



The Planning & Environment Bar Association

Ministry of Housing, Communities and Local Government

2 Marsham Street

London

SW1P 4DF

By email to: PlanningPolicyConsultation@communities.gov.uk

6th March 2026

Dear Madam/Sir,

RESPONSE TO THE CONSULTATION ON AMENDMENTS TO THE NATIONAL PLANNING POLICY FRAMEWORK

ABOUT PEBA

The Planning & Environment Bar Association (PEBA) is a specialist bar association comprising practising barristers who specialise in the areas of planning, the environment, local government, and related matters in England and Wales. PEBA members advise and act for clients in all of these areas of law, including landowners, developers, local authorities, Government departments, statutory agencies, non-governmental organisations, charities, and private individuals. PEBA members appear as advocates in all levels of the courts and tribunals, and at planning inquiries and hearings, local plan examinations, and development consent order examinations. Membership of PEBA is open to all barristers who have a significant part of their practice in the fields of planning, the environment, and local government law.

PEBA is a non-political entity. It is regularly consulted by Government departments (notably the Ministry of Housing, Communities & Local Government) and by the Planning Inspectorate in relation to proposals for reform of either policy or legislation within its specialist areas. PEBA sees its role as seeking to inform decision makers as to the practical implications of proposed reforms to regulatory regimes or relevant guidance, based on the experience of its membership within its areas of practice, with a view to facilitating reforms that will enable better and more effective regulatory regimes or guidance and (hopefully) discouraging or modifying reforms that would work against such outcomes.

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SCOPE OF THE RESPONSE

This response is to selected parts of the consultation document. PEBA has not responded to those questions which are primarily concerned with policy judgements on which there may be a range of opinions. Rather, the focus has been to seek to assist on those areas where the law is relevant and where the proposed changes may have an impact on the process of decision-making, both in respect of development plans and decision taking.

Yours faithfully,

Kate Olley

Kate Olley

Head of the NPPF Consultation Working Party*

*The NPPF Consultation Working Party comprises:

Giles Atkinson
Vivienne Sedgley
Megan Thomas KC
Will Upton KC
Mark Beard
Benedict Scantlebury
Isabella Taylor
Ayesha Omar
Stephanie Bruce-Smith
Gabriel Nelson

This submission has been seen by and is endorsed by **Tom Cosgrove KC**, Chair of PEBA, by **Melissa Murphy KC**, Vice-Chair of PEBA, and by the PEBA Committee.

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

PEBA notes that there is an existing mechanism to introduce NDMPs on a statutory basis (s.93 of the LURA 2023), which would seem to accord with the original intent to have a suite of policies of maximum effect in decision making. However, whether that option is selected is essentially a policy decision.

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

Yes, it is considered that these aid clarity.

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

Yes. It is convenient to have these in one place.

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

Yes, again this is convenient and avoids duplication elsewhere.

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

The approach in the draft lends itself to participants in the process, as well as decision makers, imagining that planning is a quasi-mathematical exercise, rather than a single, sometimes complex, multi-faceted decision. If this is intended, then the advantage of the approach in the draft is that the terms used are consistent.

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

Yes.

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- 7) Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.
- a) If not, do you think there should be a different approach, for example, that alterations should only be made to spatial development strategies every five years where there are significant changes to housing need in the strategy area?

Yes, partly agree due to the flexibility that this affords.

The suggestion that alterations should only be made every five years where there are significant changes to housing need or other significant development requirements would appear to be preferable, with a view to managing the burden on LPAs, but equally, leaving this to the discretion of individual LPAs could create confusion or reduce clarity.

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

Yes, that would follow.

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

Yes. For policy to set out that local plans should cover a period of no less than 15 years from the point of adoption of the plan appears to be less appropriate in the new plan-making system, given the need to commence preparation on a new local plan within 5 years of adopting the previous plan, and bearing in mind the additional evidential burden involved in preparing plans covering longer

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periods. A period of no less than 10 years would, however, be too short and likely to decrease effectiveness and practicality.

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

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

Yes.

See answer to Q9 above.

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

Yes. It is always sensible to avoid unnecessary duplication.

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

Yes, setting realistic timelines in advance manages expectations and helps to avoid delay during the process.

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

Yes, this promotes proportionality and avoids unnecessary work which could prolong the process overall.

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

No comment.

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

Cross-boundary cooperation in the circumstances set out in policy PM10 is clearly necessary and desirable.

Support for PM11 follows from support for PM10.

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

In theory it would. However, PEBA would question the practicality of setting expected contributions at plan-making stage, and whether those would remain relevant at the time a planning application were to come forward. It is probable that certainty would be decreased, not increased.

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

Yes, as long as these are not exhaustive and allow for necessary flexibility according to circumstances which may become apparent that were not/could not have been considered at the time of plan-making.

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

No comment.

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

Yes.

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

No.

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

Yes, however it is suggested that the text in DM1 1b.ii requiring the “concise planning statement” to include “the outcome of pre-application engagement and the extent to which the proposals have

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changed in response to this engagement” should be qualified by the words “...if at all”.

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

Yes.

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

On balance, the disadvantages of taking a regulatory approach (the complexity involved in defining which applications would require each information requirement) appear to outweigh any advantage in terms of certainty and consistency.

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

Partly agree.

It is suggested however that caution should be exercised in relation to DM31.d which states that statutory or internal consultees should only be consulted “where it is necessary to do so”; specialist advice may better inform the decision and reduce the potential for a legal challenge.

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

No.

DM5 does provide adequately for flexibility, but it is not expected that there will be any particular change in attempts to re-negotiate the level of developer contributions.

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

No.

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

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

Greater clarity is needed in relation to whether a planning obligation continues “no longer” serves a “useful purpose”.

Confirmation could be given that current economic circumstances/viability are/is a material consideration in a case that a obligation does not continue to serve a useful purpose.

Consideration might also be given to why the “relevant period” (s106A(4)) is five years.

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

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

PEBA advises that new s73B of the Town and Country Planning Act 1990 (introduced by LURA 2023) should be brought into force as soon as possible.

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

Broadly yes, but the discouragement of the use of pre-commencement conditions (policy DM6.3) is questioned, albeit it is noted that they are permitted where there is “clear justification”.

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

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Yes, it adds clarity, and appears to reflect recent caselaw (for example ***Vanbrugh Court Residents' Association v Lambeth BC* [2022] EWHC 1207 (Admin)**).

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

To the extent that intentional unauthorised development is a material consideration in determining an application for retrospective consent, the policy is supported.

However, it is suggested that saying that retrospective applications would not automatically be refused (which is a statement of the obvious) and that the decision would remain one of planning judgment in all the circumstances of the case, seems to be at odds with policy DM8.2 which provides that intentional unauthorised development should be a “substantial” factor in considering whether or not to grant permission.

Further, this policy appears to cut across the fundamental principle that planning enforcement should be *remedial*, not *punitive* (see ***Tapecrow Ltd v First Secretary of State* [2006] EWCA Civ 1744** para 46 *per* Carnwath LJ (as he then was)).

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

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

See answer to Q31 above.

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

Yes. The emphasis on the need for robust evidence, and that a direction should apply to the smallest area possible, is welcome and aids proportionality and the minimisation of interference with property rights.

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

No comment.

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

No comment.

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

The new wording appears to be an improvement in terms of clarity and comprehensiveness.

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

No comment.

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

No comment.

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

No comment.

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

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

No comment.

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

No comment.

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

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Response: *Partly agree.*

It is important to incorporate climate change policy in planning policy. It is a cross-cutting issue. For instance, the brief references to flood risk and energy should be included, even if they are proposed to be addressed in detail in separate chapters.

There is a complementary role to be played by other regulatory controls which should be acknowledged. Whilst the Building Regulations are a separate set of rules, they are complementary. It is noted that PM13 specifically asks planning policy standards to “Not cover matters which are already addressed by Building Regulations” – but the importance that those Building Regulations make to adapting to climate change needs to be acknowledged.

On this point, the cross-reference that is missing in CC1 is to the policy on development design – DP1 (and its reference to the principles in policy DP3). In addition to how buildings are constructed, the planning system can assist in dealing with the effects of climate change in controlling where buildings are built, and how they are orientated and laid out. Climate is mentioned in *DP3.c*, and the broader role of green infrastructure (which is not limited to nature-based solutions but includes open spaces) is mentioned in *DP3.d*

“Climate: contribute to climate change mitigation and adaptation and the transition to net zero, by using building layouts, building orientation, massing, landscaping and materials which conserve energy and other resources, and which minimise risks from the impacts of climate change including overheating;”
Nature: incorporate and/or connect to a network of high quality, accessible, multifunctional green infrastructure to provide opportunities for recreation and healthy living, strengthen habitats, improve climate resilience and improve air and water quality. This should include maintaining and enhancing tree cover and incorporating sustainable drainage systems in accordance with policies NE3 and F8;

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This is picked up in part in CC2 (at (c)) and in CC3 (d), but there are broader points to raise at the development plan policymaking stage.

CC2 c. Use design approaches which conserve energy and other resources in accordance with policy DP3(1)(c);

CC3 d. Use design approaches which minimise risks from overheating in accordance with policy DP3(1)(c), and include green infrastructure and suitable tree planting in accordance with policies DP3(1)(d) and N3;

CC1(1)(a)(i) - The text can be simplified by leaving the examples to the PPG. The way in which greenhouse gas emissions “can be” assessed is not a matter of national policy.

CC1(1)(a)(ii) – the issue about how much of the examples need to be included in the NPPF, rather than being part of the supporting guidance given in the PPG, arises.

The wording of CC1 (1)(d) – the identification of “opportunities” is a weak steer. Climate change issues could support a more direct request.

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

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Response: *Partly agree.*

The reference to DP3(1)(c) is useful, but it is too limited. This is a useful cross-reference, but the wording of CC2(1)(c) could be read as limiting its role. It could be reworded as:

“Use design approaches in accordance with policy DP3(1)(c), including those which conserve energy and other resources; ”

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

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Response: *Partly agree.*

In a similar way to CC2, the wording of the reference to DP3(1)(c) is useful could be read as limiting its role. It could be reworded as:

“Use design approaches in accordance with policy DP3(1)(c), [including those which minimise risks from overheating] and include green infrastructure and suitable tree planting in accordance with policies DP3(1)(d) and N3; and [the words in square brackets could be omitted, unless overheating needs to be given priority]

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

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

Response: It is appropriate to take Q45 and Q46 together, as they address the same issue regarding the increased risk of wildfires.

Partly agree. This is mainly a risk for existing development and one that is managed by the local fire service and ground maintenance. Passive design can assist, but it is important for the policy on wildfires to be more focused, as this is not an issue that applies uniformly across the country. We can learn from other countries which have faced this risk has already arisen – such as France, where the specific need to pay attention to scrub and brush clearing (“débroussaillage”) only applies in specific areas, and within a certain distance of woodland.

There is also a risk that this policy conflicts with the policy encouragement for more tree cover (see DP3(1)(d); Policy N3). Deadwood can also be treated as an important component of a properly functioning forest ecosystem. So, it will be important for PPG guidance to be clear about the point at which a heightened risk may justify intervention.

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

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The revised policies on Meeting the Challenge of Climate Change do much to incorporate a longer-term view. It is left unclear as to what the “lifetime” of the development or scheme can be anticipated to be. This phrase is used 11 times. This longer timescale is justified, given the long-term nature of planning for climate change mitigation and adaptation. However, it is going to be a matter of considerable debate if no further guidance is given on what this means. For instance, the RTPI/TCPA guidance refers to planning to avoid exposure to predicted risks over the lifetime of the proposed development – and explains that, “for residential development, this means looking ahead at risks including flooding, overheating and water scarcity for at least the next 100 years”. (see *Planning for the Climate Crisis: A Guide for Local Authorities* (RTPI and TCPA, December 2025 (5th edition) – and Designing Places chapter 17 (Dec.2025)).

The issue of viability may also arise, and the timescale over which that is to be assessed will affect that. Development plan policy may be challenged on the basis of viability, so it is important to explain what is expected.

The reference to the objectives and legal duties of the Climate Change Act 2008 is important. Local planning authorities must ensure that their plan still complies with the legal duty to address climate change. A proactive approach may lead to standards that go beyond national policy and building regulations, where supported by evidence.

There will be a need for detailed thought on how the Planning system can be used to meet the climate change challenge. The RTPI/TCPA guidance is an example of a useful detailed resource. It also cross refers to the National Design Guide and the National Model Design Code which are framed around ten design principles, through which climate is a cross-cutting theme.

48) Do you agree the requirements for spatial development strategies and local plans in policy HO1 and policy HO2 are appropriate? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

The appropriateness of requirement for spatial development strategies and local plans in policy HO1 and policy HO2 inevitably concerns matters of policy and/or technical judgement, upon which PEBA makes no substantive comment.

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49) Is further guidance required on assessing the needs of different groups, including older people, disabled people, and those who require social and affordable housing? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Save that, in principle, PEBA agrees further guidance on assessing all forms of housing need is required, PEBA makes no substantive comment on question 49 a) which inevitably concerns matters of policy and/or technical judgement.

50) Do you agree with the approach to incorporating relevant policies of Planning Policy for Traveller Sites within this chapter? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 50 which inevitably concerns matters of policy and/or technical judgement. In principle, the incorporation of all aspects of government policy within the Framework improves clarity and consistency, which is welcomed generally.

51) Is further guidance needed on how authorities should assess the need for traveller sites and set requirement figures? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Save that, in principle, PEBA agrees further guidance on assessing all forms of housing need is required, PEBA makes no comment on question 51 which inevitably concerns matters of policy and/or technical judgement.

52) Do you agree the new Annex D to the draft Framework is sufficiently clear on how local planning authorities should set the appropriate buffer for their local plan 5-year housing land supply? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Response: Strongly agree

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Paragraph 9 of Annex D replicates the provisions of paragraph 78 of the current NPPF which are sufficiently clear.

53) Do you agree the new Annex D to the draft Framework is sufficiently clear on the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision-making? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Response: Strongly agree

The inclusion of provisions relating to the wider procedural elements of 5-year housing land supply, the Housing Delivery Test, and how they relate to decision-making within a discrete annex improves clarity and is welcome.

54) Do you agree the requirements to establish a 5 year supply of deliverable traveller sites and monitor delivery are sufficiently clear? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Response: Strongly agree

Paragraph 10 of Annex D replicates the provisions of PPTS paragraph 10 a) with necessary adjustments which are sufficiently clear. PEBA notes that the omission of an apostrophe following the term "years" (end of line 2) as a typographical error.

55) Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Response: Partly agree

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Save that that the concept of "a sustainable community" (within para 1. b.) is somewhat vague, confusing and warrants further consideration, PEBA agrees that the proposed plan-making requirements for large scale residential and mixed-use development are sufficiently clear.

56) Do you agree our proposed changes to the definition of designated rural areas will better support rural social and affordable housing? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

PEBA makes no comment on question 56 which inevitably concerns matters of policy and/or technical judgement.

57) Do you agree with our proposals to ask authorities to set out the proportion of new housing that should be delivered to M4(2) and M4(3) standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

PEBA makes no comment on question 57 which inevitably concerns matters of policy and/or technical judgement.

58) Do you agree 40% of new housing delivered to M4(2) standards over the plan period is the right minimum proportion? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no comment on question 58 which inevitably concerns matters of policy and/or technical judgement.

59) Do you agree the proposals to support the needs of different groups, through requiring authorities to identify sites or set requirements for parts of allocated sites are proportionate? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

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PEBA makes no comment on question 59 which inevitably concerns matters of policy and/or technical judgement.

60) Do you agree with our proposals to ask authorities to set out requirements for a broader mix of tenures to be provided on sites of 150 homes or more?
Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

PEBA makes no comment on question 60 which inevitably concerns matters of policy and/or technical judgement.

61) Do you agree with proposals for authorities to allocate land to accommodate 10% of the housing requirement on sites of between 1 and 2.5 hectares?
Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

- a) Please provide your reasons

PEBA makes no comment on question 61 which inevitably concerns matters of policy and/or technical judgement.

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

Response:

PEBA does not consider changes to policy HO7 are necessary to ensure that substantial weight is given to meeting relevant needs.

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

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military homes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 63 which inevitably concerns matters of policy and/or technical judgement.

64) Do you agree flexibility relating to the size of market homes provided will better enable developments providing affordable housing? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 64 which inevitably concerns matters of policy and/or technical judgement.

65) Would requiring a minimum proportion of social rent, unless otherwise specified in development plans, support the delivery of greater number of social rent homes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 65 which inevitably concerns matters of policy and/or technical judgement.

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

a) If so, what changes would be beneficial?

PEBA makes no substantive comment on question 66 which inevitably concerns matters of policy and/or technical judgement.

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

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on medium sites? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 67 a) which inevitably concerns matters of policy and/or technical judgement.

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

PEBA makes no substantive comment on question 67 b) which inevitably concerns matters of policy and/or technical judgement.

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

PEBA makes no substantive comment on question 68 which inevitably concerns matters of policy and/or technical judgement.

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

PEBA makes no substantive comment on question 69 which inevitably concerns matters of policy and/or technical judgement.

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

- a)** If so, what elements and principles should this guidance set out? Please explain your answer. For example, guidance could make clear that contributions in lieu should be an amount which is the equivalent value of providing affordable housing on site, based on a comparison of the Gross Development Value of the proposed scheme with the Gross Development Value of the scheme assuming affordable housing was provided onsite.

PEBA makes no substantive comment on question 70 which inevitably concerns matters of policy and/or technical judgement.

71) Do you support proposals to enable off site delivery where affordable housing delivery can be optimised to produce better outcomes in terms of quality or quantity? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 71 which inevitably concerns matters of policy and/or technical judgement.

72) Do you agree with the criteria set out regarding the locations of specialist housing for older people? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 72 which inevitably concerns matters of policy and/or technical judgement.

73) Do you agree with the criteria set out regarding the locations of community-based specialist accommodation, including changes to the glossary? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 73 which inevitably concerns matters of policy and/or technical judgement.

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74) Do you agree with the criteria set out regarding the locations of purpose-built student accommodation and large-scale shared living accommodation, including changes to the glossary? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 74 which inevitably concerns matters of policy and/or technical judgement.

75) Do you agree the proposals provide adequate additional support for rural exception sites? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 75 which inevitably engages issues of policy and/or technical judgement.

76) Do you agree with proposals to remove First Homes exception sites as a discrete form of exception site? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 76 which inevitably engages issues of policy and/or technical judgement.

77) Do you agree proposals for a benchmark land value for rural exception sites will help to bring forward more rural affordable homes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 77 which inevitably engages issues of policy and/or technical judgement.

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78) Do you agree the proposals to set out requirements for traveller sites at policy HO12 adequately capture relevant aspects from Planning Policy for Traveller Sites, whilst ensuring fair treatment for traveller sites in the planning system?
Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Response: Partly agree

PEBA acknowledges the identified decision-making benefits associated with standardising the criteria for allocating traveller sites and assessing proposals for traveller site development.

The proposals to set out requirements for traveller sites at policy HO12 adequately capture relevant aspects from Planning Policy for Traveller Sites ("PPTS"), save that the overarching aim of current government policy, namely, *"to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community"* (PPTS, para 3) has been omitted from the draft Framework generally and policy HO12 in particular.

In that regard, Question 78 is predicated upon a fundamental misunderstanding of current government policy, which complies with relevant principles of equalities and human rights law. The overarching aim of current government policy is not to ensure "fair treatment for traveller sites in the planning system". Rather, the aim is to ensure that the interpretation and application of planning policy properly has regard to the inextricable nexus between the land-use planning needs of travellers (as defined in government policy) and their traditional and nomadic way of life, which is the subject of relevant legal protections.

Assuming that the fundamental objectives of government policy have not changed, to avoid confusion and to minimise the risk of legal challenges, PEBA recommends that the current overarching aim of government policy (at PPTS, para 3) be incorporated into the Framework, ideally to aid the interpretation and application of policy HO12.

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80) Do you agree the proposals in policy HO13 will help to ensure development proposals are built out in a reasonable period? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Response: Partly agree

PEBA understands that the objective of policy HO13 is to make the deliverability of proposed development a material consideration in the determination of planning applications for major residential and mixed-use development. This is a novel policy which warrants careful consideration to avoid confusion regarding its interpretation and application.

As presently drafted, PEBA considers there to be a risk that paragraph 1 of draft policy HO13 may be utilised as a reason to refuse permission that cannot be delivered within whatever may be considered a reasonable period locally, which does not appear to be the purpose of the policy. Whether that risk should be addressed in the Framework or supporting PPG is a question of policy judgement.

Recognising the relevance of pre-commencement conditions and the timely 'discharge' of planning conditions generally to the implementation of major development, consideration should also be given to adjusting paragraph 2 of the draft policy to clarify that the potential imposition of a shorter commencement period should take into account the need to limit the use of pre-commencement conditions and ensure the timely 'discharge' of planning conditions generally.

However, HOU13(4) is not clearly worded in terms of the land to which it is intended to apply. If it is intended to provide a mechanism to ensure that proposals for e.g. allocated land are consistent with the allocation then albeit perhaps not needed, it is unobjectionable. If it is intended to apply to other land, in effect to protect proposals in emerging plans (whatever the stage reached in the plan process) then it gives rise to a concern about this constituting a form of prematurity policy. We query the need for that and whether it will give rise to unintended consequences, imperilling the delivery of sites on the basis of any inconsistency with what may be proposals in plans at a very early stage of preparation. In our view the current prematurity policy is fit for purpose.

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

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Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Response: Partly agree

PEBA considers the policy proposals relating to large scale residential and mixed-use development (in paragraphs 3 and 4) to be helpful and welcome. To improve clarity, consideration should be given to including a definition of 'large scale residential and mixed-use development' within the Glossary.

82) Are any more specific approaches or definitions needed to support the delivery of very large (super strategic) sites, including new towns? *Yes, no*

a) Please provide your reasons.

If it is the Government's intention to support the delivery of very large (super strategic) sites, then it would seem sensible to include something specific in national policy which has that effect.

83) Do you agree with the proposed changes to the Housing Delivery Test rule book? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

PEBA makes no substantive comment on question 83 which inevitably engages issues of policy and/or technical judgement.

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

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

Partly agree. E1 (1) prefates (a) (b) and (c) with tasking development plans to support business investment and employment "at the most appropriate level". This is not sufficiently clear as to its meaning in relation to any of paragraphs (a) (b) or (c). Could it be expanded upon or made clearer ?

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- (a) Clarity as to what precisely qualify as "local strategies for economic development and regeneration" would be useful. What status or endorsement do they need.
- (c) In relation to allocation, support the approach of not being overly prescriptive given the dynamic nature of drivers of economic growth

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

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

Re E" (1) Strongly agree that substantial weight remains the relevant weight for decision makers to attach. Word "especially" could be qualified with "but not exclusively"

Query whether the policy should make it clear that economic benefits of non-commercial development e.g investment in non-business development, should also be given "substantial weight".

86) Do you agree with the proposed new decision-making policy supporting freight and logistics development in policy E3? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Strongly agree. Given strategic nature of this type of development and potential adverse impacts on residential amenity and sensitive landscapes, review to what extent it should be dealt with or given attention within a Plan-making policy (possibly in addition to E3).

87) Do you agree with the approach to rural business development in policy E4? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Partly disagree. E4 (1) refers back to E2 but nevertheless E4 is supporting growth of businesses generally in rural areas without requiring "businesses" to be existing businesses or businesses which need to be located in a rural area or businesses which are specifically meeting business needs of a rural business.

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

Partly agree with the proposed changes to policy TC1, that is essentially to encourage diversification and intensification within TCs, including residential, albeit all within the existing core principle of TC uses within the TC and the retention of the hierarchy.

NB also Class MA of Part 3, Schedule 2 GPDO 2015: MA. Permitted development

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

It seems the main policy conundrum, not properly resolved, is how serious is National Policy about residential uses within TCs?

In the context of ref to Art 4 in TC1. There is a tension between Class MA and Art. 4, for example. Class MA is moving away from traditional forms of control, the reference to Art. 4 is more supportive of the traditional form.

89) do you agree with the approach to development in town centres in Policy T2?

Partly agree. There is nothing wrong with TC2 which is laudable but it is silent about the fundamental challenge to the planning for TCs brought about by Class E which removes much of the meaning from the sequential test (the subject of Qs 90 and 91)

Should there be something about 'Agent of Change'? This is of particular importance because of the emphasis on flexibility of uses and greater diversification within TCs including, specifically, residential, at TC2

Could 'Main Town Centre Uses' include residential uses? If policy is serious about including residential uses in TCs. TC1 a) includes ref to residential uses specifically.

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

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The main impacts observed on the operation of planning policy with the introduction of Class E is that the 'flexibility' that Class E offers has led to loss of control of uses by LPAs within Town Centres. Class E includes many of the 'Main Town Centre Uses' as defined but it also includes a number of other uses which are not Main Town Centre Uses.

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

Consideration should be given to the purpose and effect of the sequential test in light of the greater flexibility introduced by class E.

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

It is our view that there needs to be a consistent approach to the sequential and impact assessments, we see these as linked, albeit distinct. Any change which is more permissive of out of centre development will (all other things being equal) tend to undermine town centres.

93) Do you agree that the updated policies provide clearer and stronger support for the rollout of 5G and gigabit broadband? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Strongly agree

CO1 provides clear expectations and stronger support for telecommunications infrastructure, although PEBA does not comment on the policy merits.

94) Do you agree the requirements for minimising visual impact and reusing existing structures are practical for applicants and local planning authorities? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Neither agree nor disagree

The accompanying documentation states that no new requirements have been introduced for applicants.

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

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Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Neither agree nor disagree

PEBA does not comment on the burden to applicants which is a matter of policy.

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

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Strongly agree

W1 sets out much clearer requirements than the existing NPPF by requiring development plans to reflect the capacity of, and future requirements for, energy and water infrastructure. The approach appears reasonable, although PEBA does not comment on the policy merits.

97) Do you agree with the amendments to current Framework policy on planning for renewable and low-carbon energy development and electricity network infrastructure in policy W2? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Strongly agree

W2 sets out much clearer requirements than the existing NPPF. The approach appears reasonable, although PEBA does not comment on the policy merits.

98) Do you agree with the proposed approach to supporting development for renewable and low carbon development and electricity network infrastructure in policy W3? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Strongly agree

W3 sets out much clearer decision-making requirements than the existing NPPF. It is also a significant change from the existing NPPF, particularly in terms of applicants not being required to demonstrate the need for renewable or low carbon development and electricity network infrastructure, although PEBA does not comment on the policy merits.

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99) Do you agree with the proposed approach to supporting development for water infrastructure in policy W4? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Strongly agree

PEBA believes W4 is clear, whilst not commenting on the policy merits.

100) Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Neither agree nor disagree

PEBA makes no comments on question 100 which is a policy question.

101) Do you agree with how policy M1 sets out how the development plan should consider oil and gas? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Neither agree nor disagree

PEBA makes no comments on question 100 which is a policy question, although the provisions appear clear.

102) Do you agree with the proposed addition of critical and growth minerals to the glossary definition of 'minerals of national and local importance'? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

PEBA makes no comment on the policy merits of the addition.

The addition provides clarity as to the meaning of 'minerals of national and local importance' and therefore the scope of policy M1. The glossary definition of 'critical and growth materials' is generally clear. However, it should be made clear whether the list of minerals from the Critical Minerals Strategy is exhaustive or, rather, will track any future additions or amendments to the same.

103) Do you agree criteria b of policy M2 strikes the right balance between preventing minerals sterilisation and facilitating non minerals development? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

PEBA makes no comment on the policy merits of criteria b of policy M2.

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104) Do you agree policy M3 appropriately reflects the importance of critical and growth minerals? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Neither agree nor disagree

PEBA makes no comment on the policy merits of policy M3.

However, PEBA welcomes the consistency of approach in the use of 'substantial weight' in policy M3 and across the draft NPPF.

105) Do you agree with the exclusion of development involving onshore oil and gas extraction from policy M3? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Neither agree nor disagree

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

PEBA makes no comment on the policy merits of policy M3.

107) Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Neither agree nor disagree

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

PEBA makes no comment on the policy merits of policy M4.

109) Do you agree with approach to coal, oil and gas in policy M5? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Neither agree nor disagree

PEBA makes no comment on the policy merits of policy M5.

110) Are there any other exceptional circumstances in which coal extraction should be permitted? Yes/No

PEBA makes no comment on the policy merits of policy M5.

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

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PEBA makes no comment on the policy merits of policy M5.

112) Do you agree policy M6 strikes the right balance between preventing the sterilisation of minerals reserves and minerals-related activities, and facilitating non-minerals development? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Neither agree nor disagree

PEBA makes no comment on the policy merits of policy M6.

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

Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Partly agree.

It is clear that Policy M6 establishes Mineral Consultation Areas as a procedural trigger for consultation and consideration of the local minerals plan. However, the purpose and weight to be afforded is left to subject interpretation.

114) Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly agree

115) If not, what further guidance is needed?

See 114)

116) Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Strongly agree

117) Do you agree policy L2 identifies appropriate typologies of development to support intensification? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

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PEBA makes no comment on the policy merits of policy L2.

118) Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Neither agree nor disagree

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

PEBA makes no comment on question 118 which is a policy question.

119) Do you agree policy L2 (d)(i) achieves its intent to enable appropriate development that may differ from the existing street scene, particularly in cases such as corner plot redevelopment and upwards extensions. Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Strongly agree.

The policy explicitly allows proposals to depart from the existing street scene.

120) Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Neither agree nor disagree

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

PEBA makes no comment on question 120 which is a policy question.

121) Do you agree policy L3 provides clear guidance on achieving appropriate densities for residential and mixed-use schemes? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Strongly agree.

122) Do you agree with the minimum density requirements set out within policy L3? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Neither agree nor disagree

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

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

PEBA makes no comment on question 122 which is inevitably a policy matter.

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123) Do you agree that using dwellings per hectare is an appropriate metric for setting minimum density requirements? Additionally, is our definition of ‘net developable area’ within the NPPF suitable for this policy? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Neither agree nor disagree

PEBA makes no comment on the policy decision to use “*dwellings per hectare*” or “*net developable area*”. However, PEBA considers that the definitions are clear.

124) Do you agree with the proposed definition of a ‘well-connected’ station used to help set higher minimum density standards in targeted growth locations? In particular, are the parameters we’re using for the number of Travel to Work Areas and service frequency appropriate for defining a ‘well-connected’ station? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Neither agree nor disagree

a) Please provide your reasons and preferred alternatives.

PEBA makes no comment on the policy merits of the definition.

However, PEBA believes there is currently a lack of clarity as to whether “high levels of connectivity” and “well-connected” have the same or different meanings in L3 para.3, because:

1. Both are used in L3 para.3 (and “high level of connectivity is used in 1.a.iii) but only “well-connected” is given a particular definition, suggesting they have different meanings.
2. However, in S5.1.h and GB7.1.h.i, “high level of connectivity” is defined as meaning “well-connected”, suggesting they mean the same thing.

Therefore, it would aid clarity to ensure terminology is used consistently throughout the NPPF and, if they are intended to have the same meaning, to use one term rather than two.

125) Are there other types of location (such as urban core, or other types of public transport node) where minimum density standards should be set nationally? Yes/No

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

PEBA makes no comment on Question 125 which is a policy question.

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

PEBA makes no comment on Question 126 which is a policy question.

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

PEBA makes no comment on Question 127 which is a policy question.

128) Do you agree policy L4 provides clear high-level guidance on good design for residential extensions? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Partly agree

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

PEBA recognises that planning judgement will always balance various competing considerations. However, the following points are highlighted regarding footnote 46:

1. Two different dates are introduced for the assessment of effective blending: (i) the date of publication of the revised NPPF in respect of the existing building, and (ii) the date on which planning permission is determined in respect of the immediate surroundings. This tends to complicate rather than simplify matters.
2. The definition of “existing building” appears not to permit, or at least to dissuade, an assessment of effective blending with (for example):
 - a. the building existing at the time of the application for planning permission even if demolished and rebuilt since the date of publication of the revised NPPF;
 - b. a first extension with planning permission but not yet built on the date of publication of the revised NPPF; or
 - c. the building at an earlier date, even if the “existing building” is unlawful, contrary to contemporary planning policies, and/or subsequently demolished before planning permission falls to be determined.

PEBA makes no comment on the policy merits.

130) Do you agree that policy GB1 provides appropriate criteria for establishing new Green Belts? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Neither agree nor disagree.

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

PEBA makes no comment the substance of the change.

However, the simplification of the test generally removes scope for dispute and the amendment to the existing para.144(c) brings additional clarity.

132) Do you agree policy GB2 gives sufficient detail on the expected roles spatial development strategies and local plans play in assessing Green belt land? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly agree

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

The factors are well known and familiar to all those involved in planning decisions.

133) Do you agree with proposals to better enable development opportunities around suitable stations to be brought forward? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Neither agree nor disagree.

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

PEBA makes no comment on Question 133 which is a policy question.

134) Do you agree the expectations set out in policy GB5 are appropriate and deliverable in Local Plans? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Neither agree nor disagree.

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

PEBA makes no comment on Questions 134-135 which are policy questions.

136) Do you agree policies GB6 and GB7 set out appropriate tests for considering development on Green Belt land? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Strongly agree

GB6 and GB7 provide clear and enforceable tests for Green Belt development.

PEBA does not comment on the underlying merits of the policy.

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137) Do you agree policy GB7(1h) successfully targets appropriate development types and locations in the Green Belt, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

139) Do you agree that site-specific viability assessment should be permitted on development proposals subject to the Golden Rules in these three circumstances? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

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

141) Do you agree with setting an affordable housing ‘floor’ for schemes subject to the Golden Rules accompanied by a viability assessment subject to the terms set out? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

143) Do you agree with local planning authorities testing viability at the plan-making stage using a standardised Benchmark Land Values scenario of 10 times Existing Use Value for greenfield, Green Belt land? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

a) Please explain your answer.

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

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

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

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Strongly agree

The function of grey belt is to remove the land in question from the protections afforded by Green Belt policies (subject to satisfying the remaining criteria in policy GB7(g)). It does not disapply the application of other policies in the NPPF. As such, if the application of those policies amounted to a strong reason for refusal, then the decision-maker would already be inclined to refuse permission on the basis of those considerations. Including the same in the Grey Belt definition simply duplicates a pre-existing approach.

Adopting this approach would also help to avoid the confusion seen in recent caselaw such as *Wrotham Parish Council v Secretary of State* [2026] EWHC 165 (Admin) and the appeal decision in *Land at Boscobel Lane, Bishops Wood, Staffordshire, ST19 9FG* (reference APP/C3430/W/25/3363067), by confirming that the Grey Belt definition applies in the context of the development proposed on the land, not simply the land itself.

145) Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Agree

The drafting of Policy DP1 is clear as to development plans should set out clear design expectations.

146) Do you agree with the approach to design tools set out in policy DP2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

146) Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

147) Do you agree with the proposed approach to using design review and other design processes in policy DP4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

148) Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through plan-making? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

149) Do you agree that policy TR2 strikes an appropriate balance between supporting maximum parking standards where they can deliver planning benefits, and requiring a degree of flexibility and consideration of business requirements in setting those standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

150) Do you agree with the changes proposed in policy TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Partly disagree

The phrase 'significant amount of movement', though understandable in the context of the policy, is ambiguous and should be clarified. This could either be in the text of the policy, or elaborated upon in the PPG.

151) Do you agree that proposed policy TR4 provides a sufficient basis for the effective integration of transport considerations in creating well-designed places? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

152) Do you agree with policy TR5 as a basis for supporting the provision and retention of roadside facilities where there is an identified need? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

153) Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and

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travel plans will be required, and for considering impacts on the transport network? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Agree

TR6 sets out much clearer requirements than the existing NPPF by requiring development proposals to be accompanied by transport assessments and plans, with expectations as to what those documents should address.

154) Do you agree the proposed text in policy TR7 provide an effective basis for assessing proposals for marine ports, airports and general aviation facilities? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

155) Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

156) Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

157) Do you agree that Local Green Space should be 'close' to the community it serves? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Partly disagree

The word "close" is perhaps too ambiguous when determining the proximity of Local Green Space to communities. A better approach may be an assessment based on "accessibility" which can be more easily measured by reference to transport links and walkability.

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158) Do you agree that the proposed policies at HC3 and HC4 will support the provision of community facilities and public service infrastructure serving new development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

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

Partly disagree

“Fast food outlets” and “hot food takeaways” could encompass many different premises. This includes premises around which young people may not congregate. This could distort the overall purpose of the policy. Further thought should be given to how this policy may be clearly phrased, so the aims of the policy are upheld without unwanted real-world effects.

160) Do you agree with the proposed approach to retaining key community facilities and public service infrastructure in policy HC6? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

161) Do you agree with the approach taken to recreational facilities in policy HC7, including the addition of ‘and/or’ with reference to quantity and quality of replacement provision? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

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

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

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163) Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

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

165) Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

166) Do you agree policy P4 makes sufficiently clear how decision-makers should apply the agent of change principle? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Agreed

P4 is clear in how applicants for planning permission should apply the agent of change principle in the two steps in policy P4(2)(a) and (b).

167) Do you agree policy P5 provides sufficient basis for addressing possible malicious threats and other hazards when considering development proposals? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

168) Do you agree that substantial weight should be given to the benefits of development for defence and public protection purposes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

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169) Do you agree with the proposed changes set out in policy F3 to improve how Coastal Change Management Areas are identified and taken into account in development plans? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

170) Do you agree with the proposed clarifications to the sequential test set out in policy F5? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Strongly Agree

The clarification in F5 provide a much clear, criteria-based approach to the sequential test, which complements the changes made in September 2025 to the PPG. In particular, the clarification that the area to which the test is applied should not be greater than the anticipated catchment of the development should reduce disputes around proposed areas of search and what is considered to be “reasonably available”. The additional exceptions also clarify when a Sequential Test should be used.

171) Do you agree with the proposed approach to the exception test set out in policy F6? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

a) Please provide your reasons, particularly if you disagree

Strongly agree

As with policy F5, the new approach to the exception test is welcomed. The exception test as presented offers greater clarity and structure in how the test is to be applied.

172) Do you agree with the proposed requirement in policy F8 for sustainable drainage systems to be designed in accordance with the National Standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Agree

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Referencing the National Standards provides a clearer benchmark for decision-taking and reduces inconsistency in expectations for surface water design

173) Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

174) Do you agree with the proposed changes to policy for managing development in areas affected by coastal change? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

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

176) Do you agree with the proposed new additions to Table 2: Flood Risk Vulnerability Classifications? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

177) Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

178) In what circumstances would it be reasonable to seek more than 10% biodiversity net gain on sites being allocated in the development plan,

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especially where this could support meeting biodiversity net gain obligations on other neighbouring sites in a particular area?

179) Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

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

181) Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree.

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

The language used in the policies 1(a), (c) and (d) creates uncertainty as to what is required to ensure compliance and/or when an exception might apply. Specifically:

- **1(a):** It is not clear what “consider” the environmental qualities of the land would require – this could be interpreted as merely requiring regard to be had to environmental qualities or as meaning that some form of itemised assessment needs to be carried out. Further, the type, nature and extent of the “opportunities” that must be identified, and how they should be identified is unclear. It is not clear whether multiple opportunities (plural) need be identified for each of the qualities of the land considered or whether an opportunity would suffice. There is also no corresponding requirement for such opportunities (once identified) to be secured. As a result, there is likely

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to be a diversity of interpretations of this requirement, and uncertainty on both the part of developers and LPAs as to whether it is satisfied;

- **1(c):** Without further guidance what amounts to “suitable” opportunities that must be taken to connect to and strengthen ecological networks will be unclear to developers and LPAs. Thus unless LPAs create specific policies addressing this, it will be difficult for a LPA to justify taking the view that the opportunities provided are not ‘suitable’.
- **1(d):** the qualifier “wherever possible” creates uncertainty as to what might count as “impossible” for the purpose of this policy. For example, if e.g. conserving natural features was incompatible with a preferred design (creating a physical impossibility), would that mean that to do so in a given case was ‘not possible’, even if a different design could have accommodated such features? If conserving natural features would increase the cost of construction, could that render it ‘not possible’?

182) Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Strongly disagree.

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

Policy N4 as currently drafted creates uncertainty when compared with the existing statutory test in s.5 of the National Parks and Access to the Countryside Act 1949 (‘the 1949 Act’). Section 5(1) of the 1949 Act require provisions of Part 2 of the Act to have effect for the purpose “of conserving and enhancing the natural beauty, wildlife and cultural heritage” of National Parks and “of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public”. Section 11A(1A) requires a relevant authority, in exercising any functions in relation to, or so as to affect, land in any National Park in England, to “seek to further the purposes specified in s.5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park” (emphasis added).

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Instead of reflecting the existing statutory duty, Policy N4 requires “substantial weight” to be given the importance of conserving and enhancing the natural beauty, wildlife and cultural heritage. Giving weight (or even substantial weight) is arguably a materially different to a requirement to “seek to further” the purposes of the National Parks. In common with the heritage section, a footnote should refer to the statutory regard.

In addition, the purposes of National Parks also include promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

In terms of how the policy could be improved, protected landscapes which are subject to specific statutory duties (such as National Parks) could be addressed separately and using language that better reflects the relevant statutory duty.

183) Do you agree policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the planning system? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

In respect of N2(2) it is not clear whether this applies to the loss or deterioration of part of an irreplaceable habitat. For example, it is not clear whether a development that would result in the loss of a small part of an ancient woodland would be covered by this policy, where, for example the rest of the woodland was not expected to deteriorate as a result / would be enhanced.

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

No.

185) Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

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a) Please provide your reasons.

This is a policy question.

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

N/A

187) Do you agree with the approach to plan-making for the historic environment, including the specific requirements for World Heritage Sites and Conservation Areas, set out in policies H1 – H3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

The inclusion of WHS and Conservation Areas brings greater consistency of approach in relation to heritage assets and is therefore to be welcomed.

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

This is a policy question.

188) Do you agree with the approach to assessing the effects of development on heritage assets set out in policy H5? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

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

This is a policy question.

189) Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree.

Please provide your reasons, particularly if you disagree.

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PEBA notes that the current grouping of policies within the extant NPPF has been the subject of judicial approval, in which it was said that working through the paragraphs methodically in sequence gave effect to the statutory regard. Bearing that in mind, there is a risk in the reformulation, that weaker protection will be afforded to the historic environment. Further, the replacement of "great" with "substantial", in the context of numerous other substantial weightings within the draft NPPF, may also serve to reduce that protection. In our view this part of the draft requires careful review and it may well prove sensible to recreate a version much closer to the original.

It would also add clarity if the "statutory tests" to which footnote 74 refers were expressly referred to.

190) Do you agree with the new policies in relation to world heritage, conservation areas and archaeological assets in policies HE8 – HE10? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

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

This is a policy question.

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

No.

192) Do you agree with the transitional arrangements approach to decision-making? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

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

The provisions increase certainty. However, the main element of uncertainty for plan-makers is likely to be the date of publication of the new NPPF.

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

No

194) Do you agree with the list of Written Ministerial Statements set out in Annex A to the draft Framework whose planning content would be superseded by the policies proposed in this consultation? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

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

No comment.

a) Please give reasons.

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

No comment.

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

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

No comment. This is a policy question.

198) Do you think the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for other use types of projects

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should be increased, or should this be limited to projects co-located with data centres? Yes/No

No comment.

a. Please provide your reasons.

This is a policy question.

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

No comment.

200)Would you support the use of growth testing for strategic, multi-phase schemes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

201)Would you support the optional use of growth testing for regeneration schemes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

a) Please explain your answer.

This is a policy question.

202)Do you agree greater specificity, including single figures, which local planning authorities could choose to diverge from where there is evidence for doing so, would improve speed and certainty? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment. **Please explain your answer. If you agree, the government welcomes views on the appropriate figure – for example, whether 17.5% would be an appropriate reflection of the industry standard for most market for sale housing.**

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

No comment.

a. Please explain your answer. The government is particularly interested in views on whether clarifying an appropriate profit of 6% on Gross

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Development Value for affordable housing tenures would make viability assessments more transparent and speed up decision-making.

No comment.

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

No comment.

a. Please explain your answer.

This falls outside PEBA's areas of expertise.

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

No comment. This falls outside PEBA's areas of expertise.

206) Do you agree there circumstances in which metrics other than profit on gross development value would support more or faster housing delivery, or help to maximise compliance with plan policy? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

a. Please explain your answer.

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

No comment.

a. Please explain your answer.

208) Do you agree that guidance should be updated to reflect the fact a premium may not be required in all circumstances? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment. **In what circumstances might a premium, or the usual premium, not be required?**

a. What impact (if any) would you foresee if this change were made?

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

No comment.

b) Please explain your answer.

This is a policy question.

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

No comment. This is a policy question.

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

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

No comment. This is a policy question.

212) Do you agree that the residual land value of the development proposal should be cross-checked with the residual land values and land transaction data of comparable schemes and/or the subject site; to help set the viability assessment in context. *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

a. Please explain your answer.

213) Do you agree that a 2.5 hectare threshold is appropriate? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

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

This is a policy question.

214) Do you agree that a unit threshold of between 10 and 49 units is appropriate? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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No comment.

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

This is a policy question.

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

No comment.

- 216) If so, please explain your answer and provide views on potential mitigations.**

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

No comment.

- a. **Please provide your reasons.**

This is a policy question.

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

No comment.

- a. **Please provide your reasons.**

This is a policy question

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

No comment. This is a policy question.

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

N/A.

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

No comment.

222) Do you agree with the proposal to extend the Permission in Principle application route to medium development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

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

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

No comment. This is a policy question.

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

N/A

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

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

N/A.

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