

**Levelling-Up and Regeneration Bill**  
**Consultation: Reforms to National Planning Policy**  
**Consultation 22 December 2022 – 02 March 2023**  
**Response on behalf of Tunbridge Wells Borough Council.**

| <b>Chapter Number/Name</b>   | <b>Chapter Name</b>                              | <b>Consultation Question Number</b> | <b>Consultation Question</b>  | <b>Tunbridge Wells Borough Council response</b>  |
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| <b>Chapter 3 – Providing certainty through local and neighbourhood plans</b> | Reforming the 5 year housing land supply (5YHLS) | 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? | Yes. TWBC considers that this would ensure housing policies are not out of date, helping it restrict/defend developments/appeals currently granted on basis of lack of 5 yr housing land supply. The 5YHLS requirement to be annually reviewed also undermines any adopted Local Plan position through the link to the presumption in favour of development. Particularly in Council areas where there are rural areas where settlements may be adversely affected from development pressure when a 5YHLS cannot be demonstrated.  |
| <b>Chapter 3 – Providing certainty through local and neighbourhood plans</b> | Reforming the 5 year housing land supply (5YHLS) | 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)?  | Yes. This is particularly appropriate where a local authority may deliver less housing than 75% of its housing requirement, thus falling into the presumption in favour of sustainable development, while it is mid-way through preparing an emerging plan, and/or through the non-implementation of permitted schemes outside the local planning authority's control. The use of a buffer does not resolve the fundamental issue of housing delivery in a particular area but does adds punitive measures by increasing the need figure, making it all the more difficult to meet delivery targets. |

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| <b>Chapter 3 – Providing certainty through local and neighbourhood plans</b> | Reforming the 5 year housing land supply (5YHLS) | 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? | Yes. Clarification should also be made that this may also apply to emerging plan periods. But the principle is one that would be supported, where under certain circumstances developer delivery exceeds that projected in housing trajectory figures.  |
| <b>Chapter 3 – Providing certainty through local and neighbourhood plans</b> | Reforming the 5 year housing land supply (5YHLS) | 4                                   | What should any planning guidance dealing with oversupply and undersupply say?   | Clarification should be made on any oversupply or undersupply from the base date of an emerging plan period.  |
| <b>Chapter 3 – Providing certainty through local and neighbourhood plans</b> | Boosting the status of Neighbourhood Plans       | 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?                    | The strengthen of NDPs is justified where it is the most recent plan for that area. Where a Local Plan supersedes the NDP the strength would be limited irrespective of the timeframe. If the NDP does not have land allocations for housing, then it's housing policies would hold no weight in this scenario. Clarification should be provided. |

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| <b>Chapter 4 – Planning for housing</b> | -  | 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? (paragraph 1)  | New wording includes ‘... <i>locally-prepared plans can provide for sufficient housing and other development in a sustainable manner.</i> ’ Is unclear as to how to interpret the use of ‘sufficient’ and more clarity should be given particularly in the context of proposed later changes about how the Standard Method being the ‘starting point’ for establishing the housing requirement (para 61). However, we support the priority given to local plans. |
| <b>Chapter 4 – Planning for housing</b> | Local housing need and the standard method             | 7                                   | What are your views on the implications these changes may have on plan-making and housing supply?   | The changes to NPPF paragraph 1 and changes to the five-year housing land supply (‘5YHLS’) should strengthen the plan making process and importantly the status of the Local Plan in decision making.  |
| <b>Chapter 4 – Planning for housing</b> | Introducing new flexibilities to meeting housing needs | 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 – we agree that clearer guidance should be provided on exceptional circumstances such as particular demographic needs for older people, and affordable housing. In particular, whether the standard method should be reviewed where significant amounts of a local authority area is constrained by Greenbelt, AONB and/or Flood zones.  |

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| <b>Chapter 4 – Planning for housing</b> | Introducing new flexibilities to meeting housing needs | 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? | Yes – however transitional arrangements should be clarified for those authorities in advanced plan making positions.  |
| <b>Chapter 4 – Planning for housing</b> | Introducing new flexibilities to meeting housing needs | 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?  | Urban Capacity studies, and Brownfield and Urban Land assessments. If such documents are to be included as evidence for not meeting local housing need, there should be clear guidance as to what should be included in these studies and/or assessments. |
| <b>Chapter 4 – Planning for housing</b> | Introducing new flexibilities to meeting housing needs | 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?   | Plans need to be justified in some way; however, the current wording has led to an excessive amount of evidence being required by LPA’s in order to justify a plan and so further consideration of what is ‘proportionate’ is required.                   |
| <b>Chapter 4 – Planning for housing</b> | Introducing new flexibilities                          | 12                                  | Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of  | Yes, the practical way to handle the transition would be continuing to apply  |

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|   | to meeting housing needs                                 |                                     | preparation? If no, which if any, plans should the revised tests apply to?   | the current tests to plans at or approaching examination.  |
| <b>Chapter 4 – Planning for housing</b> | Introducing new flexibilities to meeting housing needs   | 13                                  | Do you agree that we should make a change to the Framework on the application of the urban uplift?   | Tunbridge Wells is not affected by the uplift directly. However, may be affected if higher housing targets are necessary owing to lack of suitable housing delivery rates in London. |
| <b>Chapter 4 – Planning for housing</b> | Introducing new flexibilities to meeting housing needs   | 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?   | No comment.  |
| <b>Chapter 4 – Planning for housing</b> | Introducing new flexibilities to meeting housing needs   | 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 uplift should be considered to include factors such as environmental constraints, health, climate change, sustainable transport, and infrastructure.                             |
| <b>Chapter 4 – Planning for housing</b> | Enabling communities with plans already in the system to | 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              | Yes, as this will give the local planning authority greater control over speculative development while preparing an emerging plan.   |

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|   | benefit from changes  |                                     | any past over-supply? If no, what approach should be taken, if any?  |   |
| <b>Chapter 4 – Planning for housing</b> | Enabling communities with plans already in the system to benefit from changes | 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?   | No, whilst the introduction of such considerations may reduce the number of houses required in the TWBC Local Plan (which is currently at examination) it would cause a significant level of disruption to the process and confusion for residents. It would open the entire plan to challenge where sites presently identified for Greenbelt release would need further review. Furthermore, strategic housing growth would be significantly affected. |
| <b>Chapter 4 – Planning for housing</b> | Taking account of permissions granted in the Housing Delivery Test (HDT)      | 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, as the stalling of sites and/or the discontinuation of permitted schemes from developers is outside the control of the local planning authority.   |
| <b>Chapter 4 – Planning for housing</b> | Taking account of permissions granted in the Housing Delivery Test (HDT)      | 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?  | Clarification on how 15% has been determined would be beneficial or based on an assessment of non-implementation of schemes (albeit may vary from region to region), otherwise a 10% ‘non-implementation buffer’, as the local  |

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|  |  |                                     |  | planning authority has applied in the past, would appear more appropriate to account for the non-implementation of schemes.   |
| <b>Chapter 4 – Planning for housing</b>              | Taking account of permissions granted in the Housing Delivery Test (HDT) | 20                                  | Do you have views on a robust method for counting deliverable homes permitted for these purposes?  | All consented housing schemes, while taking account of schemes which involve a net loss of housing, should be counted. This could be in the form of a government return from LPA's detailing the number of dwellings that have been granted permission.   |
| <b>Chapter 4 – Planning for housing</b>              | Taking account of permissions granted in the Housing Delivery Test (HDT) | 21                                  | What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?   | The 2022 HDT results should only be published if the NPPF reforms are delayed beyond the Spring.  |
| <b>Chapter 5 – A planning system for communities</b> | More homes for social rent   | 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, affordable housing available for social rent is critical to help meet the need for young people and lower income people particularly in areas such as Tunbridge Wells borough where affordability is a problem. More weight should be added to this type of provision to ensure it is included in schemes. |

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| <b>Chapter 5 – A planning system for communities</b> | More older people's housing         | 23                                  | Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?  | Yes, as we need to deal with a growing ageing population going forward which may include special/specific types of housing needs for older people.   |
| <b>Chapter 5 – A planning system for communities</b> | More small sites for small builders | 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)?  | TWBC supports the policy identified in Para 69 of the NPPF. The inclusion in the plan of 10% small and medium sites is an important factor for ensuring delivery of housing comes from different parts of the delivery sector and helps with identification of sites in rural settlements and for windfall policies. |
| <b>Chapter 5 – A planning system for communities</b> | More small sites for small builders | 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?  | Engagement with the SME sector should be undertaken. The timeline and process of site acquisition and then delivery is completely different to volume housebuilders  |
| <b>Chapter 5 – A planning system for communities</b> | More community-led developments     | 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? | We support the increase in diversity of delivery of affordable housing, particularly community led schemes. However affordable housing should be maintained as stock in perpetuity, and with safeguards on landlord practices.   |



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| <b>Chapter 5 – A planning system for communities</b> | More community-led developments | 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? | An emphasis on rural exception sites that are in community ownership for affordable housing could be introduced. However, the assessment of the sustainability of these sites in terms of their proximity to immediate services is still necessary.                                   |
| <b>Chapter 5 – A planning system for communities</b> | More community-led developments | 28                                  | Is there anything else that you think would help community groups in delivering affordable housing on exception sites?                                | No comment.   |
| <b>Chapter 5 – A planning system for communities</b> | More community-led developments | 29                                  | Is there anything else national planning policy could do to support community-led developments?   | No comment.   |
| <b>Chapter 5 – A planning system for communities</b> | More community-led developments | 30                                  | Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?                                       | In principle yes. However, it would inevitably rely on local planning departments administering and deciding how and when historic performance was unacceptable.<br><br>There will be difficulties with those developers who acquire sites to get planning consent only to sell them. |
| <b>Chapter 5 – A planning</b>                        | More community-led developments | 31                                  | Of the two options above, what would be the most effective mechanism?   | Option 1  |


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| <b>system for communities</b>                        |                     |                                     | Are there any alternative mechanisms?   |  |
| <b>Chapter 5 – A planning system for communities</b> | More build out      | 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?                | We will welcome all three measures if it improves the delivery of housing. However, there are many legitimate factors that may affect delivery of a site that should be taken into account.  |
| <b>Chapter 6 – Asking for beauty</b>                 | Ask for beauty      | 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?  | Placemaking yes, but not 'beauty' as it is not clear what this means in the context of good design. How can you assess whether something is considered to be beautiful or not as this can depend individual interpretation and is a very subjective area. It is considered that too much emphasis is placed on it in the revised NPPF. |
| <b>Chapter 6 – Asking for beauty</b>                 | Ask for beauty      | 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? | No, for the reasons given under Q33 above.   |


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| <b>Chapter 6 – Asking for beauty</b> | Refuse ugliness          | 35                                  | Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?                    | <p><i>‘Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate, to make enforcement easier.’</i></p> <p>This is important for enforcement purposes, especially where amendments may have been made during the application process and is something TWBC already does by listing the approved drawings in a condition on the decision notice: (The development hereby permitted shall be carried out in accordance with the following approved plans: – Reason to clarify which plans are approved). Aware that some other authorities do not currently do this, so agree that the proposed wording should be included.</p> |
| <b>Chapter 6 – Asking for beauty</b> | Embracing gentle density | 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 | No. It is considered the proposed wording places too much emphasis and encouragement of the use of mansard roofs, which could be considered a regressive/outdated form of design and   |

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|                     |              |                              | <p>LPA's to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?</p> | <p>this roof form is not always aesthetically pleasing as shown in the photographs below:</p>  |

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|                     |              |                              |                       |  <p> It is considered that this would contradict with the aforementioned emphasis on ‘well designed places and beauty’ and could contradict with the first part of the paragraph 120 (e) – “<i>be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards)</i>”. The existing wording in existing NPPF paragraph 120(e) is considered to provide sufficient guidance on upward roof extensions as their suitability in design terms will depend on the prevailing character of a particular street/area. </p> |

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| <b>Chapter 7 – Protecting the environment and tackling climate change</b> | Delivering biodiversity net gain and local nature recovery       | 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?  | BNG should prioritise maximisation of on-site delivery of mitigation measures, and delivery of these measures should be subject to a requirement that developers provide evidence of implementation to the LPA.   |
| <b>Chapter 7 – Protecting the environment and tackling climate change</b> | Recognising the food production value of farmland                | 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? | Food self-sufficiency is supported in principle as a sound national objective, but this policy objective does cut across other policy objectives including housing delivery, biodiversity net gain, and energy security.  |
| <b>Chapter 7 – Protecting the environment and tackling climate change</b> | Climate change mitigation: exploring a form of carbon assessment | 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?                                      | There should be a duty on all suppliers to monitor imbedded carbon calculations for all materials, which should form part of planning submissions. Anything introduced should be simple to implement and common across all industries in the built environment. |
| <b>Chapter 7 – Protecting the environment and tackling climate change</b> | Climate adaptation and flood-risk management                     | 40                                  | Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-  | Introduction of net-zero homes as standard asap. Decarbonisation of the energy supply chain.  |

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|   |  |                                     | based solutions that provide multi-functional benefits?  |   |
| <b>Chapter 8 – Onshore wind and energy efficiency</b> | Enabling the repowering of existing onshore wind turbines            | 41                                  | Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?  | Future maintenance of renewable and decentralised low carbon energy modes is essential and so is supported.   |
| <b>Chapter 8 – Onshore wind and energy efficiency</b> | Enabling the repowering of existing onshore wind turbines            | 42                                  | Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?  | Agree with the principle of extending renewable energy production consents where they are acceptable, but note the point made in answering question 38 regarding food self-sufficiency.   |
| <b>Chapter 8 – Onshore wind and energy efficiency</b> | Introducing more flexibility to plan for new onshore wind deployment | 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? | Assessment of whether such applications can demonstrate community support will be a difficult part of the process to put to LPAs. Developers may want to leave this to LPA consultation exercise which would be inappropriate. It may require a local referendum much like neighbourhood development plans to justify such projects. Such projects should guarantee lower energy prices for those affected in the local area. |
| <b>Chapter 8 – Onshore wind</b>                       | Barriers to energy efficiency  | 44                                  | Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give   | TWBC supports this change.  |

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| <b>and energy efficiency</b>                                   |  |                                     | significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?  |   |
| <b>Chapter 9 - Preparing for the new system of plan-making</b> | Giving time to finalise and adopt plans already in development before the reformed plan-making system is introduced  | 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? | We support the timeframe given. The TWBC Local Plan is at examination and a Town Centre Plan is likely to be submitted by that date.  |
| <b>Chapter 9 - Preparing for the new system of plan-making</b> | Setting out the timeline for preparing local plans, spatial development strategies, minerals and waste plans and supplementary plans under the reformed system | 46                                  | Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?  | The 30 months' time frame is very ambitious. Whilst it would on face value reduce the costs associated with preparation of a local plan, further guidance is needed on how the current timeframes will be reduced and what documents will be required to support a local plan under this shortened process. |



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| <b>Chapter 9 - Preparing for the new system of plan-making</b> | Setting out the timeline for preparing local plans, spatial development strategies, minerals and waste plans and supplementary plans under the reformed system | 47                                  | Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose? | TWBC supports this change.   |
| <b>Chapter 9 - Preparing for the new system of plan-making</b> | Setting out the timeline for preparing local plans, spatial development strategies, minerals and waste plans and supplementary plans under the reformed system | 48                                  | Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose? | <p>The loss of SPDs will cause a significant vacuum in the planning system. The purpose of SPD's is to amplify Local Plan policy, so developers know how to deliver policy expectations and therefore reduce the chance of planning applications being refused.</p> <p>SPDs need to provide significant detail to support policy implementation. Without these in place it will result in developer challenge at application stages.</p> |

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| <b>Chapter 10 – National Development Management Policies</b> | The scope of National Development Management Policies | 49                                  | Do you agree with the suggested scope and principles for guiding National Development Management Policies?                               | Generally, yes to avoid repetition on common themes and negate the need for discussion/review at examination. However, there may be some locally distinctive themes which may require a set of policies in the Local Plan such as car parking standards, housing mix, key employment areas. This would result in two sets of Development Management Policies (national and local) which may overlap and/or cause some confusion. |
| <b>Chapter 10 – National Development Management Policies</b> | The scope of National Development Management Policies | 50                                  | What other principles, if any, do you believe should inform the scope of National Development Management Policies?                       | No comment.  |
| <b>Chapter 10 – National Development Management Policies</b> | The scope of National Development Management Policies | 51                                  | Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions? | Yes, to fill any gaps and provide further detail and guidance. for example, setting minimum threshold requirements for biodiversity net gain. Also, to allow for local circumstances and context, although need to be careful with local interpretation.   |
| <b>Chapter 10 – National Development</b>                     | The scope of National Development                     | 52                                  | Are there other issues which apply across all or most of England that you think should be considered as                                  | Not at present, but further issues will no doubt be realised when it comes to compiling, writing and consulting further on the National DM policies.   |

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|---|---|-------------------------------------|---|---|
| <b>Management Policies</b>                | Management Policies                       |                                     | possible options for National Development Management Policies?  |   |
| <b>Chapter 11 – Enabling Levelling Up</b> | -   | 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?   | No comment.   |
| <b>Chapter 11 – Enabling Levelling Up</b> | Levelling up and boosting economic growth | 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?                          | It is difficult to do this through a national planning framework as it is difficult to set policies which apply to different geographical and demographic areas. Setting the overarching approach to the considerations and importance of economic growth is appropriate at the national level and then it is necessary for further consideration at the regional, sub-regional and local level to determine the best approach for economic growth depending on local circumstances and priorities. |
| <b>Chapter 11 – Enabling Levelling Up</b> | Levelling up and boosting economic growth | 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? | No, it should be down to local circumstances and assessment to consider what is appropriate in various urban areas as a national approach is not appropriate in all situations and circumstances.   |

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|--|--|-------------------------------------|--|---|
| <b>Chapter 11 – Enabling Levelling Up</b>            | Levelling up and boosting pride in place | 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? | In the right context, although there are situations where lighting is not appropriate. Such issues are better dealt with as part of a strategic approach and will need to be considered alongside other policies, not just through land use planning. |
| <b>Chapter 13 - Practical changes and next steps</b> | -  | 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.   |
| <b>Chapter 13 - Practical changes and next steps</b> | Public Sector Equality Duty              | 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.   | No comment.   |
| <b>Other Comments from TWBC</b>                      |  |                                     | Local Plans currently at Examination.  | It does not appear that local plans currently at examination are exempt from having to consider (or the Inspector   |

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|----------------------------|---------------------|-------------------------------------|---|---|
|                            |                     |                                     |   | having to consider) the imminent NPPF changes. This should be clarified.  |
|                            |                     |                                     | Supplementary Planning Documents                                    | <p>SPDs are to be replaced by Supplementary Plans, which will be afforded the same weight as a local plan. When the new system comes into force (expected late 2024), existing SPDs will remain in force for a time-bound period; until the local planning authority is required to adopt a new-style plan. Current SPDs will automatically cease to have effect at the point at which authorities are required to have a new-style plan in place.</p> <p>TWBC feels it is not clear what happens to SPDs in preparation, but not approved, at late 2024. This will need further consideration and clarification.</p> |
|                            |                     |                                     | Changes to housing delivery and five-year housing land supply tests | In terms of getting a Local Plan adopted, although not part of the current NPPF changes, the Bill sets a higher bar to depart from the plan in decision-making so as to give more certainty to communities about where development will and will not be. TWBC welcomes this.  |

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|----------------------------|---------------------|-------------------------------------|--|--|
|                            |                     |                                     | National Development Management Policies (NDMPs) | <p>NDMPs are to be set out separately from the NPPF. The prospectus explains that these will provide general policies for conserving heritage assets and preventing inappropriate development in the Green Belt and areas of high flood risk, as well as possibly covering net zero and carbon reduction in new developments, allotments, housing in town centres and built-up areas.</p> <p>There will be a consultation on proposed NDMPs next year and TWBC welcomes the opportunity to respond to that consultation in due course.</p> |
|                            |                     |                                     |  |  |

**Tunbridge Wells Borough Council Comments on Tracked Changed NPPF:**

| <b>Chapter Number and Name</b>                       | <b>Section Heading</b> | <b>Paragraph Number</b> | <b>TWBC Response</b>   |
|--|------------------------|-------------------------|--|
| <b>Chapter 1 - Introduction</b>                      |                        |                         | No comment.  |
| <b>Chapter 2 - Achieving Sustainable Development</b> |                        | 7                       | Two new uses of the word 'including' – doesn't read that well. |

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| Chapter Number and Name        | Section Heading                                      | Paragraph Number | TWBC Response   |
|--------------------------------|--|------------------|---|
|                                | The presumption in favour of sustainable development | 11 (ii)          | TWBC agrees with the additional wording but could be used by some to resist higher density development in some locations where it might be appropriate as being out of character. It is potentially open to a lot of different interpretation.  |
|                                |  | 11 (iii)         | TWBC welcomes this revision.  |
|                                |  | 14               | It is felt that it would be useful to clarify within the text, whether neighbourhood plans need only meet either a) or b) – or both.  |
| <b>Chapter 3 - Plan-Making</b> | Strategic policies                                   | 20               | <p>'beauty' - it is not clear what this means in the context of good design. How can you assess whether something is considered to be beautiful or not as this can depend on individual interpretation and is a very subjective area. It is considered that too much emphasis is placed on it in the revised NPPF.</p> <p>There is repetitive emphasis on the word 'beautiful' in relation to design in the NPPF. TWBC questions how planners and Inspectors would assess whether something is considered to be 'beautiful' or not – very subjective. Also question whether 'beautiful' goes hand in hand with the new section on mansard roof extensions under para 122.</p> |

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| Chapter Number and Name                                    | Section Heading | Paragraph Number          | TWBC Response   |
|--|-----------------|---------------------------|---|
|  | Examining Plans | 35                        | <p>The draft NPPF revisions say that plans will no longer be required to be <i>'justified'</i>, replacing it with a test that the <i>proposed target meets need so far as possible, takes into account other policies in the Framework, and will be effective and deliverable</i>. However, this <i>will not apply to plans that have reached pre-submission consultation stage, plans that reach that stage within three months of the introduction of this policy change, or plans that have been submitted for independent examination</i>.</p> <p>There is concern that the reference to 'justified' is completely removed. It is felt that a Local Planning Authority would need to justify to some degree the approach that has been taken to a Local Plan.</p> |
|  |                 | General comment from TWBC | It does not appear that local plans currently at examination are exempt from having to consider (or the Inspector having to consider) the imminent NPPF changes. This should be clarified.  |
| <b>Chapter 5 - Delivering A Sufficient Supply of Homes</b> |                 | 60 -63                    | The Council support the delivery of housing as a national objective as it brings with it significant economic growth and the possibility of delivering in tandem affordable housing and other necessary infrastructure that will help existing communities. The retention of the Standard Method is accepted however the baseline population figures will need updating in accordance with census data. Whilst  |



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|-------------------------|---------------------------------|------------------|--|
|                         |                                 |                  | <p>exceptional circumstances have been emphasised as a reason to not meet a Councils OAN, the arguments will shift as to why in certain circumstances (Greenbelt, density, or other constraints) local authorities are not planning to meet their OAN. This will be another reason for local plan challenge at examination.</p>  |
|                         |                                 | 67               | <p>There is concern with the word – ‘requirement’ in terms of a higher ‘requirements’. Surely it wouldn’t be a requirement but rather a ‘target’ if it is to meet others needs or to deliver other benefits such as infrastructure.</p>  |
|                         | Maintaining supply and delivery | 75, 77-78        | <p>This approach is supported (see Council’s earlier comments) Paras 60-63</p>   |
|                         | Rural Housing                   | 80               | <p>Community-led housing schemes are increasingly being recognised as a way to provide affordable housing to meet local needs by putting communities at the heart of the planning decision making<br/> Community-led housing projects are led by community groups determined to make sure that new homes are built and empty homes and buildings can be brought back into use to meet local housing needs.</p> <p>Projects are usually developed by or in partnership with a community organisation, and the local</p> |

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|---|-------------------|------------------|--|
|   |                   |                  | <p>community organisation owns, manages, or stewards the homes in a manner of their choosing.</p> <p>Tunbridge Wells Borough Council welcomes the additional definition of community-led housing as such schemes create affordable housing for people in need and makes sure there is high-quality housing available in local rural areas which is a very prominent part of the community within the borough. The new local plan supports housing developments that reflect local needs, including development proposals from community-led housing groups, such as schemes developed by Register partner English Rural housing.</p> |
|   | Social Rent Homes |                  | <p>The provision of social rent homes is to be given higher priority. This aligns with the TWLP, which already focuses on social rent as it's the most affordable tenure: There is added emphasis given to meeting the need for retirement housing, housing-with-care and care homes.</p> <p>TWBC considers this should also highlight the contribution that the planned mandatory application of M4(2) will make.</p>   |
| <b>Chapter 8 - Promoting Healthy And Safe Communities</b> |                   | 94               | <p>There is concern over the use of the subjective word 'beautiful' in terms of transparent and objective decision-making and how the word can be</p>  |

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|--|---------------------------------|------------------|--|
|  |                                 |                  | interpreted, particularly in terms of buildings. Please see previous comments on 'beauty' made elsewhere in this response from TWBC.   |
| <b>Chapter 11 - Making Effective Use Of Land</b>                 |                                 | 122              | Mansards are a very specific way of extending roofs and it's unclear why this is singled out as a particular method. Other successful extensions include flat roof metal-clad roof extensions that are set back from the existing roof.  |
|  | Achieving appropriate densities | 126              | Well-designed and attractive have had 'beautiful' added to them as an adjective for delivering places. As before, the other two descriptors can be objectively considered, but 'beautiful' is more ambiguous and open to interpretation and debate which may make decision taking and enforcement difficult. |
| <b>Chapter 12 - Achieving Well-Designed And Beautiful Places</b> |                                 | 126              | Use of word 'beautiful' - Please see previous comments on 'beauty' made elsewhere in this response from TWBC.  |
|  |                                 | 135              | Should this also refer to Neighbourhood Plans?<br><br>TWBC remains concerned about the resource implications for requiring local design codes and how these will practically be delivered.   |

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|--|-----------------|------------------------------|---|
|  |                 | 137                          | TWBC agrees with this additional text, however, questions whether this is necessary.  |
| <b>Chapter 13 - Protecting Green Belt Land</b> |                 | 142                          | <p>Does this also apply to other types of development in meeting objectively assessed needs, i.e., employment land?</p> <p>This revision appears to give LPAs with Green Belt land an opt-out when it comes to even reviewing Green Belt boundaries, let alone concluding that this provides a reason for not meeting housing needs in full. It should be clarified what the LPAs are required to do.</p>   |
|  | General comment | Green Belt/Duty to Cooperate | <p>TWBC considers that the common issue when considering development in the Green Belt is whether the need can be met elsewhere, including in neighbouring authorities' areas.</p> <p>The replacement of the DtC has been widely trailed, but the draft NPPF revisions state that it will remain in place until new provisions for an as-yet-unformulated "alignment policy" come into effect through the new Bill – which will be following a further consultation.</p> <p>Of note, Inspectors would have the ability to amend Plans to improve alignment, unlike the current DtC.</p> |

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|--|------------------------|-------------------------|---|
| <b>Chapter 14 - Meeting The Challenge Of Climate Change, Flooding And Coastal Change</b> |                        | 157                     | TWBC agrees.  |
|  |                        | 160                     | Future maintenance of renewable and decentralised low carbon energy modes is essential and so is supported.     |
|  |                        | 161                     | TWBC agrees.  |
|  | Wind Turbines          |                         | The restriction on wind turbines unless identified in a local plan is to be removed. TWBC welcomes this change. |
| <b>Annex 1: Implementation</b>   |                        | 225 - 227               | TWBC is at examination of it's Local Plan so will be subject to transitional arrangements                       |
| <b>Annex 2: Glossary</b>   | Housing Delivery Test  |                         | The requirement to publish HDT results each winter, instead of every November, is welcomed.                     |
|  |                        |                         |   |