period and guidance would therefore be welcomed. Point 2b of PM8 talks to using relevant evidence produced by other plan-makers. Depending on the evidence base, this will likely be produced using data and information relevant to that area, therefore the useability of evidence may be limited, albeit there may be merit in certain topic areas. However, there is then the question as to sharing costs and potentially PM8 2b will be helpful to address more cross boundary working. Notwithstanding this, once Government reorganisation is in place, planning will likely be across a much wider area and therefore sharing may be less relevant due to locational differences.

14) Do you agree with the approach to identifying land for development in PM9?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

N/A

15) Do you agree with the policies on maintaining and demonstrating cross-boundary cooperation set out in policy PM10 and policy PM11?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

PM10 and PM11 seem to strengthen the duty to cooperate. It is noted that discussions are essential to cover matters such as housing, unmet need and infrastructure etc, however, it should also be recognised that LPA's struggle to meet their own needs for housing. It is noted that there is some cross over with spatial development strategies and it will need to be made clear how duty to cooperate and responsibilities will align with the new structures to avoid duplication and / or gaps. This also needs to be considered within the 30-month timeframe. It should be noted that progressing the duty to cooperate will draw on resources and may be challenging to progress alongside other plan-making requirements within this time period.

16) Do you agree that policy PM12 increases certainty at plan-making stage regarding the contributions expected from development proposals?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

The emphasis on PM12 is to provide increased clarity on contributions. This will help developers and also local authorities to plan more effectively. It will also aim to reduce developer negotiations which will be welcomed. However, the rigidity could risk constraining development from coming forward where viability is hindered for reasons not known at the plan-making stage or if viability conditions change. Some flexibility may therefore still be required, depending on local circumstances. There is also the matter as to whether skilled resources to progress viability matters on a site-by-site basis are available at the plan-making stage, especially where historically such detailed work has been progressed later in the process. With added complexity it may be difficult to meet these requirements within the 30 month compressed timeframe, especially as this crosses over many different specialisms, such as housing, infrastructure, environmental assessments and other detailed site work that will be required in order to be able to test viability effectively.

17) Do you agree that plans should set out the circumstances in which review mechanisms will be used, or should national policy set clearer expectations?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

Agree that plans should set out the detail and locally specific circumstances when viability review mechanisms apply. However national policy should provide clearer minimum expectations to improve consistency and transparency.

18) Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015?

Partially agree

a) Please provide your reasons, particularly if you disagree.

Whilst certain standards can be set nationally, PM13, combined with s.43, in relation to energy efficiency, imposes a ceiling that prevents any local uplift, regardless of local evidence, ambition or climate risk.

Given that local areas differ in air quality, flood risk, energy infrastructure, and housing conditions, preventing councils from adopting context-specific environmental standards is counterproductive and inconsistent with sustainable development principles. Whilst not all local authorities may wish to progress policies beyond the requirements of the building regulations, there does need to be some flexibility for those that wish to or indeed those that need to in order to meet their climate change actions and achieve net zero.

In addition, PM13 could be counterproductive as it could supress innovation in the building industry and slow down technology improvements in building performance overall.

19) Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination?

Partly agree

a) If not, please explain how this could be improved to ensure a proportionate assessment, making it clear which type of plan you are commenting on?

PM14 and PM15 provide a clearer and more structured approach to soundness testing. However, proportionality is not yet fully secured across all plan types. Without clearer national guidance, there is a risk of SDSs being examined against an over-detailed evidence benchmark and Local Plans struggling to meet soundness tests within accelerated timeframes.

A more plan-type-specific approach, supported by national guidance and standardised inputs, would ensure examinations remain effective, fair and genuinely proportionate. Providing plan specific evidence expectations at the strategic and local plan level would be helpful.

20) Do you have any specific comments on the content of the plan-making chapter which are not already captured by the other questions in this section?

No.

Chapter 3 – Decision-making policies

21) Do you agree with the principles set out in policy DM1?

Strongly Agree

a) Please provide your reasons, particularly if you disagree.

Early pre-application engagement and iterative discussions and use of other pre-application tools such as Design Review Panels results in better place making and development and helps reduce public anxiety and controversy.

22) Do you agree with the policy DM2 on information requirements for planning applications?

Partly Disagree

a) Please provide your reasons, particularly if you disagree.

Local Authorities with an out-of-date Local Plan, or without policies specific to the type of development proposed will be restricted to requesting additional information which may be material to the consideration of the application.

23) Do you have any views on whether such a policy could be better implemented through regulations?

An update to national validation requirements via the Development Management Procedure Order for specific types of development on a regular basis could be another way to deal with this issue. E.g. National Validation requirements for data centres.

24)Do you agree with the principles set out in DM3?

Partly Disagree

a) Please provide your reasons, particularly if you disagree.

Local Planning Authorities will not have in house expertise to make decisions on technical issues such as Flood Risk, Protection Ground Waters, Highways, Heritage etc. This can lead to approvals which should be refused on technical issues or approvals without necessary conditions to prevent adverse harm. This can also increase the likelihood of challenges to the decision. Sometimes it is necessary to wait for a statutory consultee's comments.

25) Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed?

Partly Agree

a) Please provide your reasons, particularly if you disagree.

Some plans periods can be long, and this will make the viability assessment used at the plan making stage out of date due to inflation for development proposals later in the plan period. Some form of indexing should be provided to provide the flexibility required.

26) Do you have any further comments on the likely impact of policy DM5: Development viability?

Without index linking the use of plan making viability may impact development's ability to come forward in a timely manner. In addition to this it would not provide site specific issues such a remediating contaminated land etc on the viability of a development and therefore such sites if not brought forward at the beginning of the plan period may not come forward due to viability issues.

27) Do you have any views on how the process of modifying planning obligations under S106A, where needed once a section 106 agreement has been entered into, could be improved?

There are instances where planning permission is granted on the basis of a policy compliant level of affordable housing, and then developers are using S106A to reduce the amount of

affordable housing. However, this process does provide flexibility. We believe that where the variations to the S106 that are significant and material to the application granted, that this should be done via a planning application rather than via S106A.

a) If so, please provide views on specific changes that may improve the efficacy of S106A and the main obstacles that result in delay when seeking modification of planning obligations.

There is no requirement to change the efficacy of A106A. Developers need to be more realistic in their application proposals from the start and not use this process to water down planning benefits and obligations.

28) Do you have any views on how the process of modifying planning obligations could be improved in advance of any legislative change, noting the government's commitment to boosting the supply of affordable housing.

Provide model S106 clauses for securing affordable housing.

a) If so, please provide views on the current use of s73 and, if any, the impact on affordable housing obligations

Due to the Finney decision Local Authorities now are not specific in terms of amount and tenure of affordable housing in descriptions and therefore the use of S73 does not impact obligations.

29) Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations?

Strongly agree

30) Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes?

Strongly agree

31) Do you agree with the new intentional unauthorised development policy in policy DM8?

Partly Disagree

a) Please provide your reasons, particularly if you disagree.

Part 2 is not clear. Most development will be intentional whether unauthorised or not. This would capture honest mistakes by residents or others. What is the bar to prove intentional unauthorised development? It seems draconian and unreasonable to have the intention of a developer count against them in what is an assessment of public benefit/harm.

32) Are there any specific types of harm arising from intentional unauthorised development, and any specific impacts from the proposed policy, which we should consider?

This will capture honest mistakes by people who may build development just over permitted development thresholds. They will have intentionally carried out the development, and this would count against them. Specific harm to be considered would be harm to the Green Belt, National Landscapes and heritage and ecological harm should be included in the policy.

a) If so, are there any particular additions or mitigations which we should consider?

Punitive planning application fees for retrospective development applications rather than the intent counting against the developer.

33) Do you agree with the new Article 4 direction policy in policy DM10?

Strongly Agree

a) Please provide your reasons, particularly if you disagree.

Chapter 4 – Achieving sustainable development

34) Do you agree with the proposed approach to setting a spatial strategy in development plans?

Partly agree

a) Please provide your reasons, particularly if you disagree.

Yes, we broadly agree with the proposed approach to setting a spatial strategy with development plans. Policy SP2 provides clarity around what a spatial strategy should include. However, additional guidance on criteria for identifying settlement boundaries would be helpful in order to ensure consistency across local authorities. To date, local authorities have developed local methodologies for identifying which land should be included/excluded from settlement confines. In light of Local Government Reorganisation, and the potential merging of local authorities, a standardised methodology/criteria for identifying settlement boundaries would be helpful and ensure a consistent approach is adopted.

35) Do you agree with the proposed definition of settlements in the glossary?

Partly agree.

a) Please provide your reasons, particularly if you disagree.

Yes, we broadly agree with the definition of settlements in the glossary. However, due to the rural and dispersed nature of some small settlements within Tonbridge and Malling, we believe it would be helpful to include a definition of ‘hamlets’ within the glossary too. This would ensure a consistent approach is taken to smaller settlements across all local authorities, rather than relying on local interpretations of this term.

36) Do you agree with the revised approach to the presumption in favour of sustainable development?

Strongly agree.

a) Please provide your reasons, particularly if you disagree.

Policy S3 provides clarity as to how the presumption is to be applied.

37) Do you agree to the proposed approach to development within settlements?

Partly agree.

a) Please provide your reasons, particularly if you disagree.

Policy S4 provides clarity of how development proposals within settlements should be considered. However, no mention is made of designated heritage assets in clause 2a(ii), although designated wildlife habitats are referenced. In addition, clause 2b makes reference to land which is used for water storage and/or flood risk management. In order to have regard to these land uses, a data set comprehensively identifying the location of such uses would be required. Is such data available at a local authority level and in a geographical information system (GIS) format? It would be helpful, if the source of this data was included in a footnote for clarity.

38) Do you agree to the proposed approach to development outside settlements?

Partly disagree.

a) **Please provide your reasons, particularly if you disagree.**

We welcome the clarity that S5 seeks to provide regarding development outside of settlements. However, we have a number of concerns which are set out below and in our response to Question 39.

Policy S5 is not clear as currently worded how we ensure that development within settlements comes forward before development outside of settlements. There is a potential risk that land outside of settlements will be preferentially developed prior to land within settlements. Without a clear cascade approach to the location of new development, there is a potential risk that speculative planning applications outside of settlements, could undermine a spatial strategy underpinning a Local Plan and the accompanying infrastructure.

39) Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria?

Partly disagree

a) **Please provide your reasons.**

It is not clear what evidence is required in order to demonstrate that development is necessary for rural businesses and services, including tourism as set out in clause 1b? Clarity around expectations would ensure a consistent approach is adopted.

Footnote 26 refers to top 60 Travel to Work Areas in relation to clause 1h. It would be helpful to include a hyperlink to this dataset within the footnote.

Clause 1j makes reference to unmet need, however it is not clear if this is unmet need just of that local authority, or unmet need across a wider area. Clarity is required around this point, as there may be potential for developers to try and justify development outside of settlements if there is a wider unmet need, even if the specific local authority themselves are meeting their need.

40) Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?

Partly agree.

a) **Please provide your reasons, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers and other groups with protected characteristics.**

It is not clear why employment development has been excluded from clause 2h. Employment development in close proximity to train stations could provide a sustainable mode of transport for employees accessing their place of work. Such development does not need to form part of a mixed use scheme.

41) Do you agree that neighbourhood plans should contain allocations to meet their identified housing requirement in order to qualify for this policy?

Strongly disagree.

a) If not, please provide your reasons

We are concerned that as currently worded, Policy S6 is unclear how it is to be applied. It is not clear how a proposal for housing would be outweighed by adverse effects, simply by virtue of there being a Neighbourhood Plan in place. Some Neighbourhood Plans do not allocate land for housing but adopt an approach to try and ensure high quality development takes place, or that local infrastructure requirements are provided for. Where a piece of land is identified in a Neighbourhood Plan for a specific land use e.g. non-residential, and a proposal for a residential development come forward, then that proposal would be in conflict with the Neighbourhood Plan, and clauses 1a and 1b would apply. Provided a Neighbourhood Plan allocates land for any type of development, not specifically residential, then this policy should apply.

Chapter 5 – Meeting the challenge of climate change

42) Do you agree with the approach to planning for climate change in policy CC1?

Strongly agree.

a) Please provide your reasons, particularly if you disagree.

TMBC supports the retention of requirements within policy CC1: Planning for climate change for development plans to take a proactive approach to climate change mitigation and adaptation. TMBC agrees that the policy should highlight that different development patterns can help contribute to radical reductions in greenhouse gas emissions and that spatial strategies and site allocations should consider the potential effects of development options, which can be measured using approaches such as assessments of baseline carbon emissions. These assessments can also inform options for mitigation. TMBC agrees that spatial strategies and site allocations should be supported by the provision of necessary infrastructure improvements to avoid increased vulnerability and improved resilience to the effects of climate change. TMBC also agrees that proposed development plan allocations should address specific risks and necessary adaptations for the anticipated lifetime of the development, instead of the current ‘long-term’ requirement. TMBC suggests that ‘anticipated lifetimes’ for different forms of new development should be set out, for example would these correspond with those used in relation for flooding including 100 years for residential, 75 years for non-residential and longer periods significant changes to land use such as urban extensions and major infrastructure?

TMBC agrees that the policy should require plans to mitigate the risk of wildfires as a long-term climate trend and enable plans to seek to address water stress by setting local water efficiency standards, where relevant and justified, and to identify nature-based solution mitigation opportunities e.g. for carbon capture.

43) Do you agree with the approach to mitigating climate change through planning decisions in policy CC2?

Strongly agree.

a) If not, what additional measures could be taken to ensure climate change mitigation is given appropriate consideration?

TMBC supports the consolidation of current requirements and agrees that planning decisions should be based on a comprehensive assessment to ensure that climate change mitigation measures and the transition to net zero are given appropriate consideration at the application stage. TMBC agrees with the mitigation measures set out in the policy requiring development proposals to, where relevant, are appropriate measures to be considered at the planning application, reducing the possible need for measures to be retrofitted in the future:

a. be located where there is a genuine choice of sustainable transport modes
b. support good access to facilities to limit the need to travel
c. be designed to conserve energy and other resources
d. take advantage of opportunities to re-use existing structures and materials
e. draw low carbon energy from decentralised networks and co-locate energy/heat generators and users
f. create or restore habitats which can act as important carbon stores and
g. not increase fossil fuel extraction unless in accordance with policy M5 (see separate response).

TMBC agrees that the policy should give substantial weight to the benefits of improving the energy efficiency of existing buildings or drawing energy from district heat networks and renewable and low-carbon sources, to support development that incorporates these climate mitigation measures.

44) Do you agree with the approach to climate change adaptation through planning decisions in policy CC3?

Strongly agree.

a) What additional measures could be taken to ensure climate change adaptation is given appropriate consideration?

No suggestions for additional measures. TMBC supports the consolidation of current policy and supports a more comprehensive approach to assessing climate adaptation in planning decisions. TMBC agrees that appropriate adaptation measures in the policy should comprise:

a. locating development where the risk of flooding is minimised, or can be made safe without increasing risk elsewhere
b. incorporating sustainable drainage systems to manage surface water flow rates and runoff and ensuring that no surface water is diverted to the foul drain system.
c. using design approaches to minimise overheating and including green infrastructure and tree planting and
d. reducing fuel loads and creating defendable spaces where there is a heightened risk from wildfires.

TMBC supports the additional requirement for development proposals to take account of current and potential impacts of climate change over the lifetime of the scheme, to ensure that appropriate adaptations are considered at the planning application stage, reducing the possible need for measures to be retrofitted in the future.

45) Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated?

Partly agree.

a) Please provide your reasons

TMBC considers that the policy provides some useful examples of locations at heightened risk from wildfires and of suitable mitigation measures, but that the short paragraph does not provide a clear explanation. The list of the types of locations at heightened risk should be more extensive, given that the policy implies there are other types, and additional examples provided for suitable mitigation measures, contributors to the fuel load and for defensible spaces. This would enable applicants and LPAs to better understand the scope of relevant factors and solutions.

46) How should wildfire adaptation measures be integrated with wider principles for good design, and what additional guidance would be helpful?

TMBC considers that wildfire adaption measures should be integrated into the consideration of factors that contribute to good design. The provision of design guidance related to development and preventing the spread of wildfires would be beneficial within national design and placemaking planning practice guidance.

47) Do you have any other comments on actions that could be taken through national planning policy to address climate change?

No

Chapter 6 - Delivering a sufficient supply of homes

48) Do you agree the requirements for spatial development strategies and local plans in policy HO1 and policy HO2 are appropriate?

Disagree

a) Please provide your reasons, particularly if you disagree.

These 2 policies are not written coherently and therefore leaves ambiguity which will affect its application/implementation. This will only lead to more space for legal challenge which LPAs are not able to afford.

In policy HO1 when groups are referred to it says ‘Travellers’ but previously this group was referred to as Gypsy and Travellers and Travelling Showpeople. Why is only ‘Traveller’ mentioned here?

In Policy HO2 – criteria 3, the requirement for housing requirement figures to be higher than the overall figure identified in the local housing needs assessment because this defeats the principle of having a local housing needs assessment.

In Policy HO2 – criteria 5, Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing and this is clear in the PPG so why have a requirement on local plans to set a figure? How is that figure delivered if the NDP does not deliver it?

49) Is further guidance required on assessing the needs of different groups, including older people, disabled people, and those who require social and affordable housing?

Agree

a) If so, what elements should this guidance cover?

The Building Regulations cover the specifics of what M4(2) and M4(3) covers so what is missing is the mix that is required.

In Policy HO5 – criteria b, this outlines a requirement of *at least 40% of new housing delivered over the course of the plan is delivered to M4(2) or M4(3) standards.* This requirement should be set out as a requirement on all new development so that all new development has a percentage of M4(2) (Accessible & Adaptable) and M4(3) (Wheelchair User) and not just a global figure over the plan period which would be more difficult to implement or monitor.

50) Do you agree with the approach to incorporating relevant policies of Planning Policy for Traveller Sites within this chapter?

Strongly agree

51) Is further guidance needed on how authorities should assess the need for traveller sites and set requirement figures?

Agree

a) If so, what are the key principles this guidance should establish?

Policy HO12: Traveller Sites – This seems to echo much of the PPTS para 13, so it should include designing out noise and improving/maintaining air quality, avoid placing undue pressure on local infrastructure and services and do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.

52) Do you agree the new Annex D to the draft Framework is sufficiently clear on how local planning authorities should set the appropriate buffer for their local plan 5-year housing land supply?

Disagree

a) Please provide your reasons, particularly if you disagree.

Step 1 – why is the baseline 0.8% of the existing housing stock?
It is not clear that the mean average affordability over the five most recent years is the ratio.

Step 2
For each 1% the ratio is above 5, the housing stock baseline should be increased by 0.95%.
Why 0.95% ?

53) Do you agree the new Annex D to the draft Framework is sufficiently clear on the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision-making?

Strongly disagree

a) Please provide your reasons, particularly if you disagree

It is not clear how the 5 year housing supply feeds into decision making either in the annex or the body of the NPPF text.

54) Do you agree the requirements to establish a 5 year supply of deliverable traveller sites and monitor delivery are sufficiently clear?

Agree

55) Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear?

Disagree

a) **Please provide your reasons, particularly if you disagree.**

The Policy is not written coherently and is very general so therefore leaves ambiguity which will affect its application. This will only lead to more space for legal challenge which LPAs are not able to afford.

What quantum is large scale residential? as this will vary depending on the size of the settlement.

In Policy HO4, the following types of 'large scale development' needs to be defined - *new settlements, new urban quarters or significant extensions to existing settlements*

In criteria 1a. what are *appropriate points*?

Criteria 2a – what are *New Town principles*?

2b – what does a '*realistic assessment*' include?

Criteria c – Is this a requirement or a nice to have? The language used is just not defined enough.

56) Do you agree our proposed changes to the definition of designated rural areas will better support rural social and affordable housing?

Strongly agree

57) Do you agree with our proposals to ask authorities to set out the proportion of new housing that should be delivered to M4(2) and M4(3) standards?

Strongly agree

58) Do you agree 40% of new housing delivered to M4(2) standards over the plan period is the right minimum proportion?

Neither agree nor disagree

a) **Please provide your reasons, and would you support an alternative minimum percentage requirement?**

This should be evidenced bases. 40% appears to be high, but it may be the case that this can be supported. There is concern that this could impact small and medium sized developers.

59) Do you agree the proposals to support the needs of different groups, through requiring authorities to identify sites or set requirements for parts of allocated sites are proportionate?

Partly disagree

a) **Please provide your reasons, particularly if you disagree.**

It would appear to make plan making less flexible and may prevent development from adapting to changing markets or needs for particular areas.

60) Do you agree with our proposals to ask authorities to set out requirements for a broader mix of tenures to be provided on sites of 150 homes or more?

Partly agree

a) **Please provide your reasons and indicate if an alternative site size threshold would be preferable?**

This should be evidence based. Providing a national threshold does not take into account the local needs or market forces. Whilst the principle of the policy is supported the threshold should be left to local authorities to decide at the plan making stage.

61) Do you agree with proposals for authorities to allocate land to accommodate 10% of the housing requirement on sites of between 1 and 2.5 hectares?

Neither agree nor disagree

a) **Please provide your reasons**

Whilst the principle again is supported, these thresholds should be set locally due the differing local issues and market forces.

62) Are any changes to policy HO7 needed in order to ensure that substantial weight is given to meeting relevant needs?

No.

63) Do you agree that proposals to add military affordable housing to the definition of affordable housing, and allow military housing to be delivered 46 as part of affordable housing requirements, will successfully enable the provision of military homes?

Strongly agree

64) Do you agree flexibility relating to the size of market homes provided will better enable developments providing affordable housing?

Partly disagree

a) **Please provide your reasons, particularly if you disagree.**

This could impact future provision of smaller house types which would in turn have a skewing effect on the housing market and could impact first time buyers' ability to get on the housing ladder.

65) Would requiring a minimum proportion of social rent, unless otherwise specified in development plans, support the delivery of greater number of social rent homes?

Strongly agree

a) **If so, what would be an appropriate minimum proportion and development size threshold taking into account development viability?**

10% of total development proposal.

66) Are changes to planning policy needed to ensure that affordable temporary accommodation, such as stepping stone housing, is appropriately supported, including flexibilities around space standards?

Yes, changes are required to policy, but space standards of such dwellings should not be compromised.

a) If so, what changes would be beneficial?

Requirement to provide such housing and accommodation.

67) Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites?

Strongly disagree.

Not all Councils have HRAs/Housing Companies and therefore use of cash payments can be more challenging in those areas. In addition, this discretion should remain with the Local Planning Authority, not the applicant, albeit there should be an open process of discussion and agreement. If applicants are given this option, they will more than likely chose to not deliver social housing on site, leaving Councils with an increased challenge in finding sites to accommodate units. The unintended consequences could be a lack of mixed communities in the future.

a) If so, would it be desirable to limit the circumstances in which cash contributions in lieu of on-site delivery can be provided – for example, should it not be permitted on land released from the Green Belt where the Golden Rules apply? Please explain your answer.

Should discretion be afforded, this should certainly not be permitted on Green Belt release where the Golden Rules apply.

b) If you do not believe applicants should have blanket discretion to discharge social and affordable housing requirements through commuted sums, do you think cash contributions in lieu of on-site delivery should be permitted in certain circumstances – for example where it could be evidenced that onsite delivery would prevent a scheme from being delivered? Please explain your answer.

Yes – there should be clear evidence led process, with applicants required to provide evidence to the LPA of the reasons why onsite delivery is unachievable. Many Councils already allow for this cascade approach in their housing policies; what is important is that any such deviation from onsite delivery is fully explained and, where necessary, subjected to independent viability testing.

68) What risks and benefits would you expect this policy to have? Please explain your answer. The government is particularly interested in views on the potential impact on SME housing delivery, overall housing delivery, land values, build out rates, overall social and affordable housing delivery, and Registered Providers (including SME providers).

Overall social and affordable housing delivery – Councils would have more flexibility to utilize commuted sums.

69) What guidance or wider changes would be needed to enable Local Planning Authorities to spend commuted sums more effectively and more quickly? Please explain your answer.

The ability to financially support sites where s106 affordable housing delivery is showing as unviable but could be delivered on site through 'gap funding'.

Guidance on wording for s106 clauses to give Local Authorities maximum flexibility in utilizing commuted sums.

70) Would further guidance be helpful in supporting authorities to calculate the appropriate value of cash contributions in lieu?

RICS valuation guidance, by region, on the values of various types of social and affordable housing. This data would need to be renewed annually given how quickly housing markets can change. This would provide an invaluable benchmarking service against which commuted sums could be calculated.

a) If so, what elements and principles should this guidance set out? Please explain your answer.

For example, guidance could make clear that contributions in lieu should be an amount which is the equivalent value of providing affordable housing on site, based on a comparison of the Gross Development Value of the proposed scheme with the Gross Development Value of the scheme assuming affordable housing was provided onsite.

71) Do you support proposals to enable off site delivery where affordable housing delivery can be optimised to produce better outcomes in terms of quality or quantity?

Partly agree.

If an alternative site can be identified during the planning process for the main site, to give some certainty of delivery, potentially including the ability to link sites through planning conditions and s106 agreements, offsite delivery could be considered as an opportunity to optimise delivery.

72) Do you agree the with the criteria set out regarding the locations of specialist housing for older people?

Strongly agree

a) Please provide your reasons, particularly if you disagree.

The Strategic Housing Market Assessment is a requirement of the NPPF and this evidence base provides a basis for applying the need for specialist housing for older people, however it is down to individual plans to specify where this specialist housing should be located. By specifying where these should located which means meeting sustainability criteria, this creates consistency across England Wales in terms of location and management, reducing the need for Local Plan to cover this issue.

73) Do you agree with the criteria set out regarding the locations of community-based specialist accommodation, including changes to the glossary?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

The changes to the glossary provide clarity to the definition of Community-based specialist accommodation however the policy only requires how the development will provide a safe and secure environment for residents but does not address any perceived safety concerns for existing residents. The Management plan should address how concerns of surrounding residents

74) Do you agree with the criteria set out regarding the locations of purpose-built student accommodation and large-scale shared living accommodation, including changes to the glossary

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

The changes to the glossary clarify the definition, however there is a lack of clarity over the amount of living and storage space required “providing adequate” space does not set a standard across England and Wales and will result in inconsistency and may require those Boroughs who have the greatest need for this accommodation to specify required standards.

75) Do you agree the proposals provide adequate additional support for rural exception sites?

Partly disagree

a) **Please provide your reasons, including what other changes may be needed to increase their uptake?**

Whilst the revised policy is similar to the one it replaces, the protection afforded by the current footnote 7 has been removed with the proposed policy allowing for greater scope to develop in areas of particular importance. Whilst this may provide for greater scope and uptake of the policy, it is likely to impact considerably more on such areas where other policy areas apply. Whilst greater uptake and use of this policy is to be encouraged, this should not be at the expense of protection given to areas or assets of particular importance as set out by footnote 7.

76) Do you agree with proposals to remove First Homes exception sites as a discrete form of exception site?

Strongly agree.

a) **Please provide your reasons, particularly if you disagree.**

There has been no uptake of First Homes as a discrete form of exception site in Tonbridge and Malling since this type of housing was introduced which demonstrates there is a lack of demand/need for this type of accommodation. It should therefore be removed as a discrete form of exception site.

77) Do you agree proposals for a benchmark land value for rural exception sites will help to bring for more rural affordable homes?

Strongly agree

a) If so, which approach and value as set out in the narrative for policy HO10 of the consultation document is the most beneficial for government to set out?

Whilst this is likely to make rural exception sites more likely to come forward, the effect of artificially inflating the land value is likely to impact the overall viability of a scheme and either require more market housing to offset affordable housing or else require a greater quantum of housing (which may fall outside the level of identified need) to offset the higher land value.

78) Do you agree the proposals to set out requirements for traveller sites at policy HO12 adequately capture relevant aspects from Planning Policy for Traveller Sites, whilst ensuring fair treatment for traveller sites in the planning system?

Strongly disagree.

79) Please provide your reasons, particularly if you disagree.

The PPTS provides a more thorough set of criteria through which applications for traveller sites are assessed. The current policy under HO12 does not address a number of matters which the PPTS addresses. For instance, there is no reference to potential sites in flood risk areas, sites in the Green Belt, domination of the nearest settled community and other areas currently captured by the PPTS.

80) Do you agree the proposals in policy HO13 will help to ensure development proposals are built out in a reasonable period?

Partly agree.

a) Please provide your reasons, particularly if you disagree.

Whilst aspects of the policy are agreed in that delivery of schemes at an earlier stage is beneficial, the degree of flexibility offered by the policy should not be used by the development industry to water down key aspects of the scheme relating to design quality, infrastructure, viability and affordable housing. All too aften, these aspects are sacrificed in multi-phase developments to the detriment of place making and affordable housing need. Super Strategic sites as set out in the consultation document do have a place in plan making but they can be rarely delivered in the plan period and whilst it is recognised that over this time period, market factors can change significantly, it is essential that any flexibility in the consenting framework does not come at a cost to the design quality and place making of the scheme or to a worsening position in the market in relation to affordable housing.

81) Do you agree the requirements to take a flexible approach to the consenting framework for large scale residential and mixed-use development is sufficient to ensure the opportunities of large scale development are supported?

Partly agree.

a) Please provide your reasons, particularly if you disagree.

See question 80 a) above on the concerns raised over increased flexibility. The policy should ensure that flexibility does not comprise design quality/place making and the delivery of essential affordable housing.

82) Are any more specific approaches or definitions needed to support the delivery of very large (super strategic) sites, including new towns? *Yes*

a) Please provide your reasons.

See reasons set out in 80 and 81.

83) Do you agree with the proposed changes to the Housing Delivery Test rule book?

Strongly agree.

a) Please provide your reasons, particularly if you disagree.

It is agreed that authorities should be assessed against their adopted housing requirement where there is an up-to-date local plan in place and against local housing need where there is no relevant up-to-date plan.

Chapter 7: Building a strong, effective economy

84) Do you agree that more emphasis should be placed on relevant national strategies and the need for flexibility in planning for economic growth, as drafted in policy E1? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Partly agree

a) Please provide your reasons, particularly if you disagree.

As drafted the policy references at 1a, the need to have regard to the Industrial Strategy and relevant strategic and local strategies for economic development and regeneration. This is considered to be appropriate, as is current practice, and should continue to help local planning authorities to consider both local business needs and wider opportunities for economic growth in preparing Local Plans.

It is right that Local Plans should not be overly prescriptive about the types of uses that would be acceptable on employment sites, given the often uncertain and changing commercial property market. However, local planning authorities need to have sufficient control over allocated land uses given their understanding of their local areas, as thy need to ensure that new commercial developments complement and enhance existing settlements and employment areas, and do not result in unacceptable harm e.g. excessive HGV traffic routing through residential areas.

Where planning authorities allocate sites for employment development within their Local Plans, e.g. use classes B2, B8 and E(g), we consider that there is sufficient flexibility within the current use class order to allow for a range of potential uses and occupiers.

85) Do you agree with the approach to meeting the need for business land and premises in policy E2? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

It is important to support the economy and to meet related needs that are identified through the preparation of economy evidence that is prepared to inform Local Plans. However, the economic benefits of proposals for commercial development must be balanced against the impacts and potential harm that these proposals create.

We support the criteria in part 2 of this policy as it is important to identify whether there is unmet need for individual commercial developments, and that promoted or expanded sites can be adequately served by required infrastructure including utilities and highways.

86) Do you agree with the proposed new decision-making policy supporting freight and logistics development in policy E3?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

We consider that the criteria in this policy are appropriate. Good access to transport networks is key for the location of freight and logistics uses. Such proposals should be sited and designed to limit environmental impacts and ensure that the amenity of neighbouring uses in particular upon residential areas is acceptable. Matters such as related hours of operation and parking can be controlled through planning conditions and use of appropriate highway restrictions.

The criteria in the policy should be strengthened to require proposals to demonstrate that there is a need for the facility proposed, given alternative existing facilities and sites that are available locally and sub-regionally. Freight and logistics facilities are often controversial given their, location, scale, visual impact, hours of operation and traffic impacts. Such proposals need to be well justified to avoid inappropriate development especially when proposed on greenfield sites outside of existing settlement confines.

87) Do you agree with the approach to rural business development in policy E4?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

We consider that the policy as drafted is appropriate. Where developments are proposed outside of settlements these should take opportunities, where they exist, to use previously developed land, and sites that are physically well-related to existing development. This is important to help avoid inappropriate development tin the countryside.

We consider that section 2 of the policy should be strengthened to include a requirement to consider landscape impact, and to identify appropriate mitigation where this is required.

Chapter 8: Ensuring the vitality of town centres

88) **Do you agree with the proposed changes to policy for planning for town centres?**

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

We support the criteria of this policy as drafted, including updated emphasis for Local Plans to set out a strategy for town centres to include opportunities to diversify existing land uses including the delivery of additional residential development, as well as the delivery of infrastructure and public realm improvements. Town centres are essential to the successfully operation of local economies, the delivery of local services and to the cultural vitality of communities, it is right that Local Plans provide sufficient focus and ambition for these areas. We recognise the delivery of additional development within defined town centre boundaries (excluding primary shopping areas) can help to support footfall, local retail spending and therefore viability.

We support the retention of locally defined floorspace thresholds for development proposals outside of town centres, above which impact assessments are required. TMBC has set a locally defined floorspace threshold in our draft Local Plan, as supported by our published Retail and Town Centres Study.

The introduction of new provisions to support good design including design codes, masterplans and use of Article 4 directions reflects established practice. The Council is taking forward a masterplan for the regeneration of East of High Street Tonbridge, support for this will be outlined in our regulation 19 Local Plan.

89) Do you agree with the approach to development in town centres in policy TC2?

Strongly agree

a) **If not, please explain how you would achieve this aim differently?**

We support the criteria in this policy, which gives substantial weight to development proposals that strengthen the long-term vitality and viability of town centres, as well as protect and enhance community access to local shops and other facilities including services. This is important given the ongoing commercial pressures that have and continue to lead to the loss of essential local services e.g. banking facilities.

90) What impacts, if any, have you observed on the operation of planning policy for town centres since the introduction of Use class E?

Use class E introduced new permitted development flexibilities affecting commercial, business and service uses that were previously controlled by use classes A, B and D. Impacts have included a reduction in related change of use applications, due to the allowed permitted development change to a mixed use for any purpose within class E.

Additionally, the full conversion of former commercial premises in particular offices, and in many cases upper floors only for residential use by prior approval. These flexibilities have reutilised vacant and long-term vacant premises and floorspace, the consequence being that there are now fewer premises remaining that could be viability converted, either partially or fully to residential use without requiring planning consent.

91) Do you believe the sequential test in policy TC3 should be retained?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

We consider that the sequential test should be retained. Whilst restrictive, this helps to support the vitality of existing centres, ensuring that town centre uses are not lost to unsustainable locations outside of existing centres, which would further undermine the overall viability of defined centres.

92) Do you agree with the approach to town centre impact assessments in policy TC4?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

We support the continued requirement for impact assessments to accompany proposals for retail and leisure uses (subject to default or locally applied threshold). We note that the text of this policy is similar to the current Framework, with a revised approach regarding the application of the impact test, due to the removal of paragraph 95. This being that a failure against the test no longer be regarded as an automatic basis for refusing planning permission. This instead becomes a matter to be weighed in the overall planning balance, which we support.

Chapter 9: Supporting high quality communications

93) Do you agree that the updated policies provide clearer and stronger support for the rollout of 5G and gigabit broadband?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

The policy criteria are clear in terms of what development proposals for the expansion or upgrade of electronic telecommunications should achieve, as well as expectations as to how planning authorities should assess these proposals. This should ensure consistency in determination of telecommunications infrastructure applications between planning authorities.

94) Do you agree the requirements for minimising visual impact and reusing existing structures are practical for applicants and local planning authorities?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

Applications for new telecommunications infrastructure in particular masts can be controversial for reasons including visual impact. We support the requirements for minimising visual impact and reusing existing structures for the siting of related infrastructure as set out at paragraph 1 of policy CO1. Justification for which can be set out in documents supporting applications including design and access statements, planning or alternative sites assessments.

95) Do you agree the supporting information requirements are proportionate and sufficient without creating unnecessary burdens?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

We consider the supporting information requirements set out in policy CO2 to be appropriate and proportionate.

Chapter 10: Securing Clean Energy and Water

96) Do you agree with the approach to planning for energy and water infrastructure in policy W1?

Partly agree

a) **Please provide your reasons, particularly if you disagree, what alternative approach would you suggest?**

We support the requirement at paragraph 1 for early engagement with infrastructure and service providers regarding the potential impacts of growth proposed in Local Plans, and the need to work collaboratively with these partners to ensure that there is a clear understanding of current infrastructure and network capacity, and future requirements to support the growth proposed.

We consider that paragraph 2 is vague and should be reworded to provide a clear focus on the need to prepare an Infrastructure Delivery Plan and related schedules to accompany Local Plans. These should set out future infrastructure requirements clearly, providing a robust understanding of delivery and funding matters, any known issues and how these will be overcome.

97) Do you agree with the amendments to current Framework policy on planning for renewable and low-carbon energy development and electricity network infrastructure in policy W2?

Neither agree nor disagree

a) **Please provide your reasons, particularly if you disagree.**

We support the direction of this policy to “support the transition to clean power by planning positively for the increased supply and use of renewable and low carbon energy and electricity

network infrastructure”. However, it is for the energy industry to identify and advise local planning authorities on future requirements based upon their forecasting and most recent business plans. Where new energy infrastructure and assets are required to support Local Plan growth and the wider operation of the energy network, e.g. power generation, storage, over headlines and substations, operators should set out these requirements at an early stage of plan making i.e. regulation 18.

Available opportunities for low carbon energy generation and network infrastructure requirements will very between regions and local authority areas and must be balanced against constraints e.g. national landscapes, SSSIs and similar designations, this should be expressed in the policy wording. District heat networks are unlikely to be suitable or viable in predominantly rural authorities.

98) Do you agree with the proposed approach to supporting development for renewable and low carbon development and electricity network infrastructure in policy W3?

Partly disagree

a) **Please provide your reasons, particularly if you disagree, and any changes you would make to improve the policy.**

We recognise the benefits of renewable and low carbon energy development, as well as the reuse of existing sites and therefore support the criteria in paragraph 1 of the policy.

We however disagree with paragraph 2 of the policy; applicants should be required to demonstrate the need for renewable or low carbon development and electricity network infrastructure. In many cases applications for such uses will be on undesignated sites outside of existing settlement confines, as such there must be robust justification for these proposals. Where there is a clear need and business case for such investment in line with published plans, strategies and the Council's Infrastructure Delivery Plan, this should not prove difficult to demonstrate.

We support the criteria in paragraph 3 regarding time-limited energy infrastructure developments and related site restoration.

99) Do you agree with the proposed approach to supporting development for water infrastructure in policy W4?

Partly disagree

a) **Please provide your reasons, particularly if you disagree.**

We disagree with paragraph 2 of this policy; applicants should be required to demonstrate the need for water infrastructure developments. In many cases applications for such uses will be on undesignated sites outside of existing settlement confines, as such there must be robust justification for these proposals. Where there is a clear need and business case for such investment in line with published plans, strategies and the Council's Infrastructure Delivery Plan, this should not prove difficult to demonstrate.

AS TMBC IS NOT THE MINERALS AUTHORITY ONLY LIMITED ANSWERS HAVE BEEN GIVEN TO QUESTIONS 100 -113.

100) Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance?

Strongly agree

a) Please provide your reasons, particularly if you disagree.

101) Do you agree with how policy M1 sets out how the development plan should consider oil and gas?

Neither agree nor disagree

a) Please provide your reasons, particularly if you disagree.

102) Do you agree with the proposed addition of critical and growth minerals to the glossary definition of 'minerals of national and local importance'?

Agree.

a) Please provide your reasons, particularly if you disagree.

103) Do you agree criteria b of policy M2 strikes the right balance between preventing minerals sterilisation and facilitating non minerals development?

Agree.

a) Please provide your reasons, particularly if you disagree.

104) Do you agree policy M3 appropriately reflects the importance of critical and growth minerals?

Agree

a) Please provide your reasons, particularly if you disagree.

105) Do you agree with the exclusion of development involving onshore oil and gas extraction from policy M3?

Neither agree nor disagree

106) Please provide your reasons, particularly if you disagree.

107) Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply?

Agree

108) Please provide your reasons, particularly if you disagree.

109) Do you agree with approach to coal, oil and gas in policy M5?

Neither agree nor disagree

a) Please provide your reasons, particularly if you disagree.

110) Are there any other exceptional circumstances in which coal extraction should be permitted?

No

111) If yes, please outline the exceptional circumstances in which you think coal extraction should be permitted.

N/A

112) Do you agree policy M6 strikes the right balance between preventing the sterilisation of minerals reserves and minerals-related activities, and facilitating non-minerals development?

Partly agree

a) Please provide your reasons, particularly if you disagree.

113) Does policy M6 provide sufficient clarity on the role of Minerals Consultation Areas?

Partly agree

a) Please provide your reasons, particularly if you disagree.

Chapter 12 - Making effective use of land

114) Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land?

Partly agree.

115) If not, what further guidance is needed?

Although Policy L1 provides a framework for how Local Plans should be prepared to promote the efficient use of land, some additional guidance and/or clarification would be helpful.

Clause 1a(iii) states that Local Plans should set minimum residential density standards. However, neither Policy L1 nor Policy L3 make reference to constraints that may impact on the ability to deliver minimum densities in all town centres and locations that have a high level of connectivity. Although we fully support the aim to make the most effective use of land, in some instances due to on-site or off-site constraints, densities may need to be flexible to take account of factors such as landscape and heritage.

Clause 1(iv) considers that it may be appropriate to set out a range of densities that reflect the identified need for different types of housing. It is not clear what evidence base would be needed to support such an approach, and how by identifying different densities for different types of housing, this would not appear prejudicial to different sections of society. For example detached and semi-detached market properties are likely to be more expensive, but lower density than the potentially cheaper higher density terraced properties and flats, which are typologies more likely to deliver affordable products. In addition, most residential schemes will contain a mixture of housing types, which would make the application of different densities for different types of housing very complicated to apply. Would an alternative approach be to identify a density range for development typologies that would allow flexibility, whilst also seeking to include minimum development densities.

Chapter 12 – Making Effective Use of Land

116) Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land?

Strongly disagree.

a) **Please provide your reasons, particularly if you disagree.**

Whilst the re-use of previously developed land is to be encouraged, the proposed policy is unnecessarily prescriptive and seeks to make effective use of land at the expense of necessary service areas. It also proposes design criteria which may not be suitable for all locations and circumstances and also proposes limitations on development within residential curtilages with no explanation or justification as to how the quantum was reached. The policy also seeks to impose a definition of an existing building which exists on the date of the publication of the Framework which will be extremely difficult for LPA's to assess given that extensive permitted rights exist within residential curtilages.

117) Do you agree policy L2 identifies appropriate typologies of development to support intensification?

Strongly disagree.

a) **If not, what typologies should be added or removed and why?**

It is recommended that a broader suite of typologies that can support gentle density and context-appropriate intensification—such as missing-middle housing, small-site and corner-plot intensification, structured transit-oriented development around transport nodes, and opportunities for mixed-use and public-sector land co-location. Clearer national guidance in these areas would aid delivery, provide greater policy certainty, and better support authorities in planning positively for well-designed, sustainable intensification.

118) Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy?

Strongly disagree.

a) **Please provide your reasons, particularly if you disagree.**

As set out above, the policy seeks to impose a national set of design criteria for development which should be managed at the local level. Not all gaps in a settlements roofline should be development as these gaps are important in many locations to a settlements character and similarly most street corners are not "important" and warrant "landmark" buildings. Defining a percentage of non-developed area seems arbitrary when site specific factors are key. No one site is the same and in one location greater or less development may be acceptable. Percentages relating to the amount of development should only be used where there is a direct impact on matters of importance such as openness.

119) Do you agree policy L2 (d)(i) achieves its intent to enable appropriate development that may differ from the existing street scene, particularly in cases such as corner plot redevelopment and upwards extensions.

Strongly disagree.

a) **Please provide your reasons, particularly if you disagree.**

For the same reasons as set out in question 116 above.

120) Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages?

Strongly disagree.

a) **Please provide your reasons, particularly if you disagree.**

For the reasons set out above in question 116 above.

121) Do you agree policy L3 provides clear guidance on achieving appropriate densities for residential and mixed-use schemes?

Partly agree

a) **If not, please explain how guidance could be clearer?**

It would be helpful if the policy could define “reasonable” walking distance within the policy itself and any study used to underpin an assessment of reasonable walking distance. This could be within a range of acceptable distances that would make this a viable alternative.

122) Do you agree with the minimum density requirements set out within policy L3?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

In well-connected rail stations and underground, and increased density above 50 dph should be considered as these sites could be made some of the most sustainable sites. The density for a railway is considered appropriate.

b) **Could these minimum density requirements lead to adverse impacts on Gypsies and Travellers and other groups with protected characteristics? Please provide your reasons, including any evidence**

Gypsy and Traveller groups and other groups with protected characteristics should not be excluded from the requirement as these sites can be made very sustainable and if the densities cannot be achieved, then the development does not make the best use land in an area that could be made very sustainable.

123) Do you agree that using dwellings per hectare is an appropriate metric for setting minimum density requirements? Additionally, is our definition of ‘net developable area’ within the NPPF suitable for this policy?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

124) Do you agree with the proposed definition of a ‘well-connected’ station used to help set higher minimum density standards in targeted growth locations? In particular, are the parameters we’re using for the number of Travel to Work Areas and service frequency appropriate for defining a ‘well-connected’ station?

Partly agree

Please provide your reasons and preferred alternatives.

The current Travel to Work Areas (TTWA) is based on 2011 commuting flows and is therefore outdated. Only the latest datasets should be used. However, TTWA captures where people work not how fast or reliable the service is. So whilst it is considered appropriate to use the top 60 by GVA, an analysis of network performance should also be considered.

There are a number of other factors that should also be included in the definition to ensure that access and connectivity quality around the station is acceptable and network performance and equity checks are acceptable.

125) Are there other types of location (such as urban core, or other types of public transport node) where minimum density standards should be set nationally?

Yes

a) If so, how should these locations be defined in a clear and unambiguous way and what should these density standards be?

- High-Accessibility Public Transport Nodes (Major and Minor Hubs) – Bus interchanges/rapid buys corridors, City Region rail/commuter rail.
- Town Centres and District Centres
- Local Centres and High-Frequency Bus Corridors
- Urban Extensions and New Settlements
- Strategic Brownfield Opportunity Areas
- University Districts, Innovation Quarters, and Employment Hubs

All the above locations should be promoted at higher densities seeking a minimum 50 dph on new development sites.

126) Should we define a specific range of residential densities for land around stations classified as 'well-connected'?

Yes

127) If so, what should that range be, and which locations should it apply to?

See above for the list of potential locations as set out in question 125 a)

128) Do you agree policy L4 provides clear high-level guidance on good design for residential extensions?

Strongly disagree.

129) Please provide your reasons, particularly if you disagree.

The policy does not differentiate development in urban or rural areas, development in sensitive locations or landscapes. The term "blend effectively" is not a recognised architectural term and lacks any clear direction. The policy does not set a high stand for design quality or seek to promote good design.

Chapter 13 – Protecting Green Belt land

130) Do you agree that policy GB1 provides appropriate criteria for establishing new Green Belts?

Partly agree.

131) Please provide your reasons, particularly if you disagree.

Policy GB1 does provide clarity around the criteria for establish new Green Belt. However, it would be help to provide clarify over the 'long term growth ambitions' element of clause 1c. Does this relate to the growth ambitions for a single local plan cycle, or the long-term growth ambitions?

132) Do you agree policy GB2 gives sufficient detail on the expected roles spatial development strategies and local plans play in assessing Green belt land?

Partly disagree.

a) **Please provide your reasons, particularly if you disagree.**

Although Policy GB2 provides some clarity around the expected role spatial development strategies and local plans play in assessment Green Belt land, we do have two areas of concern.

Firstly, the term 'strongly contribute' does not feature in any of the Green Belt policies or Annex E, which provides detailed guidance on undertaking Green Belt Assessments, and how Green Belt performs against purposes (a), (b) and (d). This is a departure from the current NPPF, which provides clarity when interpreting the outcomes of Green Belt Assessments. The categories 'Strong', 'Moderate' and 'Weak' still appear in Annex E but wording around how to apply this information is omitted. There is also an element of inconsistency as the grey belt definition within the glossary does retain reference to 'strongly contribute'. The term 'strongly contribute' should be reinstated.

In addition, and of particular concern, is the removal of Foot Note 7 assets from the definition of grey belt. Tonbridge and Malling is c.70% Green Belt, and c. .30% National Landscape (Kent Downs National Landscape and the High Weald National Landscape), the majority of which falls within the Green Belt. By removing this exclusion from the grey belt definition, it puts greater pressure on these nationally protected landscapes, particularly from small scale incremental development (major development is controlled by Policy N4) which would be less likely to be in a sustainable location with good access to a range of services, which may undermine the spatial strategy of the Local Plan. Footnote 7 assets should excluded from the grey belt definition.

133) Do you agree with proposals to better enable development opportunities around suitable stations to be brought forward?

Partly agree.

a) **Please provide your reasons, particularly if you disagree.**

We broadly support the inclusion of clause 1a, land around stations, subject to the consideration of onsite and off-site constraints in these locations that may impact on the suitability and/or density of development.

134) Do you agree the expectations set out in policy GB5 are appropriate and deliverable in Local Plans?

Partly agree

135) Please provide your reasons, particularly if you disagree.

We support the broad principle of Policy GB5 and welcome the inclusion of reference to Local Nature Recovery Strategies in clause 1b. However, we are concerned to see the reintroduction of clause 1d. In a borough covered by c. 70% Green Belt, and adopting a policy compliant approach to plan making in terms of reviewing Green Belt boundaries to allow us to meet our objectively assessed housing need, we are concerned about what compensatory measures may look like, how much land will be required for this, and how such land may potentially limit future growth in the borough beyond this Local Plan cycle. If land is set aside for compensatory measures, then this may further constrain and already heavily constrained borough. It is also not clear what evidence would be required to demonstrate that clause 1d had been met.

The majority of Green Belt land in Tonbridge and Malling is in agricultural use, therefore using productive agricultural land to meet clauses 1a-c, may also impact on food production.

136) Do you agree policies GB6 and GB7 set out appropriate tests for considering development on Green Belt land?

Strongly agree

137) Do you agree policy GB7(1h) successfully targets appropriate development types and locations in the Green Belt, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?

Strongly agree

138) Please provide your reasons, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers.

The proposed policies provide for when there is an unmet need for sties that development may be appropriate so there should be no adverse impacts on Gypsies and Travellers.

139) Do you agree that site-specific viability assessment should be permitted on development proposals subject to the Golden Rules in these three circumstances?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

It is not clear how part C would work in practice as any land allocated for development in the a plan would normally be taken our of the Green Belt so this seems to provide an opportunity to circumnavigate providing affordable housing or other obligations.

140) With regards to previously developed land, are there further changes to policy or guidance that could be made to help ensure site-specific viability assessments are used only for genuinely previously developed land, and not predominantly greenfield sites?

It might be an idea to remove equestrian uses from previously developed land or any other uses such as airfields which require large amount of land from previously developed land. In these cases paddock and large areas of undeveloped land can fall under the previously developed land definition.

141) Do you agree with setting an affordable housing 'floor' for schemes subject to the Golden Rules accompanied by a viability assessment subject to the terms set out?

Strongly agree

142) Please explain your answer, including your view on the appropriate approach to setting a 'floor', and the right level for this?

Yes this would secure affordable housing and this would be based on evidence base in the Local Plan viability for Green Belt sites.

143) Do you agree with local planning authorities testing viability at the plan making stage using a standardised Benchmark Land Values scenario of 10 times Existing Use Value for greenfield, Green Belt land?

Disagree

a) **Please explain your answer**

We do not agree with using a single national "10× EUV" benchmark land value for greenfield/Green Belt at plan-making stage. National policy and updated PPG emphasise proportionate, locally evidenced viability at plan-making; an inflexible multiple would conflict with the EUV approach in guidance and with case law requiring policy-compliant BLV formation. It would likely be unsound across diverse markets, risking under-delivery in high-cost strategic sites and over-payment in lower-value areas, thereby undermining affordable housing and infrastructure delivery.

144) Do you have any other comments on the use of nationally standardised Benchmark Land Values for local planning authorities to test viability at the plan-making stage?

The answer set out in question 143 outlines the concerns where nationally standardised Benchmark Land Values are proposed.

145) Do you agree that proposed changes to the grey belt definition will improve the operability of the grey belt definition, without undermining the general protections given to other footnote 7 areas?

Strongly disagree

a) **Please provide your reasons, particularly if you disagree.**

By removing reference to footnote & it would allow for development which could adversely affect impact on those irreplaceable habitats, ecological designations and important landscape designations etc.

<u>Chapter 14 - Achieving well-designed places</u>

146) Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes?

Partly agree.

a) **Please provide your reasons, particularly if you disagree.**

TMBC supports the retention of policy requiring plans to set out clear design expectations based on an understanding of the area's characteristics. The proposed removal of the requirement for design policy to be developed with local communities would not alter the fact

that they would remain an essential part of the development plan making process (criterion a). TMBC considers that significant greenfield sites and urban extensions, and not only brownfield opportunities that have been mentioned, should be included within criterion b. as examples of where design guides, design codes and masterplans are necessary to deliver design and placemaking outcomes. Reference to there being a role for locally specific design policies or standards to add detail to policy DP3 principles, in response to specific local issues, is welcomed (criterion c). TMBC agrees that development plans should set out the circumstances when design review and other design processes will be required (criterion d).

However, the important role played by national standards, such as the nationally prescribed spaced standard providing a consistent approach across LPA areas, contributing to dwellings that are fit for purpose, and taking away the need for local areas to 're-invent the wheel', should also be referenced.

147) Do you agree with the approach to design tools set out in policy DP2?

Strongly agree

a) Please provide your reasons, particularly if you disagree.

TMBC agrees that where design guides, design codes and masterplans are necessary, they should be based on an understanding of local and wider context and address opportunities for existing character to be strengthened, for example within town centre regeneration sites. The need for these design tools to consider economic, social and environmental factors and implementation conditions, local views, the appropriate level of detail/prescription and be subject to monitoring and review to allow for adjustments, will create confidence and ensure that guidance remains fit for purpose and schemes are deliverable.

148) Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places?

Strongly agree.

a) Please provide your reasons, particularly if you disagree.

TMBC agrees that the list of characteristics for well-designed places should be revised in accordance with 10 characteristics set out in the National Design Guide. TMBC supports national decision-making policy DP3: Key principles for well-designed places, sub-section 1, that would require development proposals to:

a. Respond to their context without precluding innovation and change.
b. Support liveability, incorporating mixed uses and tenures and encouraging social interaction.
c. Contribute to climate change mitigation and adaption and the transition to net zero.
d. Incorporate/connect to a high quality network of multifunctional green infrastructure.
e. Provide transport infrastructure movement and choices, prioritising sustainable methods.
f. Use the pattern of buildings, e.g. to define streets and spaces and promote compact development to optimise site potential.
g. Include public spaces that facilitate social interaction, incorporating features such as active frontages and natural surveillance.
h. Create or maintain a strong sense of place and pride.

TMBC supports policy DP3 sub-section 2, which retains the requirement that poorly designed proposals should be refused, and sub-section 4 which retains the requirement for substantial weight to be given to outstanding or innovative designs promoting high levels of

sustainability. TMBC supports the proposal that national design and placemaking planning practice guidance principles are used to inform how policy DP3 is applied where local design policies and tools have not been produced (sub-section 3).

149) Do you agree with the proposed approach to using design review and other design processes in policy DP4?

Strongly agree**.**

TMBC supports the retention of policy requiring design to be considered throughout the development process from evolution to delivery, for planning conditions to refer to clear and accurate plans and drawings and for LPAs not to allow the quality of approved development to be materially reduced. TMBC also supports the retention of policy stating that LPAs should have access and use design review and other design tools and take into account their outcomes.

a) **If not, what else would help secure better design and placemaking outcomes?**

N/A

Chapter 15: Promoting sustainable transport

150) Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through plan-making?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

We support the prioritisation of sustainable transport modes from the earliest stages of plan making (paragraph 1.a), supported by early and ongoing engagement with transport infrastructure providers and operators. We also support the alignment of Local Plans with Local Transport Plans, Public Rights of Way Improvement Plans and Local Walking and Cycling Infrastructure Plans, regardless of lead authority on these in two tier areas.

As identified at paragraph 1.b), it is right that proposed development is located where it can support sustainable patterns of movement and make effective use of existing or proposed transport infrastructure. We support paragraphs c and d of the policy which support the appropriate location of land uses to minimise the length and number of journeys, as well as safeguard sites and routes in Local Plan which are likely to be required to deliver sustainable transport infrastructure.

It is right to take a vision-led approach, however on its own policy TR1 is not sufficient to achieve this. Funding and other barriers including land availability and acquisition can stand in the way of achieving a range of sustainable transport schemes including the delivery of active travel routes. Government therefore needs to ensure that the aspirations of this policy are supported through additional funding and appropriate new powers to enable local authorities to deliver transport schemes efficiently and cost effectively, to ensure that vison becomes reality and to prevent infrastructure delivery from lagging behind housing growth.

151) Do you agree that policy TR2 strikes an appropriate balance between supporting maximum parking standards where they can deliver planning benefits, and requiring a degree of flexibility and consideration of business requirements in setting those standards?

Partly disagree

a) **Please provide your reasons, particularly if you disagree.**

Parking provision associated with new developments is often a controversial matter. The implications of having badly designed or too little provision can have serious effects on highway safety because of unintended levels of on street parking, while over provision can result in poor design, wasted space and apparent encouragement to use cars in preference to walking, cycling and public transport.

Parking is therefore a key issue for all new developments, getting it right is not just about minimising conflict it is also about ensuring the quality of life for occupants, and good management of the public realm. It is important that adequate parking provision for all is provided. Access to alternative sustainable modes of transport should inform the level of car parking provision that is provided for both residential and non-residential development.

In our experience setting maximum parking standards can be unhelpful and result in unintended negative consequences, especially for developments in suburban areas and more rural settlements where there is less mode choice and car dependency is higher. Kent County Council revised their local parking standards in 2025 removing previous maximum standards, therefore allowing more flexibility in terms of the application of the identified standards on a site-by-site basis.

Paragraph 1 of the policy should be revised to say that 'development plans can set local parking standards…' Given our experience we don't support the introduction of maximum standards at paragraph 2 of the policy. We otherwise support the criteria which inform parking standards set out at paragraph 3.

152) Do you agree with the changes proposed in policy TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

We support the wording of policy TR3 paragraph 1. a). and the proposed use of the connectivity tool alongside other evidence to assess the connectivity of site allocations identified in Local Plans.

153) **Do you agree that proposed policy TR4 provides a sufficient basis for the effective integration of transport considerations in creating well-designed places?**

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

As drafted, we consider that policy TR4 provides a sufficient basis for the effective integration of transport considerations in creating well-designed places. Giving priority first to pedestrian and cycle movements and secondly access to public transport, this clearly

informs the vision led approach that is set out in Local Plans, and consequently the design of development layouts and streets.

This policy should however be context specific, as it's no good having high quality cycle routes within a new development for example, if these do not form part of a wider route network that connects a development to the existing urban centre and key facilities e.g. station. Route networks are let down by their weakest links and won't be attractive to users if they can't make continuous and safe end to end journeys. The aspirations of 1. a) and b) should therefore be set in the content of Local Cycling and Walking Infrastructure Plans, which should be sufficiently ambitious.

154) Do you agree with policy TR5 as a basis for supporting the provision and retention of roadside facilities where there is an identified need?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

We support the criteria of this policy as drafted, and requirement for new or significantly expanded roadside facilities should be appropriately evidenced.

155) Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and travel plans will be required, and for considering impacts on the transport network?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

We support the amended wording in the policy so that proposals that are "likely to" rather than "will" generate significant amounts of movement, need to be supported by a transport statement or assessment and a travel plan. The content of transport assessments and transport statements should be proportionate to the scale and significance of identified transport impacts and issues.

We remain concerned any agreed travel plans are effectively monitored during agreed timescales, sufficient resourcing within transport authorities is required to support this. Where fallback positions are identified re delivery of mitigation measures, this must be clearly set out in related legal agreements to be enforceable, the policy wording should be updated at paragraph 2 to reflect this.

156) Do you agree the proposed text in policy TR7 provide an effective basis for assessing proposals for marine ports, airports and general aviation facilities?

Partly agree

a) **Please provide your reasons, particularly if you disagree.**

We support paragraphs 1. a-c) of the policy as drafted, however paragraph c) is muddled and needs to be reworded. Environmental impacts not effects of port, airport, advanced air mobility and aviation facilities (and development ancillary to them) must be acceptable given all relevant matters to be granted planning consent. The term 'advanced air mobility' should be clearly defined in the NPPF glossary, we understand this refers to future air transport using revolutionary, often electric, aircraft like eVTOLs (electric Vertical Take-Off and Landing) to move people and goods.

157) **Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8?**

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

This policy is a helpful addition which provides focus on the maintenance and improvement of public rights of way, supporting the ambition and delivery of local Public Rights of Way Improvement Plans.

Chapter 16: Promoting healthy communities

158) Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

We support the criteria of this policy as drafted, which outlines established good practice to retain, enhance and provide appropriate community facilities and public service infrastructure through the plan making process.

159) Do you agree that Local Green Space should be 'close' to the community it serves?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

We support the criteria of this policy as drafted which includes a minor change so that designated areas should be "close" to the community they serve rather than "reasonably close". Designated Local Green Spaces should be genuinely local.

160) Do you agree that the proposed policies at HC3 and HC4 will support the provision of community facilities and public service infrastructure serving new development?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

We support the criteria of these policies as drafted.

161) Do you have any views on whether further clarity is required to improve the application of this policy, including the term 'fast food outlets', and the types of uses to which it applies?

We support the policy as drafted but consider that clarity should be provided to make clear what a 'reasonable walking distance' is, e.g. within 400m of a school. Clarification of the term 'fast food outlets' would also be helpful in the NPPF glossary. Our understanding is that these are quick-service restaurants focused on convenience, with limited menus, offering hot and cold food and drinks for takeaway or drive-thru.

162) Do you agree with the proposed approach to retaining key community facilities and public service infrastructure in policy HC6?

Partly disagree

a) **Please provide your reasons, particularly if you disagree.**

We don't fully support this policy as drafted. Where a development proposal would result in the loss of a community facility or public service infrastructure, clarification of the 12-month marketing period required to justify a lack of market interest is helpful at paragraph 1. a) to provide consistency in approach for all local planning authorities. However, related marketing should be undertaken on a genuine basis for the existing use of the premises as well as reasonable alternatives, given the flexibilities within use class E.

We have concern regarding the clarification in paragraph 2 of the policy that "The policy applies only where the facility would be the last of its type in the area concerned". This is not an acceptable approach and risks the loss of facilities and services until only the last examples remain, this makes the policy ineffective and risks hollowing out much existing provision, to the detriment of local communities.

163) Do you agree with the approach taken to recreational facilities in policy HC7, including the addition of 'and/or' with reference to quantity and quality of replacement provision?

Strongly agree

a) **Please provide your reasons, particularly if you disagree.**

We support the criteria of the policy as drafted, including at paragraph 1, the reference to 'other formal and informal play space and allotments'. We also support the amendment at paragraph 1. b) regarding facility loss resulting from a proposed development which would be replaced by equivalent or better provision in terms of quantity and/or quality. This will allow some additional flexibility in how replacement facilities can be provided. It is the case in some circumstances that an improvement in the quality of a recreation facility can offset a reduction in overall quantity.

164) Do you agree with the clarification that Local Green Space should not fall into areas regarded as grey belt or where Green Belt policy on previously developed land apply? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Partly disagree

We partly disagree with this question. The current NPPF excludes footnote 7 designations from the definition of grey belt in the glossary, which includes a range of designations including Local Green Space. We support the current definition. The updated definition of grey belt removes reference to footnote 7, however Policy HC8 is seeking to retain the grey belt protection for Local Green Space. This suggests that Local Green Space will be given greater protection than other designations set out in footnote 7, which we do not believe is necessary. If land is deemed grey belt, it can still meet the criteria for Local Green Space designation, such as close proximity to community, historic significance and local in character.

Chapter 17 - Pollution, public protection and security

165) Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans?

Strongly agree.

a) **Please provide your reasons, particularly if you disagree.**

TMBC supports consolidating existing policy to set out the key considerations for identifying sites and necessary safeguards which can limit risks from ground instability, pollution and other hazards. TMBC also supports the retention of existing policy on identifying opportunities to reduce pollution through development and new policy on identifying land which may be needed for public safety and security, as this would ensure that these land uses are considered as an integral part of the development plan process.

166) Are any additional tools or guidance needed to enable better decision-making on contaminated land?

No. TMBC supports the retention of existing policy setting out the expectation that sites should have appropriate ground conditions to support safe and sustainable development. This includes the requirement that responsibility for securing a safe development rests with the developer and/or landowner where a site is affected by contamination or land stability issues.

167) Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution?

Strongly agree.

a) **Please provide your reasons, particularly if you disagree.**

TMBC supports the retention of existing policy setting out requirements for new development to be acceptable in terms of living conditions and pollution, and the addition of specific provisions relating to air pollution, noise exposure, artificial light and water quality, including the specific reference to chalk streams. TMBC supports the addition of a specific reference to development proposals not resulting in, or contributing to, unacceptable loss of levels of daylight and sunlight. TMBC notes that the current assumption that separate pollution control regimes will operate effectively would be amended to highlight that it should not be assumed that other regimes for the control of pollution will necessarily eliminate emissions completely.

168) Do you agree policy P4 makes sufficiently clear how decision-makers should apply the agent of change principle?

Strongly agree.

a) **Please provide your reasons, particularly if you disagree.**

TMBC supports the retention of existing policy related to mitigating the impact of new development on existing activities and the addition of more explicit policy on matters to be considered, such as both the current and permitted levels of activity. TMBC acknowledges that further types of activity that may be affected by new development have been added to the policy, including blue light services, defence and security, electricity network infrastructure, electronic communications networks and industrial and waste sites, whilst accepting that the list is not exhaustive. TMBC supports the approach that it should be development proposals that identify the nature of potential impacts from the operation of an existing activity, that could have a significant adverse effect on the new development, to

inform the scope for mitigation and demonstrate that suitable mitigation, which should be secured by planning conditions or obligations, can be provided prior to occupation. TMBC also agrees that the requirements should apply to changes of use as well as new construction.

169) Do you agree policy P5 provides sufficient basis for addressing possible malicious threats and other hazards when considering development proposals?

Strongly agree.

TMBC supports the retention of existing policy related to the need for malicious threats and natural or man-made hazards to be anticipated and addressed by development proposals. TMBC supports the additional provisions on the need to consider safeguarding related to existing or proposed hazardous installations or alterations to existing installations, for example civilian aerodromes and technical sites, ensuring the appropriate bodies such as the Civil Aviation Authority are consulted and the operation of existing uses are not compromised. The approach would enable any conflicts to be taken into account at the planning application stage and mitigated, where possible.

170) Do you agree that substantial weight should be given to the benefits of development for defence and public protection purposes?

Strongly agree.

a) **Please provide your reasons, particularly if you disagree.**

TMBC supports the retention of existing policy related to development for defence and public protection and agrees that substantial weight should be attached to these important uses when proposals for their development, or proposals that could affect their operation, are being considered.

<u>Chapter 18 – Managing Flood Risk and Coastal Change</u>

171) Do you agree with the proposed changes set out in policy F3 to improve how Coastal Change Management Areas are identified and taken into account in development plans?

Neither agree or disagree.

a) **Please provide your reasons, particularly if you disagree.**

Although Tonbridge and Malling borough contains a short stretch of the tidal River Medway, it is not located on the coast.

172) Do you agree with the proposed clarifications to the sequential test set out in policy F5?

Partly agree.

a) **Please provide your reasons, particularly if you disagree.**

We support the removal of the ‘not being permitted’ element from paragraph 174 of the NPPF, and the recognition that it may still be appropriate for development to proceed in an area at risk of flooding in some circumstances when weighed against other considerations, as this represents a more flexible approach.

173) Do you agree with the proposed approach to the exception test set out in policy F6?

Partly disagree.

a) **Please provide your reasons, particularly if you disagree**

We broadly support Policy FP6, however we do have some concerns over clause 2(b), and the lack of requirement for an exception test at the planning application stage, if the site was subject to an exception test at the plan making stage. These concerns are due to the relative lack of detailed development proposal information available at the plan making stage when compared to that which is available as part of a planning application.

174) Do you agree with the proposed requirement in policy F8 for sustainable drainage systems to be designed in accordance with the National Standards?

Strongly agree.

a) **Please provide your reasons, particularly if you disagree.**

We support the adoption of a standardised design for Sustainable Drainage Systems, as this will allow a consistent approach to be applied.

175) Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels?

Strongly agree.

a) **Please provide your reasons, particularly if you disagree.**

We also broadly support the reference to not enclosing existing water courses and re-naturalising of river channels, which will help to support some of the aims of the Local Nature Recovery Strategy. We welcome clause 3 and reference to ‘unless to do so would increase flood risk’, so that each case is considered on its merits and existing residents and properties are not put at risk from this updated approach.

176) Do you agree with the proposed changes to policy for managing development in areas affected by coastal change?

Neither agree nor disagree.

a) **Please provide your reasons, particularly if you disagree.**

Although Tonbridge and Malling borough contains a short stretch of the tidal River Medway, it is not located on the coast.

177) The National Coastal Erosion Risk Map sets out where areas may be vulnerable to coastal change based on different scenarios. Do you have views on how these scenarios should be applied to ensure a proportionate approach in applying this policy?

No.

178) Do you agree with the proposed new additions to Table 2: Flood Risk Vulnerability Classifications?

Strongly agree.

a) **Should any other forms of development should be added? Please give your reasoning and clearly identify which proposed or additional uses you are referring to.**

Uncertain.

Chapter 19 – Conserving and enhancing the natural environment

179) Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery?

Partly agree.

a) **Please provide your reasons, particularly if you disagree.**

We broadly support Policy N1, however we do have some comments on the current wording.

It is not clear from clause 1(a), whether or not 'geological (including soil)' relates to the Agricultural Land Classification (ALC). If it does, this should be included in the policy wording. If not, to what does 'soils' relate to?

We also require some clarity around 'other features which require particular consideration'. How are these identified, what status do these have in the hierarchy and will they be designated? If these are to be identified at a local authority level, what evidence will be required? Other locally designated sites such as local wildlife sites go through an agreed system of survey and ratification by the Kent Nature Partnership. Will a similar process be required for 'other features' in order to determine their condition and extent?

We welcome clarification in clause 1(d) that the Local Nature Recovery should not necessarily preclude the allocation of land for development. However, this does seem to contradict text on page 99 of the NPPF: Proposed reforms and other changes to the planning system which states that Policy N1 "highlights the importance of using relevant environmental evidence, including Local Nature Recovery Strategies, to set out areas which need safeguarding from development because of their importance for nature". The use of the work 'safeguarding' suggests these areas are not suitable for development. However, development offers an opportunity to delver the aims of the LNRS through the delivery of green infrastructure associate with development. Clarification on this consistency point would be welcomed.

We support Policy N1 clause 2 on BNG.

180) In what circumstances would it be reasonable to seek more than 10% biodiversity net gain on sites being allocated in the development plan, especially where this could support meeting biodiversity net gain obligations on other neighbouring sites in a particular area?

We believe there may be some potential to seek more than 10% BNG on some strategic sized sites allocated within the development plan, but this would need to be subject to viability and not prejudice the delivery of other policy requirements necessary for that development. It may not be until a detailed masterplan has been prepared for such sites, that the ability to deliver more than 10% BNG could be determined, which may be outside of the Local Plan process. Therefore, it may be more appropriate to include wording around a

'minimum 10% BNG' within either Policy N1 or in an equivalent local policy on BNG to allow for this, but provide sufficient flexibility.

181) Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development?

Partly agree.

a) **Please provide your reasons, particularly if you disagree.**

We broadly support Policy 2, however we have some comments.

Clause 1(a) includes the consideration of 'natural beauty'. Although this forms part of the designation criteria for National Landscapes, and components of this are identified in their respective Management Plans, what is the data set for natural beauty for land outside of National Landscapes and how is this defined? The other components of habitat and landscape character are identified in existing datasets, but it is not clear how natural beauty is to be defined or measured.

Clause 1(b) makes reference to areas of poorer agricultural land but does not define the specific grades of agricultural land to which this applies e.g. Grade1, Grade 2 etc. Clarification within the text or a footnote would be helpful.

182) Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development?

Partly disagree.

a) **Please provide your reasons, including how the policy can be improved to ensure compliance.**

See comments above in response to Question 181 regarding clarification points.

183) Do you agree policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the planning system?

Partly agree.

a) **Please provide your reasons, particularly if you disagree.**

Policy N6 provides a step by step guide for each of the tiers of the hierarchy, from international to local level, which is helpful. However, no reference is made to 'other features which require particular consideration' which are mentioned in Policy N1, therefore it is not clear how Policy N6 applies to these features.

Policy N6 is entitled 'Areas of particular importance for biodiversity'. This is a term that features and such areas are defined within Local Nature Recovery Strategies, buy these are not referenced within this policy. Some clarification on whether this policy relates to those areas identified in the LNRS as Area of particular importance, or if this is something different, would be welcome to ensure clarity.

The term Environmental Delivery Plan should be added to the glossary for clarification purposes.

184) Are there any further issues for planning policy that we need to consider as we take forward the implementation of Environmental Delivery Plans?

Uncertain. Guidance on how to prepare Environmental Delivery Plans and how these link to the various stages of plan making would be welcome.

Chapter 20 - Conserving and enhancing the historic environment

185) Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act?

Strongly agree.

a) **Please provide your reasons.**

TMBC supports the addition to ensure consistency in planning decisions, requiring there to be special regard to the desirability of preserving or enhancing heritage assets, would be extended to include scheduled monuments, registered parks and gardens, protected wrecks and world heritage sites.

186) Do you have any evidence as to the impact of implementing the additional regard duties for development?

No.

187) Do you agree with the approach to plan-making for the historic environment, including the specific requirements for World Heritage Sites and Conservation Areas, set out in policies H1 – H3?

Strongly agree.

a) **Please provide your reasons, particularly if you disagree.**

TMBC supports retaining the requirements within policy HE1 for plans to set out a positive strategy for the conservation and enhancement of heritage assets, the need to consider the wider benefits arising from the conservation of the historic environment and the contribution heritage assets can make to the character of a place. TMBC supports the provision of clearer guidance on factors that should inform the strategy and the requirement for local lists of non-designated heritage assets, important to local communities, to support development plans at the appropriate level.

Policy HE2 retains requirements for LPAs to identify opportunities for new development within conservation areas and World Heritage Sites and the setting of heritage assets which enhance or better reveal their significance. TMBC supports the additional requirements for these opportunities and any safeguarding measures to be reflected in site allocation policies and/or design guides, codes and masterplans and for development plans to include locally specific policies, if needed, to preserve and enhance World Heritage Sites and their settings. TMBC supports retaining the requirement for new or amended conservation areas to be justified by their special architectural or historic interest. TMBC supports the introduction of an expectation that conservation areas are reviewed periodically and that new or amended designations are supported by an adopted appraisal and management plan, to ensure that development proposals can take up-to-date guidance into account.

TMBC supports retaining the current policy requirements related to Historic Environment Records within policy HE3.

188) Do you agree with the approach to assessing the effects of development on heritage assets set out in policy HE5?

Strongly agree.

a) Please provide your reasons, particularly if you disagree.

TMBC supports retaining the requirements related to applicants submitting assessments, employing appropriate expertise where necessary, of the significance of affected heritage assets and the potential effect of the development proposal on their significance. TMBC also supports the clearer guidance on the categorisation of levels of potential impacts that development proposals may have on heritage assets and their settings. This guidance would require assessments to identify whether proposals would:

a) have a positive effect where the asset would be enhanced or its significance better revealed
b) have no effect on the significance of the asset
c) result in harm to significance from work affecting the asset or development within its setting. The degree of harm should be identified. Substantial harm would occur where the development proposal would seriously affect a key element of the asset's significance
d) cause a total loss of significance.

TMBC supports clearer guidance requiring assessments to focus on the effects of development proposals on the significance of the asset and not the scale of the development itself (sub-section 3) and new guidance for decision makers to be satisfied that that the assessment accurately sets out the effect on the asset, allowing LPAs to request further information to help them assess the effect, where necessary (sub-section 4). TMBC supports the retention of policy regarding development proposals involving, or potentially involving, archaeology (sub-section 5).

189) Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties?

Strongly agree.

a) Please provide your reasons, particularly if you disagree.

TMBC supports the retention of existing policy related to decision-making for proposals affecting designated heritage assets within policy HE6, including refusing consent for development proposals that would cause substantial harm or a total loss of significance. TMBC supports clearer guidance for public benefits, including securing the long-term re-use of a listed building and energy efficiency measures, to be weighed against the 'harm' to the significance of the asset instead of the current requirement for 'less than substantial harm'. The draft removes the concept of 'optimum viable use' as a public benefit which TMBC agrees would allow greater flexibility where proposals cause harm not considered to be substantial.

TMBC agrees that when considering the potential effect of a development proposals on a designated heritage asset, changing the requirement from "great weight" to "substantial weight" being given to the conservation of designated heritage assets would improve consistency in how weighting is applied across the draft Framework without changing the weighting to be given.

190) Do you agree with the new policies in relation to world heritage, conservation areas and archaeological assets in policies HE8 – HE10?

Strongly agree.

a) Please provide your reasons, particularly if you disagree.

TMBC supports the additional guidance provided within sub-section 1 of policy HE8 enabling there to be a more comprehensive assessment of development proposals affecting World Heritage Sites:

a. requiring the design of the proposals to pay particular regard to the significance and attributes of the Outstanding Universal Value of the Site, including its setting and any buffer zone
b. whether there are any implications related to the Site management plan and
c. the submission of an impact assessment.

TMBC supports the retention of policy related to assessing the loss of a building or element within a World Heritage Site (sub-section 2) and agrees that proposals preserving elements that make a positive contribution to the Site's setting, or that better reveal its significance, should be approved (sub-section 3).

TMBC supports the additional clarity resulting from the proposed separation of World Heritage Site requirements from conservation area policy and the retention of policy relating to the assessment of development proposals affecting conservation areas within policy HE9.

TMBC also supports the retention of existing requirements related to the assessment of development proposals with the potential to affect discovered or undiscovered archaeological heritage assets with a separate policy (HE10), and the inclusion of requirements prioritising preservation in situ, where feasible, or for appropriate provisions to be made where the asset cannot be preserved or managed on site.

191) Do you have any other comments on the revisions to the heritage chapter?

No.

192) Do you agree with the transitional arrangements approach to decision-making?

Strongly disagree.

a) Please provide your reasons, particularly if you disagree.

The effect of the transitional arrangements would be to undermine those Local Plans which are "in any way inconsistent with the national decision making policies" and either have recently been adopted or are in the stages of adoption. This is likely to delay plan making and also significantly impact on the current statutory duty as set 38(6) of the Planning and Compulsory Act 2004 which confirms that "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

193) Do you have any further thoughts on the policies outlined in this consultation?

Already set out in the consultation

194) Do you agree with the list of Written Ministerial Statements set out in Annex A to the draft Framework whose planning content would be superseded by the policies proposed in this consultation?

Strongly agree

Please provide your reasons, particularly if you disagree.

N/A

Annex A - Data Centres and onsite energy generation

195) Do you consider the planning regime, including reforms being delivered through the Planning and Infrastructure Act, provide sufficient flexibility for energy generation projects co-located with data centres to be consented under either the NSIP or TCPA regime? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree

Strongly agree.

196) Would raising the Planning Act 2008 energy generation thresholds for renewable projects that are co-located with data centres in England (for the reason outlined above) be beneficial? Yes/No

No

a) **If so, what do you believe would be the appropriate threshold? Please provide your reasons.**

No view as do not consider thresholds should be raised.

197) Do you have any views on how we should define 'co-located energy infrastructure'? Please provide your reasons.

Consider that the definition should specify what co-located means. Definition of co-location should include a distance or whether it means that the two uses have to share the same site.

198) Do you think the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for other use types of projects should be increased, or should this be limited to projects co-located with data centres?

No

a) **Please provide your reasons.**

The thresholds as currently set should not be increased as energy generation should be of national strategic importance.

199) What benefits or risks do you foresee from making this change? Please provide your reasons.

See answer to question 198 above.

Annex B - Viability: Standardised inputs in viability assessment

200) Would you support the use of growth testing for strategic, multi-phase schemes?

Strongly agree.

a) **Please explain your answer.**

Would enable more certainty to developer contributions and reduce the need for alterations to S106 agreements etc due to changes in viability on developer contributions.

201) Would you support the optional use of growth testing for regeneration schemes?

Strongly agree

a) **Please explain your answer.**

Strongly agree, for reason given to question 200 above.

202) Do you agree greater specificity, including single figures, which local planning authorities could choose to diverge from where there is evidence for doing so, would improve speed and certainty?

Strongly disagree

a) **Please explain your answer. If you agree, the government welcomes views on the appropriate figure – for example, whether 17.5% would be an appropriate reflection of the industry standard for most market-led development.**

Strongly disagree – from experience most developers have different profit expectations and setting a standardised figure nationally has the potential to affect viability for market-led development.

203) Are there any site types, tenures, or development models to which alternative, lower figures to 15-20% of Gross Development Value might reasonably apply?

We support the principle of standardised inputs but strongly recommend that the final NPPF retains explicit flexibility allowing LPAs to apply lower GDV-based profit assumptions for:

- Build-to-Rent schemes
- Affordable or RP-led developments
- Public-sector-led and partnership schemes
- Strategic regeneration and long-term phased sites
- Forward-funded or pre-sold development models

This approach reflects the evidence in national guidance and professional/legal commentary and will significantly enhance our ability to deliver sustainable, affordable and well-designed development across the borough.

a) **Please explain your answer. The government is particularly interested in views on whether clarifying an appropriate profit of 6% on Gross Development Value for affordable housing tenures would make viability assessments more transparent and speed up decision-making.**

It is important to make the viability process more transparent to assist with speeding up decision making but setting national profit levels will put developers off undertaking certain types of application. Rather than concentrating on profit perhaps it would be more appropriate to look at the overall contributions being sought and making some forms of development, e.g, 100% affordable housing schemes exempt from certain contributions.

204) Are there further ways the government can bring greater specificity and certainty over profit expectations across landowners, site promoters and developers such that the system provides for the level of profit necessary for development to proceed, reducing the need for subjective expectations?

We recommend anchoring developer profit and landowner return expectations to plan-stage, standardised inputs, so these are priced into land transactions and not revisited at application.

a) **Please explain your answer.**

Whilst it would be difficult to set profit expectations at the national level due to the variables at play, there are a number of ways to reduce landowner expectation based on the following:

- Developer's return: adopt national default bands and publish specific ranges by typology
- Benchmark Land Value: confirm EUV+ as default; require policy-compliant adjustment of market comparables,
- Standardised inputs: issue technical annexes for finance costs, overheads, abnormals, sales/marketing and the interaction with review mechanisms.
- Adopt a single, open-source viability model with audit pack and open-book submission, in line with the PPG.
- Review mechanisms: adopt model clauses that seek policy compliance uplift and avoid underwriting profit.
- Green Belt: restate that for major housing subject to the 'Golden Rules', application-stage viability cannot reduce contributions, clarifying PPG/NPPF wording locally.

205) Existing Viability Planning Practice Guidance refers to developer return in terms a percentage of gross development value. In what ways might the continued use of gross development value be usefully standardised?

As stated above, it would be difficult to standardise gross development value at the national level as there are too many factors that currently go into the gross development value that are variable on location to enable standardisation.

206) Do you agree the circumstances in which metrics other than profit on gross development value would support more or faster housing delivery, or help to maximise compliance with plan policy?

Partly agree

a) **Please explain your answer.**

Using a metric such as Return on Capital Employed means that the development would be assessed against the company as a whole rather than looking at the profitability of a single site so potentially could increase compliance with plan policy.

207) Are there types of development on which metrics other than profit on gross development value should be routinely accepted as a measure of return e.g. strategic sites large multi-phased schemes, or build to rent schemes?

Partly agree

a) **Please explain your answer.**

As with question 206, it is not necessarily the type of development proposed but whether using a different metric would provide more certainty on what can be delivered.

Question 208

Do you agree that guidance should be updated to reflect the fact a premium may not be required in all circumstances?

Partly agree**.**

a) **In what circumstances might a premium, or the usual premium, not be required?**

Development by Public Sector bodies or sites with significant contamination issues where the cost of remediation should be taken from the land value rather than the profit.

b) **What impact (if any) would you foresee if this change were made?**

Potential to lead to difficult to develop sites not coming forward if developers do not consider that maximum profits can be achieved.

209) Do you agree that extant consents should not be assumed to be sufficient proof of alternative use value, unless other provisions relating to set out in plans are met? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) **Please explain your answer.**

Partly agree – Alternative use value should only be used if there is a genuine chance that the extant development was going to come forward in a timely manner.

210) If extant consents were not to be assumed as sufficient proof of alternative use value, should this be at the discretion of the decision-maker, or should another metric (e.g. period of time since consent granted) be used? Decision maker discretion / Another metric / Neither

Decision maker discretion

a) **If another metric, please set out your preferred approach and rationale.**

Final decision should always rest with decision makers discretion.

211) What further steps should the government take to ensure non-policy compliant schemes are not used to inform the determination of benchmark land values in the viability assessments that underpin plan-making?

Requirement built in to the NPPF that if using benchmark land values, these are only considered if it can be shown that the developments used are only fully compliant with the most up to date planning policies and legislation.

212) Do you agree that the residual land value of the development proposal should be cross-checked with the residual land values of comparable schemes; to help set the viability assessment in context.

Strongly agree

a) **Please explain your answer.**

Cross checking should be mandatory. Could potentially be supported by a national database of land values.

213) Do you agree that a 2.5 hectare threshold is appropriate?

Partly agree

a) Please provide your reasons, particularly if you disagree.

An alternative might be to work on a net developable area that excludes necessary infrastructure so that proposals that do not require such land intensive features as SUDs basins are assessed only on the scale of the development.

214) Do you agree that a unit threshold of between 10 and 49 units is appropriate?

Strongly agree.

a) Please provide your reasons, particularly if you disagree.

As an Authority the majority of our applications for housing development fall into this category and it would make sense to classify them separately from larger scale major developments, especially if model legal agreements and agreed commuted sums are brought in to simplify the processing.

215) Do you foresee risks or operability issues anticipated with the proposed definition of medium development? Yes/No.

Yes

216) If so, please explain you answer and provide views on potential mitigations.

The principal operational issues that would arise from the mitigations proposed would be that the public would expect a greater level of information to be provided with such a submission and it would be down to the LPA to manage these expectations.

217) Do you have any views on whether the current small development exemption should be extended to cover a wider range of sites – indicatively to sites of fewer than 50 dwellings, or fewer than 120 bedspaces in purpose built student accommodation?

Yes

a) Please provide your reasons.

There should be conformity between planning and building regulations thresholds to avoid any confusion.

218) If the exemption were to be extended, do you have any views on whether the development of 120 purpose-built student accommodation bedspaces is an appropriate equivalent to a development of 50 dwellings for the purposes of the levy exemption?

Yes

a) Please provide your reasons.

Logic of the 120 student bedspaces against the threshold of 50 dwellings makes sense as it would equate with the average occupancy levels for both types of development.

219) If the exemption were to be extended, do you have any views on whether the exemption should be based solely on the existing metrics (dwellings/bedspaces) or whether there should also be an area threshold.

It is not considered that there would be any additional benefit in providing an area threshold as well as dwellings/bedspaces. It is more appropriate to base the exemption on population rather than site area as the levy relates to floorspace rather than site area.

220) If you do have views on possible changes to the small developments levy exemption, please specify the potential impact of the possible change of the levy exemption on people with protected characteristics as defined in section 149 of the Equality Act 2010.

Do not consider it would have any impact under Section 149 of the Equality Act 2010.

221) What do you consider to be the potential economic, competitive, and behavioural impacts of possible changes to the levy exemption? Please provide any evidence or examples to support your response.

Do not consider that there would be any economic, competitive or behavioural impacts from the changes to the levy exemption.

222) Do you agree with the proposal to extend the Permission in Principle application route to medium development?

Partly agree

a) Please provide your reasons, particularly if you disagree.

Whilst there are benefits to the Permission in Principle application route these are mainly in areas where there is a large amount of brownfield land. In areas covered by restrictive policies, it is unlikely that an extension to the permission in principle is unlikely to lead to more development.

223) Do you have views about whether there should be changes to the regulatory procedures for these applications, including whether there should be a requirement for a short planning statement?

An increase in the size of the development that can be covered by permission in principle applications should lead to a change in regulatory procedures as the developments would start being of a size that would attract developer contributions etc. For this reason there would be a need for more information to be submitted.

<u>Public Sector Equality Duty</u>

224) Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic?

No

a) If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.

N/A

Question 225

Is there anything that could be done to mitigate any impact identified?

N/A