

Appendix 1. Draft Maidstone Borough Council Responses to National Planning Policy Consultation December 2022 to March 2023 Response

Introduction

Below are the 58 questions posed in the consultation document. Below each question are the draft answers provided by Maidstone Borough Council.

- 1 Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?**

The Council agrees with the government's proposed approach on this matter. An LPA should of course be required to demonstrate a 5-year housing land supply from the date of plan adoption, as is currently the case, but should then be afforded the certainty that their land supply position cannot be challenged within the first 5 years post-adoption. This provides a significant incentive for LPAs to expedite their plan making efforts and to have an up-to-date local plan in place. It also provides certainty for local communities, developers and other stakeholders, that once a plan is adopted, a truly plan-led system can operate for the following five years as a minimum; removing the annual uncertainty. Also in a time of limited resources (both staff time and monetary), the Council feels that this will help to not expend precious time and resources defending decisions against speculative applications that they end up at appeal.

Notwithstanding the above, it will remain necessary for LPAs to continue to monitor future supply of land for homes, thereby enabling them to take proactive measures which to ensure annual delivery requirements remain achievable.

- 2 Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?**

The Council agrees with the government's proposed removal of buffers as part of the 5-year housing land supply calculations. Whilst the current method of applying percentage buffers to the baseline requirement figure is laudable, it adds unnecessary complexity to the calculations and is often misunderstood by the lay person, who assumes the percentage uplift equates to the delivery of 'more homes than are required'. Furthermore, many LPAs already build a level of contingency into their land supply calculations by including a non-implementation rate to the supply (a percentage discount of permissions on the basis that some are likely to expire and therefore remain unimplemented). This is a more appropriate methodology to apply (if indeed any contingency is required) as it allows a localised, evidence-based approach to demonstrating an accurate 5-year housing land supply.

The 5-year supply figure should simply be 5-years' worth of the annual plan requirement (factoring in any previous undersupply/oversupply), based on robust evidence that the identified supply is deliverable. If there needs to be an element of contingency or flexibility built into the calculation, this can include a localised non-implementation rate or similar.

It is important to remain cognizant of the fact that an LPA's ability to demonstrate a deliverable supply of land for homes is a completely separate concept to that of actual 'delivery'. The latter of which is already tested through the Housing Delivery Test.

3 Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?

To be a truly plan-led system, it is the Council's opinion that past oversupply of homes should be taken into consideration when calculating a 5-year housing land supply, similar to the current method of accounting for past undersupply of homes.

In a literal sense, once a home is complete it cannot logically form part of future supply. However, in cases where there is an oversupply of homes against the requirement, it is entirely logical that this oversupply would reduce the immediate pressure on future years to provide the full requirement figure. To simply ignore an oversupply of homes early in the plan period undermines a plan-led system just as much as if an undersupply were ignored.

4 What should any planning guidance dealing with oversupply and undersupply say?

Guidance should make clear that any previous oversupply against an authority's housing requirement should reduce the future 5-year requirement figure. It should not be used to bolster the supply figure. Similarly, any previous undersupply should be added to the future 5-year requirement figure. In both cases (over and under supply), unless there are exceptional circumstances, the difference should be applied over the 5-years and not spread across the plan period and beyond, as the matter is an immediate one.

5 Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

Maidstone Borough Council is broadly supportive of neighbourhood plans. It recognises the important role these plans play both in helping to ensure the aspirations of local communities are reflected in local planning policies and supporting the delivery of the spatial strategy for the borough. But feels that the primacy of the Local Plan should be retained.

The Council considers that neighbourhood plans should be afforded an appropriate level of status and protection in national planning policy. It therefore supports the proposed amendments to NPPF paragraph 14. These changes will help to ensure that recently 'made' plans remain a key consideration in planning decisions. The changes will also provide greater scope for neighbourhood plans to benefit from protection afforded by the framework (i.e., where the presumption in favour of sustainable development applies to applications involving the provision of housing).

6 Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

The Councils has reviewed the proposed changes to NPPF (2021) paragraphs 1 & 7 and has the following comments.

In relation to the proposed changes to paragraph 1 the Council would like to make the following comments.

- Further clarity is needed to define what 'sufficient' housing development means.
- It agrees that the introduction of the wording 'sustainable development' is helpful however, clarity should be provided in the text or a footnote to what this implies. This could reference the definition used in paragraph 7 of the NPPF.
- It is supportive of the need to prepare and maintain plans.
- More emphasis is needed on the importance of supporting infrastructure and ensuring that this can be delivered in a timely manner
- There should be a stronger link between housing and jobs

In relation to the proposed changes to paragraph 7 the Council would like to make the following comments.

- The Council feels that the definition of 'development' should be clarified and would recommend linking it back to the definition of development in the Town and Country Planning Act 1990 section 55.
- The Council is very supportive of highlighting the link between development and infrastructure.

7 What are your views on the implications these changes may have on plan-making and housing supply?

The Council feels that the proposed approaches are pragmatic solutions but need to be supported by clear guidance to clarify the position on the various changes. This is in order that the changes speed up the process and do not lead to further delays trying to decipher the meaning of it.

The transitional period should be clearer and simpler as it may discourage plan making rather than accelerate it.

8 Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

Yes, the Council agrees that exceptional circumstances for the use of an alternative approach as outlined in proposed NPPF paragraph 61 should be made clearer in policy and guidance. The Council feels that one of these circumstances is for areas of high commuting to London. The reason for this is this not factored into the affordability ration properly in the existing standard method as local economic outputs are used rather than factoring in the wages of those who commute out of area and so artificially increase the housing need. This is exacerbated by the house 'sales value' component of the current formula which does not, for instance, take into account the generally quite low values of permitted development office conversions which are mainly built for the rental market.

The Council feels parameters for any alternative method should be set out clearly in guidance. The reason for this is to account more for local market dynamics and provide clarity to a Planning Inspector at the examination stage, in order to help streamline the debate at this stage. Prior to the standard methodology's introduction in plan making a lot of time at examination stage was spent debating the methodology used to come to the housing need figure. The Council fears that this could happen again and lead to plans failing at examination stage unless clear guidance is provided.

9 Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

The Council has the following response to the consultation for each of the proposed changes to Green Belt policy, building densities and past over supply. Each response is outlined below.

Green Belt

The Council welcomes the clarity provided by the changes to the proposed paragraph 142 in the NPPF. However, it would appreciate further clarity on what is meant by an exceptional circumstance and if the National Planning Practice Guidance is to also be updated to reflect that. The Council is concerned that the greater protection for Green Belt authorities will lead to these authorities not providing for their housing need therefore displacing this to adjacent authorities, like Maidstone Borough which is an unfair result.

Building densities

The Council welcomes the additional clarity brought about by the proposed NPPF paragraph 11(b)(ii) regarding providing for objectively assessed needs and building densities. The Council questions why this one reason has been specified and not others such as transport or environmental factors? We would suggest that this should be amended, and detail is better placed in the National Planning Practice Guidance.

Past over supply

The Council feels the proposed amendments relating to planning making and housing need as outlined in NPPF paragraph 11(b) (iii) regarding factoring in over delivery need to be further clarified. The Council welcomes the fact that over delivery through permission can now be counted, but would also welcome that over delivery through construction of residential units is also factored in.

10 Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

The Council agrees with the evidence listed in proposed footnote 8 of the revised NPPF. The Council feels that a more explicit role for neighbourhood planning groups is needed however due to their role on formulating design policies. The Planning Practice Guidance Paragraph: 005 Reference ID: 26-005-

20191001 encourages neighbourhood planning groups to deliver local design guides and the Council feels this should be added to footnote 8.

11 Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

In principle the Council is supportive of the removal of the requirement for plans to be ‘justified’ as outlined in NPPF paragraph 35 (b). However, it is unclear as to what a proportionate level of evidence would be expected because of this change. The Council would like to see amendments to the National Planning Practice Guidance to outline what would be a proportionate amount of evidence for plan making as the cost of preparing plans, coupled with the high failure rate, is often one of the factors discouraging the timely preparation/renewal of plans.

The Council is also concerned how these changes will reduce the time taken to produce a local plan? Specifically, the proposal to produce a local plan in 30 months, especially now the previously proposed zonal planning system has been dropped.

12 Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

Yes. The Council believes that this is an appropriate transitional arrangement as it would help Councils to minimise higher evidence costs in future and to have not wasted money of a more onerous level of evidence if they are already at an advanced plan making stage.

13 Do you agree that we should make a change to the Framework on the application of the urban uplift?

The Council has a very high our standard method figure. In the Local Plan Review presently at examination it is 1157 per annum, a 24% increase on the adopted Local Plan 2011-2031 (2017) figure of 883 residential units per year. This is a challenge for the Borough to meet, but the Council is trying to do this. Therefore, please consider this present position before amending the urban uplift application by either applying it to other local authorities etc.

14 What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

The Council has no comment to make here.

15 How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

The urban uplift should not be applied to neighbouring authorities where there has been identified to be a functional relationship between authorities. The Council feels that the urban uplift approach is

not a scientific approach and so to apply a proportion of the need created as a result to a neighbouring authority as it would not reflect the true need of an area.

- 16 Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?**

The Council strongly agrees with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply. This approach encourages LPAs to progress as opposed to pause their plan-making and ensures that those LPAs with plans at an advanced stage do not have their spatial strategies undermined by speculative applications for development during this transitional time.

- 17 Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?**

Yes.

- 18 Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?**

Yes, the Council supports the proposal.

- 19 Do you consider that the 115% ‘switch-off’ figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?**

The Council agrees that the use of a ‘switch off’ figure is appropriate and agrees that this figure should include a level of contingency to account for non-implementation of permissions. Whilst, for simplicity, a blanket 15% above the requirement is sensible, it does not accurately reflect local circumstances where non-implementation rates may vary significantly from this. A more nuanced approach would be to require LPAs to include a contingency figure of 15% unless it can be demonstrated, based on robust evidence (such as historic trends (over delivery) and current market conditions), that a different contingency figure would be more appropriate.

- 20 Do you have views on a robust method for counting deliverable homes permissioned for these purposes?**

If a site is considered to be deliverable in accordance with the NPPF definition, then the homes permissioned on that site should also be considered to be deliverable. The evidence used should match that required under the NPPF Annex 2 definition of a deliverable site.

21 What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

The 2022 Housing Delivery Test results should be published, and the current consequences should apply. This should remain until such time as amendments to the HDT and/or consequences are published.

22 Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

Yes, the Council agrees that national planning policy should be revised to attach more weight to Social Rent in planning policies and decisions. This would assist local authorities who can demonstrate a local need for this tenure type to secure new housing which helps to address the gap between need and affordability, particularly in areas with higher house prices.

23 Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

The Council supports the proposed amendments to paragraph 62 of the NPPF which clarify that, in the context of establishing the housing needs of different groups in the community, housing for older people includes "retirement housing, housing-with-care and care homes" (i.e., specialist older people's housing).

In this Authority's experience, there should be recognition of the clear differences between, for example, retirement housing and the differing levels of care accommodation that are offered.

Retirement housing is in effect market housing, often proposed at higher densities, but lower levels of open space and parking. On the face of it, such accommodation appears to be highly profitable due to initial high sales values p/sq.m compared general market housing, and ongoing income through service charges etc and as such should not be subject to significant 'planning standards discount' as it is inevitably a highly profitable form of development. The qualitative and sustainability expectations for such accommodation should be consistent with housing in general. The same should apply to developments that offer relatively low levels of care and where residents retain a significant level of independence.

It may be appropriate to clarify under guidance on density and optimisation of land, that where housing typologies such as single storey 'bungalows' are proposed, a degree of flexibility is justified, however, as stated above, housing for older people should otherwise be subject to the same qualitative rigour as traditional housing.

24 Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

The Council understands the logic of the small sites policy as set out in paragraph 69 of the current NPPF to help diversify the market. As part of the Local Plan Review the Council has worked hard fulfil the requirement of 10% of its housing requirement to be fulfilled on small sites.

25 How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

No comment.

26 Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

The Council has no in-principle objections to amending the definition of “affordable housing for rent” in the NPPF glossary to make it easier for organisations that are not Registered Providers (particularly community-led developers and almshouses), to develop new affordable homes. Where such changes to the definition are made it is important that the NPPF includes provisions to ensure that affordable housing for rent delivered by groups that are not Registered Providers will remain at an affordable price.

27 Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

(Existing) NPPF paras 65 and 72 provide both flexibility and support in respect of affordable home ownership on exception sites. It may be appropriate for 72(a) to be amended to not insist upon at least two types of affordable tenure, which can be difficult on smaller sites and would, for example, allow rented only affordable tenures where a scheme can demonstrate that this meets a specific local need within an area. Similarly, footnote 40 should afford some flexibility on size, ie “Sites should not normally be larger than.... unless a site /location specific case is made and agreed by the lpa.

28 Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

No comment.

29 Is there anything else national planning policy could do to support community-led developments?

No comment.

30 Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making?

This is arguably difficult to place into policy and is also subject to a degree of subjectivity as to what is or is not considered to be reasonable behaviour. As an example, this Borough recently approved housing development in a countryside location as there were site specific reasons to permit an exception to restraint policy. The scheme has been built out and is occupied, but it is clear that the

foul drainage is inadequate, the surface water system does not meet the LLFA's expectations and open space enhancement has not been completed. These failures result in a loss of amenity and potential off-site harm to habitat. They are being addressed through enforcement action.

However, it is not clear how these matters could be carried forward to a new site promoted by the same developer, who could, for example argue that matters can again be covered by condition.

In addition, many sites secure planning permission via a owner or promoter, with a developer coming in to build out. Of course an lpa could seek to assess any subsequent detailed submitted by condition with rigour based upon past experience with a party, but what is to prevent a developer arguing that past circumstances were due to site specific circumstances or third party issues?

What is to prevent developers acquiring land and planning permission through 'for example' third party companies. Retailers often do this and many housebuilders have subsidiary companies 'sitting on the shelf' as a result of past mergers and acquisitions. It would be very difficult for an lpa to try to assess legal relationships etc.

31 Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?

As above, without sight of any suggested primary legislation, it is difficult to assess how an LPA could effectively afford weight to behaviour in either scenario and there appears to be the risk of significant legal costs in, for example, a JR against how weight was afforded in the DM process.

Would an LPA be required to keep some form of 'register of behaviour'?

As is proposed separately, more effective enforcement powers, for example, occupation limitations, easier stop notices or fines that are not subject to lengthy processes may be a more effective way of managing out poor behaviour.

32 Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

Historically there have been cases, over sites with long build out periods, of sites being flipped to other uses or forms of housing that are more profitable and developed to differing quality standards to the original application. Therefore, the Council is keen to ensure consistency with the original consented scheme.

We welcome the incentivisation of build out. In the past (and present) many LPA's who respond positively to housing land supply, are penalised due to poor build out rates or market conditions over which they have little or no control.

We agree that the grant of planning permission should be seen by a developer as a their commitment to addressing supply and need.

Timeframes for commencement and discharge of conditions and reserved matters are already tight and developers often leave to the last minute, placing considerable pressure on LPA's.

We welcome the requirement for developers to annually report on progress para 24 of the consultation), something which the LPA is currently required to monitor, and which is resource demanding. Whilst we note that LPA's may be able to resist further applications where developers have not built out, to do so may adversely impact on completions and supply.

With regard to para 25 of the consultation, we are concerned that in order to avoid penalties, developers may simply be encouraged to set out conservative build out rates, which can affect an LPA's HLS.

Finally, we consider that Government should assess the impact that 'land promoters' rather than housebuilders have on the timeline for delivery. Whilst in many cases they unlock land by funding a process that the landowner cannot, or taking a risk that a developer will not; this process inevitably adds to the timeline, with such sites almost always being outline, thus extending the planning timeline, such permissions are often subject to repeated amendments or change, which is again demanding on LPA resources.

33 Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

The Council has concerns with the term beauty as it is an entirely subjective concept and difficult for authorities to enforce/defend.

This authority embraces the principles of increasing the weight and expectation in relation to quality of design that came through the 2021 updates to the NPPF. However, the ability of an LPA to enforce such expectations should not be solely reliant upon local codes and, which can be time-consuming and expensive to prepare and as a number of Planning Inspectors have already stated, in the absence of local codes, LPA's should be able to afford weight to national codes and the proposed amendments to para 133 should reflect this.

34 Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?

Please see answer to question 33.

35 Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

This authority already adopts a strict approach to approved drawing and details and Members have recently requested that attempts to dilute the quality of an approved scheme are resisted, so we support the amendment to para 135.

36 Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

This authority has concerns relating to both potential permitted development rights and policy that limits our ability to assess upward extensions of buildings. Roof extensions are arguably one of the most prominent and potentially insensitive ways to extend a property.

We did not consider para 122e to be necessary as such proposals can be considered under the normal assessment of character and appearance.

It is not clear why the new text specifically refers to mansard roofs, which are not typical on many building typologies.

37 How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?

This authority already seeks biodiversity enhancements on small sites and, for example, residential extensions. We would therefore welcome NPPF specific support for this approach. In general, whilst the NPPF provides guidance on protecting and enhancing existing habitat, it is relatively quiet on new habitat creation, and we consider that this could be strengthened in relation to all scales of development.

38 Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?

The Council considers that the NPPF should set a balanced approach with respect to the protection and use of agricultural land. It should provide sufficient flexibility for local authorities to plan positively to meet identified needs in their local areas, such as for housing and economic development, where this will contribute to sustainable development. Where such a balanced approach is provided, the Council would broadly support proposals to amend current provisions around the best and most versatile agricultural land by giving weight to the highest value farmland used for food production.

39 What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

With respect to the above question, it is noted that the Government intends to carry out a further consultation on relevant national planning policy in due course. The Council would strongly advise that any future requirements on carbon assessment at the plan-making stage be proportionate in scope for strategic planning documents and not result in unduly excessive resources and costs for local authorities to bear in the production of the evidence base.

40 Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?

The Council feels that this is key priority. Within its' corporate strategy the Maidstone Borough Council's Strategic Plan 2019-2045. One of the four priorities in our strategic plan is Safe, Clean and Green and we have a cross-cutting objective to respect biodiversity and environmental sustainability.

The Council has also adopted a Biodiversity and Climate Change Strategy and action plan (October 2020). In these documents the Council has an action (Action 1.1) that states:

'Influence the Development Plan to:

- *establish policies that enable the infrastructure required for low carbon vehicles;*
- *ensure policies encourage and enable development proposals that give first priority to pedestrian and bicycles, both within the scheme and its surrounding areas; and*
- *ensure policies facilitate high quality public transport connectivity.*

Output: Emphasis is given to walking, cycling and public transportation.

Outcome: Local Plan includes measures and actions that will help to achieve carbon neutrality by 2030 and for new developments to adapt to the changing climate and put the residence health and wellbeing at the forefront.'

The Council feels that the national policy could have a requirement for Local Plans to have a strategic policy on climate change within these documents. Maidstone Borough Council has done this within its Local Plan Review draft Policy LPRSP14(c) Climate Change which is currently at examination with the Planning Inspectorate. Please see link for details - [LPRSUB 001 Local Plan Review - Regulation 19.pdf - Google Drive](#) .

The Council also feels that there could be a bespoke section within both the National Design Guide and National Model Design Codes on climate change so that it is more embedded in future developments.

41 Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

The Council supports the aims of the proposed changes in the NPPF to paragraph 155 but would ask that the definition of 're-powering' provided in the consultation document, but also provided in the NPPF. As such it is proposed that annex 2: Glossary of the NPPF is amended to include this definition.

42 Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

In principle we do not object to the addition to paragraph 158. Does the new paragraph need to explain whether the baseline is that existing at the time of the application or the original application.

43 Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

There are no changes proposed to footnote 54 in the consultation document "NPPF: Showing indicative changes for consultation" – the relevant changes appear to be set out in Footnote 63, which this response should be taken to refer.

The Council strongly supports the approach to ensure that planning decisions on onshore wind are made by local authorities in consultation with their communities. It also broadly supports changes to national policy which would provide greater flexibility for local authorities to consider proposals for onshore wind on sites or within areas that are not designated in the development plan.

However, the Council disagrees with the changes proposed to existing Footnote 63 and new Footnote 62. These footnotes should be amended to make clear that planning permission for offshore wind must be contingent on applications satisfactorily identifying and addressing the planning impacts of a proposal (rather than being limited only to planning impacts identified by communities). This will ensure that all potential impacts of offshore wind are appropriately considered through the plan process.

44 Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

The Council supports the proposed changes to NPPF Paragraph 161. However, to aid effective implementation of this policy, particularly in relation to NPPF Section 16 on conserving and enhancing the historic environment, it is suggested that additional policy or guidance is introduced to provide clarity on the balance of this 'significant weight' that should be attributed where development proposals will impact on heritage assets or their setting.

In addition to heritage assets, having regard to the principles of quality and beauty already advocated in the NPPF, we consider that there should be additional criteria relating character and appearance of a building and area, to ensure that such proposals are of an appropriate quality and that crude, detracting proposals can still be resisted where appropriate.

45 Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

The Council feels that the timeline is reasonable. The Council does question what this means regarding the need to review and update plans every 5 years, will this requirement be replaced.

46 Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

The Council sees the transitional arrangements as reasonable. It is our understanding therefore that the once a plan has been adopted and is on place the review system is a 7 ½ year process. The Council is concerned however, as to whether the 30 month timeframe for plan preparation is reasonable as there are few details regarding to how this process will work and what is changes to evidence requirements will be made.

47 Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

Maidstone Borough Council has no comment on specific timelines with respect to preparing neighbourhood plans under the new system. The Council notes the proposal to align the cut-off date for all old-style plans (including neighbourhood plans) to be submitted for examination, and considers

this is a pragmatic approach which will provide clarity for plan-makers and the wider public during the transitional period.

48 Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

The Council cannot answer this question appropriately as it feels there is not enough evidence to support the proposal. Specifically the Council would like to understand the process for the development and approval of new style 'Supplementary Plans'; would they be approved locally or need to be examined for example?

49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?

The Council feels that the areas highlighted are appropriate, but feels that the addition of standards on climate change and biodiversity should be added inline with the climate change requirements of the Planning Act 2008 and climate change and biodiversity emergencies declared by LPAs across England.

50 What other principles, if any, do you believe should inform the scope of National Development Management Policies?

Firstly this Authority welcomes the intention to give ".....all parts of the 'development plan' (local plans, neighbourhood plans and other statutory plans) more weight in decisions so that there must be strong material considerations to depart from them."

With regard to National Development Management policies, formalising the DM elements of the NPPF is acceptable in principle as it could serve to remove some of the ambiguity as to the status of element of the NPPF, ie, material consideration v's policy.

Whilst the expectation that repetition between local and national DM policies should be avoided is understood, the existence of a national DM policy on a matter should not prevent an LPA from introducing a local policy that, for example, acknowledges the weight that the local community or members place on a particular matter and embeds it within the local development plan.

51 Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

No comment.

52 Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

The Council welcomes the role that National Development Management policies could take in removing the need for LPA's to evidence, for example net zero etc, although it is not yet clear how such policies will affect viability testing and could, for example, make affordable housing or other local priorities more difficult to achieve.

The scope of what matters National DM policies should cover should be the subject of early consultation.

53 What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

The Council feels that the following changes may be useful to help achieve the 12 levelling up missions:

- greater protection for employment uses, so that employment land is not lost to other uses
 - a greater emphasis on amenity space standards for gardens and balconies to aid living standards
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54 How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

No comment.

55 Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

The Council feels that this approach is sensible if it accords with the principles and aims of sustainable development outlined in the NPPF. Any such approach would also have to be supported with central government funding to help bring brownfield sites forward as these sites generally require remediation before development can begin.

56 Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?

Yes, the Council strongly agrees with this aim and approach.

57 Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

No comment.

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

The only comment the Council would like to make here is that it may be useful for the Government to do a self-assessment Equalities Impact Assessment of the proposals and their impacts based on the Public Sector Equality Duty.
