

Consultation response form

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

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

Organisational response

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

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

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City of London Corporation

Chapter 1: Introduction

Question 1

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

Chapter 1 largely repeats the existing NPPF provisions, with minor wording changes. The additional paragraph outlining that Written Ministerial Statements and endorsed recommendations of the NIC may be material considerations, clarifies the planning status of these documents and is welcomed.

No change is proposed to the NPPF in respect of policy on gypsies and travellers and waste, which remain the subject of separate planning policy statements. As the NPPF is the Government's statement of planning policy, the opportunity should have been taken to incorporate planning policy guidance on these two issues into the NPPF rather than retaining them as separate statements.

The principal issues of relevance to the City Corporation arising from the draft NPPF are addressed in the detailed responses set out in this consultation paper, but are summarised below:

1) Balance between economy and housing. The draft NPPF changes the emphasis in the presumption in favour of sustainable development to give greater weight to the need to plan for and deliver new housing. Whilst the City Corporation supports measures to increase housing supply nationally, the delivery of new housing has to be balanced against other national and local priority needs, particularly the need to deliver economic growth and employment. The NPPF should retain the balance between economic, social and environmental objectives and be framed in such a way that local policy priorities which have been agreed through local plan consultation and examination can be weighed against national priorities and weight apportioned accordingly. Within the City of London, this means that the NPPF should enable the long-standing emphasis on office and employment growth to be retained, whilst making an appropriate contribution to meeting housing needs.

2) Housing Delivery Test. The proposed Housing Delivery Test places responsibility on local planning authorities to ensure the delivery of housing. It does not acknowledge that planning authorities have few tools available to them to ensure that developers deliver new housing in a timely fashion after the grant of planning permission. A more appropriate test would be one which considers whether a local planning authority has permitted sufficient new housing to meet identified housing needs. The 3 year assessment period for the proposed Housing Delivery Test is too short a period over which to measure delivery particularly in the City of London which is primarily an office centre with limited scope for new housing. Any test should consider delivery over the established 5 year land supply requirements for housing set out in the NPPF or delivery over the period of an adopted plan.

3) Statements of Common Ground. The introduction of formal, signed, Statements of Common Ground could add significant complexity to the existing Duty to Cooperate, particularly in London and other larger urban areas where multiple Statements are likely to be required with multiple planning authorities. Greater

clarity is needed on how such Statements will operate, with transitional provisions put in place to allow further work and testing of the concept.

4) Viability considerations. The proposed changes to the way that viability assessments are undertaken and used within planning are supported by the City Corporation. In particular, the requirement that assessments should be publicly available is strongly supported and should ensure greater transparency which will assist in community engagement in both plan making and the determination of planning applications. The standardised methodology for viability assessments set out in draft Planning Practice Guidance is also supported but, given the fundamental importance of land value in viability considerations, the City Corporation would like to see a clear statement of policy in the NPPF that in bidding for land and undertaking viability assessments, developers should take into account the full cost of complying with adopted planning policies.

Chapter 2: Achieving sustainable development

Question 2

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

No

Please enter your comments here

The additions to the social and environmental objectives are welcomed, particularly reference to fostering a safe environment, open spaces and meeting future as well as current needs.

The adopted NPPF requires the planning system to contribute towards a strong, responsive and competitive economy, including “by identifying and coordinating development requirements, including the provision of infrastructure”. The revisions to the NPPF refer only to “identifying and coordinating the provision of infrastructure”. It remains important that local planning authorities through Local Plans and in the determination of planning applications, and communities through Neighbourhood Plans, actively seek to coordinate all development requirements not just infrastructure requirements, and the current wording should be retained. A key role of the planning system is to coordinate and manage potentially competing development requirements and pressures.

The key changes to the presumption in favour of sustainable development relate to footnote 7. Whereas the currently adopted NPPF includes a list of policies as ‘examples’ of where development should be restricted, the revised footnote is framed in terms of a defined list. As a result, other key policy objectives and aims within the NPPF, local and neighbourhood plans (where they are judged to accord with the NPPF) are excluded from consideration as sufficient justification for not meeting housing needs or the granting of permission for housing or other

development.

Paragraph 8 of the revised NPPF sets out the components of sustainable development which frame the way in which the presumption in favour of sustainable development should be applied. The 3 elements of sustainable development (economic, social and environmental) should be reflected in the list set out in footnote 7, so that the economic element is taken fully into account. Within the City of London, for example, this would mean that national, London-wide and local policy frameworks which support the City's national and international cluster of businesses would not be given sufficient weight in the consideration of the presumption in favour of sustainable development.

The presumption in favour of sustainable development needs to reflect the full range of national policy objectives alongside specific land use designations.

Question 3

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

No

Please enter your comments here

Although other sections of the draft NPPF provide more detail on the core principles and application of planning, the current Core Planning Principles section in the adopted NPPF provides a valuable explanation of the purpose of the planning system and provides an overarching context to the NPPF which is lost in the proposed draft.

Question 4

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

The proposed additional wording in paragraph 14 is convoluted and confusing and does not deliver clear guidance on the role of policies in neighbourhood plans. For example, paragraph 14(a) refers to paragraph 75, which in turn refers back to paragraph 11(d). The wording of this section, and indeed other cross references in the NPPF, needs to be revisited to ensure that it is clear and easily understood to help guide effective planning decisions.

Question 5

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

No

Please enter your comments here

Tests of Soundness – Refers to the need for strategic and local plans to meet the tests of soundness. It would be helpful for this section to clearly indicate that the tests are applicable to plans prepared by elected Mayors and combined authorities, as this has been an issue in the past, particularly in relation to the London Plan.

Positively Prepared - It is not clear how this test will be applied in a situation where local planning authorities are at different stages of plan preparation and assessments of housing need and it is not practicable to reach agreement with neighbouring areas on the delivery of housing (either meeting housing need outside of the authority where OAN cannot be met locally or contributing to meeting the needs of neighbouring areas).

Justified - The change to require that plans only consider an appropriate strategy rather than the most appropriate, is welcomed. This will potentially remove unnecessary debate and argument over alternative strategies where the proposed strategy is supported by robust evidence.

Effective - The requirement for effective cross boundary joint working is supported where there is an identified need. The requirement that cross boundary matters are dealt with rather than deferred may introduce further expense and delay into the plan making process. It may make it difficult to meet the tests of soundness where matters cannot be agreed, or where one authority is at a much earlier stage in plan making and decisions on the appropriate strategy have not been taken. There should remain provision for Inspectors to agree a plan as sound, with one or more cross boundary issues to be dealt with at a later date. Effective plan making should not be held up by difficulty in agreeing an individual or small number of policies.

Question 6

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

Paragraph 16(e) - the requirement for plans to be accessible digitally is welcomed, but it should also be acknowledged that this will not be cost neutral and will require commitment and investment from local planning authorities.

Paragraph 17 - the requirement for plans to address key strategic issues is welcomed. This will ensure that plans are not unnecessarily delayed due to the time required to develop detailed planning policy on local matters. It is not clear, however, whether the list of strategic policies identified in paragraph 20 would also apply to elected mayors or combined authorities. Paragraph 20 should be amended to indicate that mayors or combined authorities should also include those policies

set out in paragraph 20 in strategic plans, except where they do not have the legislative authority to do so.

Paragraph 21 - the requirement that strategic policies are clearly distinguished in plans is supported. However, the flexible approach outlined as to how policies are presented (as a single local plan, separate plans or neighbourhood plans) will mean that a different approach to plan-making may be taken between neighbouring planning authorities, potentially creating a confusing pattern of plans and uncertainty for plan users. It also adds complexity to the how inspectors interpret the tests of soundness with regard to cross boundary cooperation. The NPPF should give clear guidance on the Government's preferred structure for planning policy documents.

Paragraph 23 – the requirement for a regular review of plans, at least once every 5 years is welcomed. This will give focus to the plan-making process at a local level, but will also require a commitment of resources to plan-making from both central Government and within local authorities. Guidance and direction on the need for the effective resourcing of plan making should be provided by Government.

Maintaining Effective Cooperation – The requirement for cooperation in the preparation of planning policies is supported in principle, but the City Corporation has some concerns over the detail set out in paragraphs 26 to 29. Paragraphs 27 and 28 address the need for collaboration on strategic plan making, but it would also be helpful to include a specific requirement for strategic plan making bodies (including elected Mayors and combined authorities) to collaborate with local planning authorities (where these are a different body) and with neighbourhood plan-making bodies.

Paragraph 29 – The requirements for formal Statements of Common Ground on strategic cross-boundary issues will add significant complexity to the existing Duty to Cooperate. A strategic plan making authority may need to agree Statements with a number of neighbouring authorities and, in the case of waste planning, other waste planning authorities further afield. The requirement for these statements to be formally agreed by authorities could slow down plan making and, where agreement cannot be reached, frustrate the timely progress of otherwise sound plans. There should be provision within the NPPF for those aspects of a plan (strategic or local) which do not rely upon Statements of Common Ground to progress even where agreement is yet to be reached on individual strategic issues.

An issue of concern for the City Corporation is the lack of clarity over how Statements of Common Ground will apply in London. It is not clear in the NPPF or the draft Planning Practice Guidance whether the requirement is for an all-embracing Statement covering the local plan or a number of individual Statements on specific issues with different local planning authorities. The guidance on the geographic extent of Statements is vague and does not seem to recognise that individual boroughs have a different set of neighbours, resulting in a complex overlapping series of Statements. Greater clarity is needed on how Statements would work in London and other larger urban areas and a 6 month transitional period agreed to allow for further work and a pilot study to test the process. Guidance should also provide a standardised template for Statements to avoid

different interpretations of what constitutes a Statement of Common Ground.

Paragraph 33 - the emphasis on the need for evidence underpinning local policies to be proportionate, relevant and up to date and tightly focussed is welcome. The draft revised Planning Practice Guidance provides more detail on what evidence might be needed, but the NPPF should also clearly state that evidence must be tailored to local circumstances and provide support and justification for the proposed policies and local priorities. There should be no requirement for evidence to be collected in support of policies which are not relevant locally or which have already been addressed at a strategic level.

Additional comments on Plan Making:

1) There appears to be no reference in this section (or indeed any other part of the NPPF) to the requirement for local or strategic plans to consider the needs of all sections of the community and specifically to address the needs for inclusive design, the needs of people with disabilities and wider matters of disability access. These should be a fundamental requirement that all plans (strategic, local and neighbourhood) should address.

2) There should be reference to, and guidance on, the role of Supplementary Planning Documents within this section. Currently the first reference to SPDs appears to be in paragraph 125. SPDs should be addressed as a key part of the plan-making framework.

Chapter 4: Decision-making

Question 7

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

Yes

Please enter your comments here

The principle that all viability assessments should be publicly available is supported by the City Corporation. The emphasis in national and local policy should be on transparency to enable community engagement in plan-making and decision making and in the assessment of the viability of developer proposals.

Policy needs to allow for some elements of viability assessments to remain confidential to protect genuine commercial confidentiality. In such cases, the developer should be required to provide robust justification for confidentiality and this should be considered by the local planning authority who should test whether the requirement for confidentiality outweighs the public benefit in making the information public. In such cases, the developer's justification and the local planning authority's determination should be made public. Judgements on confidentiality

should be reviewed on a regular basis, at least every 6 months, in recognition that reasons for confidentiality will change over time. Where the case for confidentiality has lapsed, the information should at that point be made available publicly.

Question 8

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

Yes

Please enter your comments here:

Guidance on those circumstances in which viability assessment could be required at application stage would be helpful. Although the NPPF provides for plans to be updated at least every 5 years, there may be circumstances where there have been significant changes in the costs and/or values of a development since the plan was prepared. This might, for example, include significant abnormal development costs, significant increases in build cost or changes to other cost inputs since the plan-wide viability was undertaken.

Developers should be allowed to submit individual viability information at application stage, but it should be for the local planning authority to determine what weight should be attached to this viability, having regard to national guidance.

Question 9

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

Please enter your comments below

Review mechanisms have value where a developer, demonstrated through a site specific viability appraisal, cannot deliver the full range of planning obligations required by the local plan at the date of application, but where there is potential for change in circumstances during and immediately after completion. This is particularly, although not wholly, the case where development is phased and obligations are triggered at the commencement or completion of each phase.

The use of review mechanisms can also introduce uncertainty into the planning process and create an expectation, particularly amongst local communities and objectors, that a higher level of contributions will be achieved on review.

The use of review mechanisms has the potential for a reduction in the agreed level of contributions as a result of increasing development costs. This could result in development which is not supported by required obligations and loses the support of the local community.

To provide certainty to local communities over a minimum level of obligations and avoid a reduction in contributions at a later date, national policy should be focussed on supporting the use of upwards only review mechanisms where a fully local plan policy-compliant contribution has not been agreed on the grant of permission. This will give certainty to local communities that the level of contributions promised by a developer at application stage is not under threat later on, leaving a community with additional development but not the required contributions necessary to offset the impact of this development.

It would be helpful for national guidance to include a model review mechanism that local planning authorities could use when required. The government could consider the standard mechanisms set out by the Mayor of London in his Affordable Housing and Viability Supplementary Planning Guidance.

Question 10

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

Although not included within the NPPF itself, the proposed new national guidance on viability assessments is relevant to how the NPPF will be interpreted. In addition to the comments made in response to Questions 7 – 9 above, the City Corporation has the following comments on a number of aspects of the proposed guidance:

1) The City Corporation welcomes the further guidance on standardised inputs to viability. This should allow for greater understanding of key aspects of viability at local authority level and for local communities commenting on planning applications and local plans. In particular, the City Corporation welcomes the clear statement that developers and others should factor in the full cost of complying with policies when purchasing land or bidding for development contracts. Due to its significance

in a developer's ability to meet planning obligations, this requirement should be clearly set out within the NPPF and not relegated to Planning Practice Guidance.

2) The NPPF changes and the revised guidance emphasise the role of viability in determining appropriate levels of affordable housing or financial contributions towards affordable housing. Whilst viability assessments have been used principally to determine appropriate levels of affordable housing contribution, the NPPF and planning guidance should acknowledge that viability assessments may be submitted for other local policy reasons. For example, within the City of London, viability considerations play a key role in the determination of proposals for the loss of office accommodation to other uses.

Other comments on Chapter 4:

Pre-application engagement and front loading – the City Corporation welcomes the additional emphasis in the NPPF on pre-application engagement. The City Corporation's experience is that such engagement delivers better outcomes in terms of policy compliant development and community acceptance and helps build positive working relationships between planning authorities and the development industry.

Paragraph 45 – the City Corporation supports the need to keep information requirements for planning applications up to date and for local planning authorities to review these requirements at least every 2 years. Where adopted local plans are in place, the requirement for changes on this timescale are likely to be limited.

Determining Applications: Paragraphs 48-51 – The City Corporation welcomes the guidance on the weight to be attached to emerging plans and the refusal of applications on the grounds of prematurity. This provides a clear statement that emerging policy is a material consideration and the weight given to it will increase as the plan progresses through statutory processes.

In addition to the comments above and in line with comments on Question 6, the City Corporation considers that the section on determining applications should address the need for applicants to provide information on inclusive design and accessibility for all sections of the community and for these to be key considerations in the determination of planning applications.

Chapter 5: Delivering a wide choice of high quality homes

Question 11

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

Please enter your comments here

The City Corporation supports measures to deliver an increase in housing to meet identified needs, but considers that the mechanisms for delivering new housing are best determined and applied at the local level in the context of local assessments of housing need and knowledge of local housing markets. National prescription that 20% of housing should be delivered on small sites cannot reflect local circumstances, the state of the local housing market and, critically, land availability to deliver new housing. These are matters that should be determined locally, through the local plan.

A requirement to allocate a set percentage of small sites within local plans may in practice work against the NPPF aspiration to encourage more SME house builders into the market, since allocating a site will normally provide an uplift in land value, possibly pricing SME builders out of the market.

Question 12

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

No

Please enter your comments here

Test ignores the fact that local planning authorities have little control over the rate of housing delivery, which will be determined by house builders and the housing market. If the Government wishes to monitor and hold local authorities to account in relation to housing, the Test should be based on an authority's record in allocating and granting planning permission for housing. The NPPF already requires local planning authorities to maintain a 5 year land supply for housing, with buffer requirements above this level to account for market factors. It is this measure that should form the basis of any Housing Delivery Test.

The Test, as proposed, is to be calculated on the basis of delivery over a 3 year period relative to adopted strategic plan housing targets. A 3 year timescale is too short where a local planning authority is reliant on larger strategic sites to deliver the bulk of planned housing growth, or where there are significant fluctuations from year to year in housing delivery including as a result of market conditions. In such circumstances the application of the presumption in favour of sustainable development might have the unintended consequence of encouraging opportunistic housing in conflict with other adopted policy.

For example, the City of London is geographically constrained and established planning policy (supported by the London Plan and national planning statements, such as the exemption from permitted development rights for the change of use from offices to housing) emphasises the importance of the City as an office centre of national and international importance. Opportunities for new housing are limited and housing supply has tended to be 'lumpy', with larger sites coming forward in response to site availability and market signals. Over the timescale of City local plans, housing delivery has consistently exceeded housing targets, ensuring that the City can make an important contribution to meeting local and wider housing

needs. Over a shorter, 3 year period, there will be times when housing targets are significantly exceeded, but others when delivery falls below target, such as at present when housing delivery has fallen as a result of falling house prices in central London. The rigid application of the proposed Housing Delivery Test does not reflect the reality that housing is being delivered in the City over the local plan period, and the presumption in favour of sustainable development could potentially undermine the City's office stock and its contribution to the national economy by allowing the opportunistic loss of valuable offices to housing.

The City Corporation considers that a 5 year delivery period would provide a better measure of housing delivery, one that is less susceptible to short term market volatility, and which aligns with the requirement in local plans to demonstrate a 5 year supply of housing land.

Question 13

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

Yes

Please enter your comments here

Although the new policy approach would not apply within the City of London as a central urban area, the City Corporation supports the introduction of new planning tools which could assist in the delivery of new housing on suitable sites. The use of exception sites should be a matter for consideration at local level and considered through the local plan process in much the same way as policy requirements for rural exceptions sites for affordable housing.

Question 14

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

The City of London Corporation supports measures to increase the supply and delivery of new housing on appropriate sites to meet the priority need for housing in the UK. However, the City Corporation is concerned that some of the proposals in the draft NPPF will have unintended consequences for other nationally or locally important policy priorities and particularly for the maintenance of existing, and delivery of new, employment sites needed to support UK economic growth.

Paragraph 62 – the City Corporation supports the role of local plans in ensuring that policies support the delivery of new housing which addresses local housing needs, but considers that this should not be expressed in the form of prescription, determining the type, size and tenure of housing on all new development sites. The emphasis should be on developing a partnership with developers to ensure that new housing addresses needs.

Paragraph 65 – The City Corporation supports the requirement for policy to provide for affordable housing to meet the needs of those who cannot afford housing on the open market, but not the national requirement for 10% of housing on major sites to be affordable home ownership. Policies should be evidenced locally, taking account of local needs, as required by draft paragraph 62 and not subject to national prescription. This will ensure that affordable housing can be provided to meet local housing needs, including the need for home ownership where this is identified as a local priority.

Paragraph 74 - carries forward existing NPPF provisions for a 5 year supply of housing sites, and requirements from buffers beyond the 5 year requirement. These targets relate to identified and specific deliverable sites, no reference is made to the potential delivery through windfall sites, even though the use of windfalls is identified under paragraph 71. Greater clarity is needed on how these targets can be applied when there is a reliance on windfalls.

Paragraph 74 (c) - the reference to a 20% buffer in 74(c) should be amended to relate to the 5 year supply of sites required in relation to local plans rather than the 3 year housing delivery test. This will also provide necessary flexibility for those areas, like the City of London, which have a 'lumpy' distribution of housing sites and have relied on larger sites to meet the bulk of their housing delivery.

Paragraph 77 – the 95% threshold triggering a requirement for an action plan when housing delivery falls below local plan target is considered to be too high. Local plans are required to maintain a 5 year supply of housing and to plan for housing delivery over a 5 year period. Falling below 95% of target in a given 3 year period in the context of a 15 year plan is not a significant shortfall. The requirement for action plans for delivery at this threshold will add unnecessarily to the burden on local planning authorities. It should be replaced with a need for an action plan where delivery falls below 75% of the target as measured over a 5 year period.

Paragraph 78 - suggests that local planning authorities should consider imposing conditions to require development to be brought forward in 2 years to expedite development. There is no evidence that moving from 5 year permissions to 3 year permissions has led to a significant increase in housing development and a fall in the number of unimplemented sites with planning permission. There is no evidence in the NPPF that a further reduction to 2 years will have a similar effect on housing delivery. The current 3 year time period for valid planning permissions should remain.

Chapter 6: Building a strong, competitive economy

Question 15

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

No

Please enter your comments here

Although paragraph 82 provides a clear indication of Government policy in relation to economic development in planning, the City Corporation is concerned at the balance between policy priorities for economic development and priorities for housing. Policies on economic development are summarised in 4 paragraphs, compared with 5 pages for housing. Whilst the City Corporation supports measures to increase the supply of new housing, this needs to be balanced against other national priority needs, particularly including the need to deliver economic and employment growth and to properly reflect the definition of sustainable development in Section 2 of the NPPf which refers to the 3 objectives of sustainable development as being economic, social and environmental.

Paragraph 82 - requires significant weight to be given to the need to support economic growth and productivity and allow an area to build on its strengths, but it is not clear whether weight given to economic development should outweigh the priority need for housing set out in Section 5 of the NPPF and, particularly the Housing Delivery Test outlined in paragraphs 74 to 78. The relative weight attached to the delivery of housing and economic development should be considered and set through the local plan process. For example, successive local plans in the City of London have established a national imperative and priority for office development and employment creation within the City, which has been supported by national policy (for example through the exemption from national permitted development rights for the change of use of offices to housing) and London Plan policy. To ensure that the City continues to deliver new office growth to support the national economy, this local policy priority needs to be retained, over and above, the acknowledged need to deliver new housing to address the national housing shortage.

Existing NPPF paragraph 51 – this sets out the presumption in favour of change of use from commercial to residential, provided that there are not strong economic reasons why such development would be inappropriate. This important qualification, which provides some protection for essential economic sectors and areas, and seems to have been deleted from the current draft NPPF. The City Corporation would like to see this paragraph re-instated.

In seeking to consolidate the NPPF further and give greater priority to housing delivery, existing NPPF guidance on the need to plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries has been deleted. Similarly, guidance on the need to retain key areas of economic activity (including the City) and the need to provide for the needs of a range of businesses and provide for flexible accommodation to meet the needs of businesses over the life of the Plan (set out in paragraph 21) has also been lost. The City Corporation considers that such guidance is critical to enable local authorities to plan positively for future economic growth and should be retained within the NPPF.

Footnote 31 – references the Government's flagship Industrial Strategy, but there is

no detail within the body of the NPPF on how planning can deliver the aims of this Strategy. Further guidance on the role of planning is needed within the NPPF.

Question 16

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

See response to Question 15 above.

Chapter 7: Ensuring the vitality of town centres

Question 17

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

Yes

Please enter your comments here

The proposed changes clarify how the sequential test should be applied. Whilst it is unlikely to be applicable to the current situation in the City of London, the proposed changes to the sequential test should help ensure that proposals for out of centre development take into consideration the potential for town centre sites to become available in line with proposals set out in Local Plans, rather than simply reflecting the current land supply position. It would be helpful if paragraph 87 gave further guidance on what is regarded as 'reasonable period', clarifying that this would include sites identified for town centres uses within adopted Local Plans.

Question 18

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

There is a need for greater consistency between the aims of Chapter 7 setting out the role of planning in ensuring the vitality of town centres, and the reality that planning can only play a limited role as a consequence of wider application of permitted development rights which allows the change of use between town centres uses without the need to obtain planning permission. Whilst the PD rights introduced in recent years have delivered greater flexibility to developers, landlords and tenants in terms of the mix of units within a centre, a consequence is that local

planning authorities have limited scope to determine appropriate town centres uses and to resist inappropriate uses which may impact on vitality.

Related to the above, it is becoming increasingly apparent that the Use Class Order is no longer fit for purpose in terms of retail and town centre uses. The City of London, like many other local authorities and town centres, has seen an increasing number of applications for flexible retail uses, or sui generis uses, as retailers seek greater flexibility in their operations and move towards retail as a leisure activity and town centres as destinations for more than retailing. Thus, it is increasingly common for units to seek to operate across multiple A use classes, either within defined sections of buildings, or varying A uses at different times of the day. The role and function of retail has changed significantly in recent years and the increasing move to online shopping is likely to accelerate change and introduce new and innovative retail concepts as town centre retail respond to the online threat. The City Corporation would support a review of the A use class within the Use Class Order to be able to better address changing retail patterns and trends in future planning.

Chapter 8: Promoting healthy and safe communities

Question 19

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

Paragraph 94 – the proposed changes support the use of planning to deliver high standards of estate regeneration, placing emphasis on social and economic benefits, but does not provide further guidance on what these benefits are. The City Corporation considers that the NPPF should require local planning authorities to consider the housing needs of existing residents when assessing proposals for estate regeneration, with an explicit requirement to ensure that existing tenants have the opportunity to be rehoused within the regenerated scheme at rents and service charge levels equivalent to existing levels. It is important that estate regeneration supports the retention of existing communities and delivers improvements for existing residents.

Question 20

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

Paragraph 96 - deals with public safety, security and defence and is generally supported. However, this paragraph should also include a requirement for liaison with the police and other emergency services and the delivery of development which meets 'Secured by Design' principles. Guidance should also recognise the public safety threat from terrorist activity and set out guidance on how local planning authorities should plan for development and public realm improvements in areas identified as 'Crowded Places', highlighting the need for ongoing consultation and co-ordination with counter terrorism officers.

Chapter 9: Promoting sustainable transport

Question 21

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

Yes

Please enter your comments here

Although the guidance requires all aspects of transport to be considered, and paragraph 103(b) references changing transport technology, the City Corporation considers that the NPPF should give greater consideration to changes in transport technology and place a stronger requirement on the need for local planning authorities to have regard to new and emerging technologies. For example, the requirements for planning policy do not include consideration of the needs of low emission or zero emission vehicles, including the need to plan for and provide rapid charging technologies. There is no reference to autonomous vehicle technologies or to the need to plan for smart control of traffic signals to smooth traffic flows and actively reduce congestion.

Although there is reference to the need to plan for effective servicing, this should be expanded and include requirements for local planning authorities to consider servicing and deliveries outside of peak times, the use of low or zero emission vehicles for servicing and freight and the implications of personal deliveries on servicing and freight movements (and associated congestion and pollution). There also needs to be guidance on the management of construction vehicles.

The City Corporation has recently published a Freight and Servicing SPD and is developing a City-wide Transport Strategy which has, as one of its objectives, reducing the impact of freight and servicing trips in the City. Amongst the options being considered in this Strategy is a requirement for larger developments to consider and implement off-site consolidation of freight and servicing and construction activity, with last mile deliveries by low or zero emission vehicles. The City Corporation considers that similar measures could usefully be implemented in other congested centres and suggests that off-site consolidation be included within the NPPF as a potential measure to be considered by local planning authorities.

Question 22

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

Yes

Please enter your comments here

General aviation facilities in the right location can play an important role in meeting business needs and should be considered through the planning process. The City of London needs good international connections to support its international business role.

Question 23

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

Paragraph 107 - restricts the use of maximum parking standards, indicating that they should only be used where there is a clear and compelling justification that they are necessary to manage the local road network. The NPPF should recognise that maximum standards and requirements for car free development can be used in locations where the need for private car ownership is reduced through a good public transport network, such as in the centre of London.

Paragraph 110(a) – The City Corporation supports the prioritisation of walking and cycling within this paragraph. Amendments are needed to clarify that walking and cycling links between development and public transport are of fundamental importance and as critical as other walking and cycling links.

Chapter 10: Supporting high quality communications

Question 24

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

Whilst strongly supporting the emphasis in the NPPF on the need to plan for and facilitate the delivery of high quality communications, it is questionable whether local planning authorities have the necessary expertise to set out in detail how digital infrastructure should be delivered and upgraded. The NPPF should instead require plans to make provision for high quality digital communications, rather than setting out how this should be delivered.

Paragraph 116 - seems to contradict earlier requirements in paragraphs 114 and 115 which require local planning authorities to consider technical evidence of the impact of equipment and health related impacts. If technical need and health related evidence is required to support planning applications, the NPPF should allow for this to be subject to independent verification as part of the planning application process, with verification funded by the applicant.

Chapter 11: Making effective use of land

Question 25

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

No

Please enter your comments here

The City Corporation supports the principle of making the most effective use of land and ensuring that local plans and planning decisions reflect this principle. However, the Corporation is concerned that the NPPF is focussed principally on residential development with little reference to the importance of delivering other necessary land uses, including the need to deliver land and development which supports economic development and job creation. The NPPF requires local plans to set out policies and proposals to meet the full range of locally assessed needs and the requirement to make the most effective use of land should be delivered within this wider context, rather than simply being focussed on delivering new housing.

Paragraph 118(e) - introduces a new requirement to allow the upwards extension of buildings, and follows from an earlier Ministerial Statement and consultation. Whilst this flexibility may deliver increased residential development in some areas, the potential for a significant uplift is limited and will not be appropriate in many circumstances. Allowing for upwards development across the City of London could impact adversely on the City's primary business role, limiting the scope for further office development by introducing new rights to light and expectations of residential amenity.

The potential to make greater use of airspace above existing buildings and for upwards extensions should be considered firstly through the local plan process and only taken forward in accordance with agreed local plan policy. Such consideration will allow the potential implications for heritage assets or the local transport network to be addressed alongside the implications for other key land uses.

Question 26

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

No

Please enter your comments here

Rather than setting out minimum density standards for new housing development in areas of high demand, the approach in the NPPF should be for local plans to demonstrate that the most efficient use of land is made on allocated residential sites, with an emphasis on ensuring a high design quality in order to deliver more housing. This would reflect the approach that is proposed in the draft London Plan which moves away from minimum densities towards an emphasis on design quality.

Question 27

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

No comment

Chapter 12 : Achieving well-designed places

Question 28

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

Paragraph 127 - The additional emphasis on pre-application engagement is welcomed, but the City Corporation suggests that this should be expressed as a requirement rather than an encouragement. Pre-application discussion at the formative stage of development proposals will help ensure that development is aligned with adopted development plan requirements and delivers a high quality of design. Pre-application engagement can also engage meaningfully with the local community and reduce or remove potential community objections to development.

Question 29

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

Paragraph 126 – there is no reference to the need for development to deliver healthy buildings within this paragraph (or elsewhere in the NPPF). The NPPF should require new development to incorporate healthy building principles as these are of equal significance to the other aspects of good development highlighted in this paragraph. A separate point should be included in paragraph 126 which recognises the importance of healthy buildings and which references ventilation, building materials, lighting, daylight and sublight, acoustics and access to nature and recreational space.

Paragraph 131 - sets out the approach to advertising, indicating that planning control should be limited to issues of amenity and public safety. The NPPF should contain a requirement for local plans to set out clearly the approach to advertisements within an area to give clear guidance to developers and advertisers.

The design of new buildings should be required to have regard to the need to deliver accessible buildings and environments which are inclusive for all sections of the community and address the needs of people with disabilities.

Chapter 13: Protecting the Green Belt

Question 30

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

Not sure

Please enter your comments here

The City Corporation considers that the primary purpose of the Green Belt should be retained. Where a local planning authority wishes to make greater use of brownfield land in the Green Belt to meet housing needs or provide for other forms of development, this should be addressed through the local plan and considered through consultation and examination, thereby enabling policy changes to reflect local circumstances and sensitivities.

Question 31

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

No comment

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

Question 32

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

The City Corporation supports the proposed changes. In relation to considering the cumulative impact of flood risk, further guidance will be needed for local planning authorities on how they should address these cumulative impacts and the 'tipping' point beyond which the impact of development would be unacceptable.

Question 33

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

Paragraph 149b - requires new development to make a contribution to reducing greenhouse gas emissions, but does not allow local planning authorities to adopt local policies which goes beyond Government policy and targets. This could unnecessarily restrict local initiatives to make a significant contribution to the reduction of greenhouse gas emissions from new and refurbished buildings. The NPPF should allow for evidenced local policy to go beyond the national approach where this has been supported through consultation and examination.

Chapter 15: Conserving and enhancing the natural environment

Question 34

Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Yes

Please enter your comments here

The City Corporation owns and manages almost 4,500 hectares of historic and natural open space in and beyond the City of London itself. The City Corporation supports measures within the NPPF which clarify and strengthen protection for areas of particular environmental importance, including ancient woodlands and veteran trees. The City Corporation considers that the NPPF should also highlight the important role that the natural environment plays in delivering a high quality environment and amenity within urban areas, and encourage efforts to deliver urban greening.

Question 35

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

Paragraph 180 - the City Corporation supports the 'agent of change' principle. It is important that new development should not have an adverse impact on the ability of existing businesses and facilities to operate as a result of unreasonable restrictions imposed on their use following new development.

Paragraph 179 - the new provisions and emphasis on air quality are welcomed. The planning system can play a significant role in ensuring that new development actively delivers improvements in local, regional and wider air quality. NPPF provisions should be extended to apply not just to AQMAs and Clean Air Zones but also to any locally designated areas where air quality improvements are being sought.

Chapter 16: Conserving and enhancing the historic environment

Question 36

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

Paragraph 182 - the amendments in relation to World Heritage Sites are supported.

Paragraph 189 - whilst the proposed amendments in respect of the impact of development on a designated heritage assets are supported in principle, the amended wording could have the effect of increasing objection to development which impacts on heritage assets, despite the harm being less than significant and outweighed by other considerations, and could prevent otherwise acceptable development from being permitted. The existing wording in paragraph 132 of the NPPF is considered to provide sufficient guidance on the approach that should be taken and should be retained.

Footnote 55 – this sets out text currently included within paragraph 132 of the existing NPPF. It should be retained within the main text of the revised NPPF to reflect the importance of heritage assests and the consideration of assets in the planning process.

Chapter 17: Facilitating the sustainable use of minerals

Question 37

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

The City Corporation supports the emphasis in this section on the need to ensure sufficient supply of minerals to provide for the country's building and infrastructure needs, and the emphasis given to the use of recycled materials before considering the extraction of primary materials.

Paragraph 204 - the City Corporation notes the additional text on oil and gas development, including the reference to unconventional hydrocarbons. It is assumed that this includes the potential for fracking. The City Corporation is supportive of the draft London Plan approach which resists fracking in London and considers that the potential and desirability of fracking should be considered through the plan making process at a local level.

Question 38

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

No

Please enter your comments here

In principle, the NPPF should contain the Government's full range of national planning policies, including policy on minerals and waste.

Question 39

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

No

Please enter your comments here

No comment

Transitional arrangements and consequential changes

Question 40

Do you agree with the proposed transitional arrangements?

No

Please enter your comments here

The City Corporation is concerned that the transitional period envisaged for the Housing Delivery Test, together with the detailed provisions and 3 year time horizon for the test, will penalise those local planning authorities where housing delivery is 'lumpy' or relies upon large or strategic housing sites. The NPPF requirement to have a 5 year housing land supply remains and the Housing Delivery Test should reflect this 5 year period to ensure that it can more accurately reflect overall housing delivery in a local plan area over the local plan period.

The City Corporation also considers that a transition period is needed for the introduction of Statements of Common Ground. Although these build upon existing practice and requirements under the Duty to Cooperate, they will require a more formal, member-led, approach to cooperation which may take some time to deliver. A minimum 6 month transition and exemption for plans that have reached submission stage at the time the NPPF comes into effect, will remove potential difficulties and delays in the effective examination and approval of plans.

Question 41

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

Yes

Please enter your comments here

National planning policy for Traveller Sites should be incorporated into the NPPF.

Question 42

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

Yes

Please enter your comments here

National planning policy for waste should be incorporated into the NPPF.

Glossary

Question 43

Do you have any comments on the glossary?

Strategic Plans - the Glossary should clarify that the definition of a strategic plan and strategic plan-making authority apply to the London Plan and the Mayor of London.

Inclusive Design - the definition of Inclusive Design within the existing NPPF appears to have been deleted from the draft revision. This needs to be reinstated, and references to inclusive design included within the NPPF to ensure that planning policy at the national, regional and local levels address the need to be inclusive and accessible to all.