

CABINET



Report subject	Levelling-up and Regeneration Bill: Reforms to National Planning Policy and Implications for the emerging Bournemouth, Christchurch and Poole Local Plan
Meeting date	8 February 2023
Status	Public Report
Executive summary	Government is currently consulting on changes to national planning policy to incentivise the preparation of local plans as the means to deliver more homes to meet its national targets. Government is aware that local plans delayed by contentious issues such as housing targets and allocations within the Green Belt are delaying plan making and resulting in less homes being built. The implications for the emerging Bournemouth, Christchurch and Poole Local Plan are significant. The proposals strengthen the Council's position in demonstrating that the government's standard methodology figure of 2,800 homes per year is not achievable. The proposed changes to national policy suggest that a lower housing target can be found sound at examination, where local constraints and circumstances are considered. This allows the Council to prepare a draft plan without having to release Green Belt for housing development or plan for densities out of character with the current built environment. In accordance with the Local Development Scheme the intention remains to publish a draft local plan in Autumn 2023, test it through examination and adopt it in late 2024. There is new emphasis too on place making and protecting the character of places. An up-to-date local plan will provide greater protections to residential areas at risk from speculative high density flatted development as the Council will not be required to demonstrate a five-year land supply.
Recommendations	It is RECOMMENDED that: Cabinet supports the consultation response set out in Appendix 1 to this report and delegates authority to the Director of Planning to submit it to government subject to minor changes.
Reason for	It is important the Council responds to the consultation. The constitution through the Scheme of Delegation to Officers,

recommendations	delegates to each Chief Officer authority "To determine whether and how to respond on behalf of the Council to any local, county, sub-regional, regional or national consultation on matters affecting the Council subject to prior consultation with an Executive Member where it relates to an Executive function". The Deputy Leader of the Council and Portfolio Holder for Development, Growth and Regeneration requested this consultation response be a matter for Cabinet approval.
Portfolio Holder(s):	Councillor Philip Broadhead - Deputy Leader of the Council and Portfolio Holder for Development, Growth and Regeneration
Corporate Director	Jess Gibbons, Chief Operations Officer
Report Authors	Steve Dring, Interim Planning Policy Manager
Wards	Council-wide
Classification	For Decision

Background

1. The Bournemouth, Christchurch and Poole Local Plan is being produced to set a new overarching and cohesive development strategy for the area. It will set out how much, where and what type of development will take place across the area, giving the Council control over development decisions. The Local Plan will be critical in helping to deliver the Council's Big Plan and will help raise the quality of development. In July 2022 Cabinet agreed the timetable for Local Plan preparation. Work is on target to meet this timetable and publish a draft of the local plan in Autumn 2023.
2. On 22 December 2022 the Department of Levelling Up, Housing and Communities (DLHUC) launched a consultation on its latest Planning Policy Reforms, which runs to 2 March 2023. The consultation seeks views on government's proposed approach to:
 - i. updating the National Planning Policy Framework (NPPF);
 - ii. preparation of National Development Management Policies;
 - iii. developing policy to support levelling up; and
 - iv. how national planning policy is currently accessed by users.
3. There are 58 questions in the consultation. The proposed BCP Council response is at Appendix 1. Officers recommend Cabinet supports most of the proposed changes, with some clarification sought on various technical aspects.
4. The government is clear that it intends to make the proposed changes to the NPPF in Spring 2023, almost immediately after the consultation ends, so there is a strong likelihood many of the current proposed changes will go ahead unaltered. Some of the other proposals such as the national set of development

management policies will take longer to materialise through changes to planning legislation in the Levelling Up and Regeneration Bill that is currently being considered by Parliament.

5. The proposed changes to the NPPF are aimed at encouraging local authorities to prepare a local plan. Government analysis has showed an up-to-date local plan coincides with higher housing delivery, and that too many local authorities are underdelivering housing due to difficulties in preparing local plans. Government therefore have proposed a series of changes to smooth the way to prepare and submit plans for examination under the current planning system by June 2025. Even the examination process will be less rigorous.
6. The proposed changes also place a greater emphasis on the quality of development giving local authorities more power to refuse development. There are new rewards in the housing delivery test for local authorities that grant many permissions, such as BCP Council, but where the market has failed to deliver. There are also penalties for developers who do not have a good track record of building out planning permissions. For example, on 1 April 2021 there were 6,991 homes (net) with planning permission but not yet built in the BCP Council area. Of these 1,658 homes were under construction. However, by 1 April 2022 only 696 homes were completed against a combined current local plan target of 1,689 homes for 2021/22. There was a similar position in the previous year. Whilst the Council continues to grant permissions, delivery from the private sector lags behind. The role of BCP Future Places will be important in improving delivery of homes on some major sites over the next few years.
7. The consultation also proposes that local authorities will no longer have to demonstrate a five-year supply of deliverable housing sites provided there is an up-to-date local plan (less than 5 years old). This is an important change as it will give the public greater confidence that new development will be plan led and remove the speculative nature of development proposals seen in recent times. More support is also proposed to communities preparing neighbourhood plans so that these plans will provide greater protections from speculative development for longer.
8. With such a strong emphasis on plan making, the proposals have some significant positive implications for the emerging Bournemouth, Christchurch and Poole Local Plan.

Implications for the Bournemouth, Christchurch and Poole Local Plan

9. The amended NPPF will come into place in Spring 2023, and this will not cause delay to the timetable for the Bournemouth, Christchurch and Poole Local Plan. The next stage in the Local Plan process is to publish the publication version (draft plan) in Autumn 2023. Following this we plan to submit the local plan for examination throughout 2024 and adopt the plan at the end of 2024.
10. There are three proposed changes that provide officers greater confidence to prepare, publish and submit the Bournemouth, Christchurch and Poole Local Plan for examination. Firstly, is greater clarification that the standard methodology for identifying housing need is only the starting point for setting a housing target, and more detail will be provided as to the circumstance where a locally derived housing target will be accepted. Secondly, the government proposes that local authorities do not have to review Green Belt boundaries to release land to meet housing or other development need. Thirdly, it will no longer be necessary to plan

to meet housing needs by building at densities which would be significantly out-of-character with the existing area.

11. As set out in the response to Question 7 of the consultation, the standard methodology which is used to calculate housing needs sets a figure of 2,800 homes per annum for the Bournemouth, Christchurch and Poole area. This is extremely challenging to meet given the land available. Officers also remain concerned that the methodology used to calculate the figure for our area is based on historic data when abnormally high international migration levels were apparent in the Bournemouth, Christchurch and Poole area. The Office of National Statistics (ONS) have subsequently amended predictions related to migration data, but this is not reflected in the standard method calculation.
12. Whilst waiting for the government announcements the Planning Policy Team spent the autumn reviewing available sites and preparing three development options to address the areas housing needs. These options are:
 - Option 1 Urban intensification
 - Option 2 Urban intensification with some settlement extensions
 - Option 3 Urban intensification with extensive settlement extensions
13. Through the internal governance arrangements, the Local Plan Advisory Group and the Local Plan Delivery Board have provided a clear direction of travel for officers preparing the draft local plan. In light of these government proposals both groups have advised officers to focus the Bournemouth, Christchurch and Poole Local Plan on Option 1 and not consider the release of Green Belt to meet housing needs.
14. With an urban focus and protection of the Green Belt, the challenge for the local plan will be to set policy that protects existing family homes within the urban area and provides new family homes or family friendly apartments. The government consultation provides greater emphasis on placemaking and protecting the existing character of the urban area. This will provide the Council with greater flexibility to protect streets of family houses with a strong character, and to focus higher density flats in potential areas of change where the urban form has a less strong character.
15. Officers will continue to prepare the plan to timetable. This will include continuing with some informal public engagement during 2023 to ensure the draft plan has community support.

Options Appraisal

16. There are no options to discuss, this is a consultation response.

Summary of financial implications

17. There are no financial implications.

Summary of legal implications

18. There are no legal implications.

Summary of human resources implications

19. There are no human resource implications.

Summary of sustainability impact

20. There is no sustainability impact of this consultation response. The Bournemouth, Christchurch and Poole Local Plan will be assessed for its sustainability impact when it comes before Cabinet.

Summary of public health implications

21. There are no public health implications.

Summary of equality implications

22. There are no equality implications.

Summary of risk assessment

23. There are no risks associated with a consultation response.

Background papers

The government consultation paper that the consultation response is based upon is at <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

Appendices

Appendix 1: BCP Council Consultation Response

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Appendix 1: BCP Council Consultation Response

Q	Question and BCP Council response
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, agree. A local plan takes a considerable amount of time and effort and should not be considered out of date within its first 5 years as an out-of-date local plan soon after adoption undermines the public support achieved in agreeing the draft plan and confidence in a plan led system. The removal of the need to demonstrate a 5 year land supply will encourage local authorities to be pro-active in producing a local plan and reviewing the local plan within 5 years to ensure it remains in date.
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, agree, the buffers should no longer be required. The highest 20% buffer in effect requires a local authority to demonstrate a 6-year land supply. Local authorities are penalised for the under delivery of the private sector housebuilders that is beyond the Council's control. On 1 April 2021 there were 6,991 homes (net) with planning permission but not yet built in the BCP Council area. Of these 1,658 homes were under construction. However, by 1 April 2022 only 696 homes were completed against a combined strategic local plan target of 1,689 homes for 2021/22. The implication of this under delivery requires the Council to add a 20% buffer to its supply of sites, yet the supply of planning permissions is an already very healthy 6,991 homes compared to the annual target of 1,689 homes per annum.
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, agree. It is unfair where a local authority that achieves more homes than set by the local plan in early years is subsequently penalised for lower delivery later in the plan period. The early delivery of homes within the plan period should be incentivised. Alternatives could include; (i) remove the need for a local authority to demonstrate a 5 year land supply from a point 5 years after adoption if the local plan housing target has been met in years 1-5; or (ii) for the oversupply in years 1-5 to be top sliced from the annual local plan housing target thereafter, ensuring the lower revised housing target resembles the overall cumulative housing growth planned and agreed.
4	What should any planning guidance dealing with oversupply and undersupply say? No comment

Q	Question and BCP Council response
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? We support these potential changes as they will provide greater confidence to communities that the hard work that went into preparing a neighbourhood plan will ensure that the area remains protected from speculative growth for 5 years rather than 2 years post adoption.
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? Yes, agree with the suggested textual changes to the opening chapters of the NPPF.
7	What are your views on the implications these changes may have on plan-making and housing supply? We fully support the proposed changes to plan making. These changes would free us up to swiftly prepare a local plan and deliver a suite of new sites. These sites are currently held up due to an unrealistic housing target set by the flawed standard method. The current standard methodology is outdated as it is based on past household projections from 2014 that were higher than subsequent household projections in 2016 and 2018. To continue to base housing need on the 2014 projections perpetuates a lack of trust from local communities, which proves difficult for local authorities to gain the support it needs to agree a draft local plan. To make matters worse in the BCP area, an unusually higher than normal in-migration from 2009-2014, is transposed into the 2014 projections and led to the doubling of the housing need in the Bournemouth area. This is because international migration was significantly higher during this period from migrants moving to the UK from countries in the expanded EU including Poland. This short-term increase in international migration perpetuated a high level of population growth in the population projections and related 2014 household projections. Subsequently, ONS revised their methodology as they recognised that the original methodology overestimated the numbers moving to the UK and underestimated numbers leaving the UK and this was reflected in the 2018 household projections. ONS recognised that Bournemouth in particular was an area that saw one of the largest population revisions downwards as a result of their corrections to their population estimate methodology. ONS suggested that areas that saw this revision downwards tended to have large student populations as is the case here. This ONS overestimation of migration and has severely hampered the previous Bournemouth Borough Council and now BCP Council from preparing a local plan as the standard methodology is exaggerated and flawed.

Q	Question and BCP Council response
	Current local plans set a cumulative target of 1,689 homes per annum in the BCP Council area. The Standard Method target is 2,800 homes per annum. Historic completions are 1,263 homes over the 16 year period since 2006/07. The Bournemouth, Christchurch and Poole Local Plan is expected to increase delivery from a starting point of 1,263 homes per year to 2,800 homes per year, (note only 696 homes were built in 2021/22). The BCP Council area has sea on one side, and Green Belt surrounding the landward side, both fluvial and coastal flooding and several designated sites such as the Dorset Heathlands. These constraints restrict development opportunities. The standard method therefore sets a target that is unachievable, yet the current planning system is set up to ensure the Council must increase density and release Green Belt to attempt to meet the flawed standard methodology figure. This is unrealistic and has caused delay to plan making. Allowing the local authority to determine a realistic housing target that respects local constraints will allow us to swiftly prepare a local plan. This local plan will include a suite of new urban allocations that are unnecessarily held up in the quest to meet unachievable targets and the high risk of submitting a plan that would fail at examination.
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, guidance is needed as there is none at present. We have undertaken our own needs assessment that has used the 2014 ONS household projections. Our locally derived needs assessment prepared by Icen Projects indicates a need of 1,600 homes per year. This is significantly different from the standard method figure of 2,800 homes per year that is the starting point for plan making in the BCP area. Icen adjusted migration figures to cover a longer, more representative period of time, and thereby correct the abnormally high international migration numbers used for the 2014 ONS household projections (discussed in answer to Q7). Currently we know that submitting a plan using our own derived housing target is highly risky. We need agreement that a locally derived figure is acceptable in principle before submitting a local plan for examination, to avoid lengthy abortive work. Without this guidance we fear the plan failing on day 1 of an examination. This is delaying plan making. Therefore, guidance would give authorities like ourselves confidence that we can meet the tests and reduce the risk in submitting the plan for examination.
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?

Q	Question and BCP Council response
	Yes agree, the Green Belt is such an emotive issue that it inevitably leads to delays in plan making over what may be a very small proportion of the overall number of homes and other development set out in a local plan. These delays cause other suitable sites to be held up and not built as they need allocation through a local plan. To speed up plan making the choice should come down to the local authority. We need to produce a Bournemouth, Christchurch and Poole Local Plan swiftly to bring 3 legacy local plans together to simplify policy from over 300 policies to around 50 policies and to allocate new sites. However, the issue of the flawed standard method (see above) and whether Green Belt is released to meet the housing need is causing significant delay. This proposal will enable us to submit a local plan for examination by the end of the year and unlock development opportunities across the BCP area. Yes agree, as densification is also an emotive issue and these proposals would allow more freedom for us to explore family housing options within the urban area that create well designed places and are acceptable to local residents rather than having to focus on a larger number of 1-2 bed flats to satisfy the numbers game. Yes agree, past oversupply should be taken into account to ensure local authorities and not unfairly penalised for a past proactive approach to delivery.
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? This will come down to several pieces of evidence; (i) the housing mix needed for an area (the proportion of family housing to other forms of housing); (ii) an urban character assessment and / or design code that defines the character of an area; and (iii) the site's suitability/sustainability for walking, cycling and public transport. Taken in combination this evidence should provide a story of how the local authority is planning to meet housing needs that is proportionate to the character of the area. We are preparing a townscape character appraisal to support our emerging Bournemouth, Christchurch and Poole Local Plan. This will define streets that are potential areas of change where character can be changed as and streets where a strong character should be protected. We will seek to demonstrate how the areas of change can deliver family housing that would otherwise require release of Green Belt to deliver. We can also protect family homes in areas of strong character. These policies will give us greater flexibility to require family housing (including family suitable flats) within the urban area, without the need for Green Belt release.
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? Yes, agree. The removal of this requirement will provide greater freedom to enable local authorities to choose how to demonstrate how their strategy will be effective.

Q	Question and BCP Council response
12	Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to? No comment, as it is not relevant to the emerging Bournemouth, Christchurch and Poole Local Plan as it has yet to reach an advanced stage.
13	Do you agree that we should make a change to the Framework on the application of the urban uplift? No, disagree, this uplift seems a blunt instrument and does not recognise local circumstances. The BCP Council area is only just outside the largest 20 towns and cities and if a 35% uplift were added to our housing target on the basis of our size, it would again lead to a delay in plan making due the constraints mentioned above, e.g., it would force us to release Green Belt to meet housing need which is at odds with the aims of the proposed changes. The uplift should be applied to those towns and cities with substantial areas of brownfield land and supported by government investment to overcome viability concerns and provide supporting strategic infrastructure. It should also have the support of the local authority.
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? Policy or guidance may not necessarily help, other than to allow local authorities in the top 20 to demonstrate how their specific constraints would not allow them to deliver the uplift. The key is to target the uplift to local authorities that support it and are seeking financial investment to unlock large brownfield sites and provide supporting infrastructure.
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? As with our response to Q13 and Q14 there needs be local support for the uplift from neighbouring authorities and targeted government investment.
16	Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any? Yes, agree with this interim approach to reduce the 5 year land supply to 4 year land supply for local authorities such as BCP Council that has progressed a Local Plan through its early Issues and Options stages. However, we would like clarity on the reference to 'policies map' in proposed NPPF para 226. Whilst we have consulted on potential housing sites and shown these on a

Q	Question and BCP Council response
	map base as part of the Regulation 18 issues and options consultations, the Policies Map itself will not be produced until later this year in the Regulation 19 Publication stage. Presumably para 226 can be amended to be clearer that the 4 year land supply is where a Council has consulted upon allocations and illustrated these on a map rather than refer to the 'policies map' as one doesn't have to produce a Policies Map at Regulation 18 stage?
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 comment as the transitional arrangements do not affect the Bournemouth, Christchurch and Poole Local Plan.
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, but we consider further thought is needed on the mechanics. It would appear that the starting point for plans over 5 years old would be the standard method. As highlighted in our response to Q7 and Q8 this figure of 2,800 homes per year is vastly out of kilter with our locally derived figure of 1,600 homes per year that takes into account corrected ONS assumptions about international migration. If the standard method is used to derive the annual local housing need for the purposes of this test, it would not provide any benefit to local authorities with a local plan over 5 years old that are preparing a new local plan. To repeat our response to Q2, delivery is falling well behind permissions granted in the BCP Council area: On 1 April 2021 there were 6,991 homes (net) with planning permission but not yet built in the BCP Council area. Of these 1,658 homes were under construction. However, by 1 April 2022 only 696 homes were completed against a combined strategic local plan target of 1,689 homes for 2021/22. For this reason, we suggest using the last adopted local plan target as the starting point for local housing need for plans over 5 years old.
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? No, we disagree. The 115% penalises local authorities that have granted permissions, and the market hasn't delivered. The extra 15% is no different to the use of buffers on 5-year supply that these amendments seek to remove. The switch off figure should be 100%.

Q	Question and BCP Council response
20	Do you have views on a robust method for counting deliverable homes permissioned for these purposes? The net number of homes granted per year would appear the simplest and fairest option based on the planning permissions granted in that year. This could be easily collated by local authorities and submitted via DELTA. Local authorities monitor all of their outstanding commitments for 5-year land supply requirements (planning permissions) but individual approaches may be inconsistent, e.g. expired applications or demolitions in year.
21	What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results? We suggest amending the 2022 results to trial the proposed additional permissions based test.
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, agree but we would need more support from government grant due to the higher cost of delivery. We have 2,150 households currently on the housing register and the fact that they qualify to be on the register means that low cost home ownership products are unaffordable. Social rented is needed but it comes at a cost. a developer contribution is typically 45% of the market value of any affordable property. A social rented would be 55-60% of the market value because the rent values for social rent are permanently capped under the target rent regime. We continue to struggle to secure cross subsidy on brownfield sites that make up our supply in an urban area. Within the BCP area we reviewed the 172 applications of 10 or more homes granted permission between 2017 and 2022. Of these, 67 applications were not required to provide affordable housing as they were Prior Approval applications, student accommodation, etc.. That left 105 applications where the policy was applicable and the applicant submitted viability assessments which were subject to a separate assessment by the District Valuer: • 12 sites were delivered at 100% affordable housing (e.g. provided by Registered Providers). • 3 sites delivered affordable housing on site through cross subsidy (2 of these were on strategic green belt releases) • On 68 sites the District Valuer concluded that there was no viability to provide an affordable housing contribution • On 22 sites a financial contribution for offsite provision was negotiated and agreed. This highlights the difficulty in achieving affordable housing through cross subsidy by market housing. Over a 5-year period of 172 major applications we were only able to secure on-site affordable housing through cross subsidy on 3 sites; with 22 developers providing a financial contribution in lieu of on-site provision. This is in an area of buoyant house prices and land values. Therefore, to require more costly

Q	Question and BCP Council response
	social rented affordable housing, whilst needed will be more of a challenge in viability terms and an increase in government grant to help make development viable is essential.
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, agree. With an ageing population we have already implemented such policy in the Poole Local Plan 2018 and will be including similar targeted housing policy in the Bournemouth, Christchurch and Poole Local Plan. Such properties also help free up family housing which are difficult to deliver in a restricted, urban environment. One difficulty we find is that specialist providers work on a speculative basis making planning applications on any site they can secure, rather than engaging at a site promotion stage. This makes it more difficult to plan walkable neighbourhoods and locate specialist housing near to existing services, removing the need for the car and helping us to tackle traffic congestion.
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)? We suggest a change to the definition of deliverable in the NPPF to help local authorities allocate smaller sites, in particular existing housing where there will always be a supply of sites suitable for intensification coming forward due to changing personal circumstances. However, in plan making there is no way to demonstrate that such sites have a reasonable prospect of becoming available in the plan period. As an urban green belt authority 93% of completions over the past 15 years have come forward as windfall development. These sites aren't local plan led and allocated (hence they are windfall). Much of this windfall could be replicated on many sites, for example demolish 1-2 houses and build 4-8 flats. These are the bread and butter sites for many local SMEs. But identifying which 1-2 house plot will come forward next is difficult in an urban area as it depends upon the owners particular circumstances at the time. So, being proactive and identifying sites in a 3-5 year local plan process is difficult due to the time taken. There is little benefit to landowners promoting sites through the local plan process when a planning application is quicker. Through the emerging Bournemouth, Christchurch and Poole Local Plan we are undertaking a townscape character appraisal to identify streets where strong character should be protected and areas of change where character is weaker. These areas of change will provide the opportunity allocate smaller sites due to multiple land ownerships. This may provide a way to positively promote some smaller sites, although we won't be able to demonstrate a site is available. We would therefore suggest that the definition for developable in the NPPF is less restrictive. Currently the test is that such sites are development if there is 'a reasonable prospect that they will be available'. The guidance should be made clear

Q	Question and BCP Council response
	that all housing has the reasonable prospect that it will become available as personal circumstances can change and it shouldn't be for the local authority to have to attempt to demonstrate these sites can become available.
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? As in response to Q24, it would help local authorities to allocate smaller sites that involve the redevelopment of existing housing if the definition of developable was broadened. Currently for a site to be developable and capable of allocation in a local plan there has to be a 'reasonable prospect that it will become available' within the plan period. Due to personal circumstances changing quickly and sites becoming available this is impossible to predict and allocate. The word 'reasonable' therefore makes it difficult for local authorities to justify. It is unclear if the proposed removal of the 'justified' test of soundness will help, but a clearer recognition of this form of housing supply in the NPPF would help.
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? Yes, we would support such a change where there are safeguards put in place to ensure the housing is truly affordable in perpetuity and the system does not become a loophole to subsequently sell the homes on the open market.
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? No comment. As an urban authority we haven't had much interest in exception sites which is a policy more suited to rural areas.
28	Is there anything else that you think would help community groups in delivering affordable housing on exception sites? No comment
29	Is there anything else national planning policy could do to support community-led developments? No comment
30	Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?

Q	Question and BCP Council response
	Yes, agree that past behaviour should be recognised, either as a material consideration in the determination of an application, or that a local authority can refuse to register applications from such applicants. Whilst this will be difficult in practice it is an issue that needs addressing: (i) There are applicants who secure planning permission and then submit a subsequent application to attempt to secure additional density / floors. The backstop of a permission makes it more difficult for a local authority to demonstrate harm from the additions and this playing of the system undermines the confidence of the local community that fought to agree a suitable development in their area. This delays building out the originally approved scheme. (ii) There are also applicants who once securing permission trade land on the market. The next buyer then submits a new planning application and negotiates down the planning benefits due to the higher land value. This trading of sites prevents sites being delivered and squeezed to the point that they are no longer viable. This trading must be discontinued and should be considered as part of any changes to primary legislation. If sites are developed within a certain time period after a permission the Council should be able to step in and ensure the site is developed. As proposed the local authority also refuses to register further applications from that applicant. (iii) There are applicants that will submit concurrent planning applications on the basis that one may get refused and head to appeal - then submitting another fresh application for something a bit smaller in the hope it gets approved - this then undermines the appeal scheme as you are then effectively only considering the difference between what's been approved and what's been refused.
31	Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms? Both would be effective mechanisms, but it would be more appropriate to refuse to register the application at the first opportunity to avoid the resource implications for the local authority and the anxiety for the local community.
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? Yes, agree. The proposals will incentivise build out rates. However, we would like to see the proposals go further to cover the (i) submission of multiple planning applications on the same site to secure greater intensification, (ii) concurrent applications on a site and (iii) land trading, as referred to in our answer to Q30, issues which stall sites and prevent housing being built out. For simplicity, we suggest that the new Development Commencement Notice is linked to the CIL Form 6 Commencement Notice, if possible, to reduce admin issues.

Q	Question and BCP Council response
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? Yes, agree. It would provide a 'strategic policy hook', to which other more detailed policies and planning documents can be attached. 'Beautiful development' can be defined and clarified locally, through design codes and design policies (including for Conservation Areas). This would strengthen and clarify the planning position. It would also help to elevate the issue and encourage strategic and early thought on how this will be achieved. The standard and quality of design will only improve if developers are required to improve. Although there are many that already support good design, for many others, it is an 'add on' or 'nice to have' and not part of their culture to approach their proposals in this way. To achieve well-designed and beautiful development, requires design-led thinking, rather than quantum of development led-thinking. A good quantum of development can often still be achieved with a design-led approach.
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? Chapter 12 – Yes, agree. It helps to elevate the issue. Paragraphs 84a – Yes, agree. It reinforces and keeps consistency of wording. 124e (rather than c) – Suggest change to "the importance of securing well-designed, and beautiful, attractive and healthy places." This would then be consistent with other wording in the NPPF. Do not need 'attractive' and 'beautiful'.
35	Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action? Yes, agree. Note though that it can be most effective and maintain the strength and integrity of a design if details are provided as part of the planning application. This is not always possible or appropriate and this is where conditions are useful. Greater visual clarity on design requirements e.g., a more detailed design of windows to confirm the depth of the window reveal, would help prevent and save time for enforcement investigation and action, as the specifications would be clearer. It would also help interested parties to understand what is to be delivered on the ground and manage expectations – which could save time and resources. The level of design clarity does need to be proportionate to the proposal being considered.
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

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	in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective? No, disagree. The proposed additional wording on mansard roof extensions appears to be an overly specific focus. Mansards may be an appropriate design solution to increasing density in some cases and on certain properties and if done well, but they can also be poorly designed and result in top heavy and incongruous buildings. The wording as proposed would increase pressure on the local planning authority to allow mansards when these may not be appropriate under local circumstances. Reference to upward extensions is sufficient and then locally appropriate options can be considered. Existing points a) to e) cover how to achieve the objective of increased density.
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? Permitted Development legislation could be reviewed as this currently encourages home owners to hard surface over their front gardens resulting in loss of grass, trees, hedges and other biodiversity contradicting the current message within national planning about protecting and enhancing existing biodiversity. Some of what we might gain on new sites is too easily lost on others. This is also contrary to the 'building beautiful' aspiration as the loss of boundary walls/hedges and soft landscaping has a detrimental impact on the character of the local built environment. The current Biodiversity Net Gain (BNG) proposals have been watered down since they were first put forward and need to be reconsidered so that all development can contribute very cost effective on-site net gain. We assessed planning applications over recent years against the new exemption thresholds. This indicates that BCP Council can expect approximately 14% of all applications received will result in the use of the national BNG metric to deliver 10% net gain. We have therefore produced our own guidance note to deliver net gain on all sites, but are not using the 10% metric, but keeping it simple and instead just providing some suggestions such as bird boxes, etc. The exemptions will prevent the local authority from requiring grass lawns instead of plastic and that the grass is retained for 30 years.
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? Yes, agree.
39	What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all

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	measurable carbon demand created from plan-making and planning decisions? Tools being developed such as a land impact tool could provide a high level carbon impact assessment of plans at an area level.
40	Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits? The main issue is how to measure the contribution of the cumulative effects assessment of small scale interventions, such as SuDs, or rainwater harvesting, and how we can enable them to prevent the need for large scale flood defence infrastructure.
41	Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework? Yes, agree.
42	Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework? Yes, agree.
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? Yes, agree to both footnotes: 54 new - Design Bulletin 32, which was withdrawn in 2007. This is a helpfully specific reference and will assist discussions between Planners, urban designers and highway engineers. 62 new – wind energy development.
44	Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance? Yes, agree. And useful cross reference to the historic built environment chapter.
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? Yes, agree. We plan to submit the Bournemouth, Christchurch and Poole Local Plan by the end of 2023, which is a well before the June 2025 deadline. We should be in a

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	position to adopt the plan by the end of 2024, again ahead of the December 2026 deadline. Completing our plan under these transitional arrangements will enable us to replace 3 legacy Council plans of over 300 policies with a single plan and harmonise processes which will have significant benefits to our planning team, developers and the public. It will also provide a clear spatial vision that will help local communities prepare neighbourhood plans. The Bournemouth, Christchurch and Poole Local Plan will also deliver a new suite of policies to unlock housing and other development opportunities, protect areas of strong character from speculative development, boost economic growth and help us achieve our sustainability goals.
46	Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose? We do not expect this to affect us as intend to submit the Bournemouth, Christchurch and Poole Local Plan before June 2025. However, would these arrangements present difficulties for local authorities that wait for the future system to be launched in late 2024? 30 months is an ambitious timetable for a new system and there is a potential for delay if the Planning Inspectorate are under high demand to examine multiple plans all submitted in a similar time-period.
47	Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose? Whilst we do not disagree, we query whether there will be any issues for a local community if the local authority submits a local plan close to the June 2025 deadline. The local community will not have much time to ensure their neighbourhood plan is aligned with strategic policies.
48	Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose? No, disagree with all supplementary planning documents expiring at the end of 2027. We seek clarification as have a number of joint mitigation strategies that deal with mitigation of designated nature conservation sites and are essential to enabling us to grant planning permissions for housing, i.e. heathlands, nitrate/phosphates, etc. As these are prepared jointly with neighbouring authorities they are best prepared as supplementary planning documents unless local plan timetables are aligned to avoid inconsistency. The current SPDs demonstrate how the cost of mitigation is identified, how it will be secured and then implemented, providing the competent authority with the assurance the permission can be granted with no adverse effect on the designated site.

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	We may have 3 options: (i) To include the mitigation detail in the emerging Bournemouth, Christchurch and Poole Local Plan Local Plan which risks delay in meeting our 2023 submission deadline, adds unnecessary complexity to the local plan and risks inconsistency with our neighbouring authorities where we have a joint mitigation strategy; (ii) Having adopted the Bournemouth, Christchurch and Poole Local Plan Local Plan in 2024, we jointly prepare a Supplementary Plan with neighbouring authorities to cover these mitigation requirements, which may be difficult to resource if these authorities are busy preparing a 30 month new style plan and would be costly and time consuming for an examination; or (iii) Having adopted the Bournemouth, Christchurch and Poole Local Plan Local Plan in 2024 we retain the SPDs and use them as guidance and a material consideration after they expire in 2027. We welcome some advice in this regard.
49	Do you agree with the suggested scope and principles for guiding National Development Management Policies? Yes, agree there is a huge benefit for everyone of introducing National Development Management Policies (NDMP). However, there could be some difficulty if a NDMP has a cost associated with it and is published after a Local Plan has been adopted alongside a local plan viability assessment, e.g. a NDMP for net zero buildings is introduced.
50	What other principles, if any, do you believe should inform the scope of National Development Management Policies? No comment.
51	Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions? Yes agree.
52	Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies? Most authorities will have to deal with flood risk in a similar manner, in particular the application of the sequential and exemption tests.

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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.
54	How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda? No comment.
55	Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores? Yes, government should go further to overcome viability issues on brownfield sites through investment and improving powers for local authorities to step in and ensure vacant land with planning permission is developed where landowners are not actively trying to deliver growth.
56	Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting? Yes, agree that an emphasis on these groups could be beneficial. Promotion of good design and the Council's equalities duties will also pick up this issue. There should also be consideration for how developers could be required to put right poor design that was not revealed until the development was built, where it would be unsafe for vulnerable people. For example, an independent safety audit 12 months after completion. Equally a Design and Access Statement should cover this aspect when the planning application is submitted.
57	Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed? No comment.
58	We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document. No comment.