

RESPONSE TO CONSULTATION : Levelling -up & Regeneration Bill: reforms to NPPF

Introduction

A. Personal data

We confirm we have read and agreed to the Privacy Note.

B. Name

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D. Organisation

Better Wetherby Partnership Ltd [Not for profit Company No. 11855009]

E. Type of Organisation representing

Voluntary/community based

Chapter 2 - Policy

General observation

1. We welcome the overall shift in emphasis towards '***a stronger voice for community views***'. Better community engagement should lead to a less confrontational plan making process.

2. We also welcome the possibility that these proposals will provide a stronger framework to meet UK's climate and environmental commitments, including through design codes.

3. We wish you to note our community organisation straddles three local planning authority boundaries, [two as of 1st April 2023]. Your questionnaire format and absence of questions responding to chapter 2, suggests apparent unawareness that communities similar to ours, have a much more complex experience of the planning / developer scene than many other community groups.

4. There is a risk that in speeding up the local Plan/Neighbourhood Plan process, insufficient regard is given to helping communities submit views on planning proposals which often require expertise easily available at will to developers and to a fair degree by local authorities. The Gov. must promote funding regimes within LPA's and elsewhere which are needed to underpin sound community engagement and organisation. Local and Neighbourhood Plans are much better Plans when tested effectively through cross examination by community engagement. Gov. and LPAs do not always know best; the system remains heavily biased towards the consultancy resources of land owners and developers promoting perspectives heavily biased by their 'bottom line' objective.

5. We would hope that overall, the intention behind this Bill will lead to better integrated plan making infrastructure. There must be clear evidence demonstrating that all main services e.g. health, transport, education, energy authorities are to be involved in this wider planning process; this is not our current experience. There must be an assurance that the necessary infrastructure to support any development is addressed as well as any financial levies, demonstrating holistic engagement with all the above key service sectors and this is also open to engagement with community groups.

6. For this reason the consultation to be shortly offered on your future 'Alignment Policy' to replace the current 'Duty to Cooperate' and a similar proposed exercise on your NDMP proposals is welcome but may well cause us to have a revised response to those now submitted below.

Chapter 3 - Certainty through Neighbourhood Plans

General observation

We agree that the present provisos for a Neighbourhood Plan validity, as set out in para.14, are too onerous and support the planned changes.

The community effort in producing a Neighbourhood Plan in our area is complicated by Wetherby having important hinterland in other LPA jurisdiction. The task in preparing such a plan with voluntary community engagement is difficult enough without this added but essential layer of necessary engagement with adjoining local parishes/LPA's. The proposed Alignment Policy must acknowledge this, and we advocate that adjoining LPA's promote mutual agreements to aid holistic and sustainable Neighbourhood Plans.

Q1 We agree that LPA's should not have to '*continually demonstrate a deliverable 5 year supply*'... where its housing requirements is less than 5 years old. We believe however that there must be stronger awareness by Gov. to reach agreement with local authorities on how best to prosper the community and thus develop it with due regard to environment, protection of nature, positively exploiting the benefits, capabilities and prospects of the area, or to draw in such attributes where they are lacking or missing. Local and neighbourhood plans must focus on developing a sense of place and healthy communities as the real objective, not simply meeting housing 'targets'.

Q2 Any buffer should be consistent with the overall requirement determined by the Local Plan, perhaps related to the level of 'risk' outlined in the anticipated delivery of the Plan.

Q3/4 Yes, noting that 'build as many as you can' risks being out of kilter with the need.

Q5 Whilst supporting additional protections to neighbourhood plans, we recognise that out of date plans give potential rise to conflict, and risk being prey to speculative developers.

Chapter 4 - Planning for Housing

General observations

We support the increased emphasis on Placemaking which should be included as an integral requirement for the provision of housing in the opening chapter of the NPPF. Place making is more than making somewhere look '*beautiful*', but attractive to live in. It means a place where there is housing provision for all ages and sectors of society, that has adequate social infrastructure and sustainable connection for active travel within the neighbourhood and public/private transport for accessing the wider locality.

The present process for preparing local plans starts at the wrong end. Rather than starting with aiming to meet housing requirement, there should be an appraisal of constituent neighbourhood planning needs embracing more than housing, ending with varied allocations to create wider place making. The current SAP process is far too orientated towards landowner/developer interests which literally sap the resources of LPA and community groups having to justify the suitability or otherwise of speculative housing proposals. There is an urgent need to re orientate professional and community energy and LPA scarce

revenue resources away from expensive unnecessary private sector trawling exercises and focus that energy and resource into sound sustainable place making.

Q6 Yes ... by which we mean planning for 'homes' rather than 'houses'.

Q7 We support the direction of travel behind this because it supports a plan led system; we also recognise that some LPA's might use plans to inhibit progress or change. Therefore there does need to be rigour and oversight to ensure that changes are justified and continue to meet overarching community need.

Q8 Yes .. we support the need to encourage a varied demographic, avoiding stagnation, greater attention to the provision of infrastructure and employment to support the latter, and requiring local design guides to encourage distribution of house sizes / accommodation throughout a detailed design layout which encourage wider community self help between different age groups for example .

Q9 /Q10 Review of Green Belts still form an important role in preventing coalescence of villages with expanding towns designated as strategic settlements as is the case of the communities we represent. It brings the plan making system into disrepute if villages with well defined conservation status surrounded by open countryside but close to the latter towns, are not seen to be protected against speculative development.

Building at densities which conflict with the existing character of an area can only be justified if the infrastructure ,associated facilities and employment to support it, is already there or is part of the overall plan associated with the planned introduction of higher density.

Q11 Whilst we do NOT support the removal of plans having to be 'justified', we support the removal of the five year housing supply because it will better assist LPA's to plan and avoid speculative development and expensive time consuming planning appeals by the latter.

Q12 Yes . We would wish to see proposals that are proportionate and reasonable. We presume that is the aim of these proposed changes .

Q13 /14/15 We support greater use of brown field sites but on the understanding that the level of central gov. financial inducements made available, will ensure:

- a) high environmental standards of residential/community life style and
- b) it does not disadvantage and isolate low income housing groups to be the main residents on such regenerated land. .

We have little confidence in the manner in which the current Duty to Cooperate is managed by joint authorities in this part of Yorkshire. There are other fundamental reasons other than 'delivering the urban uplift' for the latter's replacement by a stronger more detailed mandatory requirement forcing joint LPAs to reach agreement when major new development and communities schemes are being promoted and approved within, for example , ten minute 'drive time' away from the heart of Wetherby. Such a scheme is currently being marketed without any evidence in the public domain of cooperation or transparent dialogue between Leeds and Harrogate LPAs.

No planned Improvement in infrastructure , notably on transport, highway design ,education and health services have been investigated and integrated into the wider plan proposals for above scheme.

The proposed 'Alignment policy' must not only define and require LPAs and associated services to reach agreement on the viability of major proposals but also its sustainability. This will undoubtedly have implications for funding and the split between local and central allocation of funds. Often the 'devil is in the detail'. The Alignment Policy should motivate LPAs to develop 'local agreements' with community engagement to demonstrate there is commitment to constant joint dialogue once major schemes impacting across LPA boundaries are instigated.

Q16 Yes but only if effective dialogue which is recorded in the public domain, between **both LPA's** in our area ensures sound levels of housing are being planned alongside reasons why developers are not delivering. We find it incomprehensible that the Gov. still rely on old data in their projections. We therefore urge the use of an immediate change in the guidance to use the most up-to-date projections. This should also include a review of the Standard Method which does not make housing affordable but simply supports developers to build market style homes where they want to; as opposed to where informed community engagement would better advise where they are needed.

Q17 Yes

Q18 Yes

Q19/20/21 No comment

Chapter 5 - A planning system for communities

General observation

The current system identifying the issue of providing homes for people on low incomes through reference to 'affordable homes', is at best confusing and clearly not providing the homes required. We support measures to tighten up the system covering this sector of housing provision so that it provides homes which are truly affordable.

Q22 When it comes to Social Renting and Older People's Housing, it is surely part of the assessment of need for any specific area. If it is needed, it should be recognised.

Q23 We support the concept of small sites for affordable housing, subject to it being appropriate for the location and the demand.

Q24 No comment

Q25 Mandatory consultation with informed community groups allied with small local town/parish councils is likely to be the best approach towards identifying greater use of small sites.

Q26 to Q29 Yes these should be supported if they are appropriate, well plan and compliant with agreed national/local specification. National policy could make it mandatory that LPA's consult community groups and local small town/parish councils.

Q30 Yes in principle especially where there is a consistent record to fail to comply with conditions and Sect.106 agreements attached to consents.

Q31 Option 2

Q32 Dynamic planning i.e. that which is based on assessed need over a particular timeframe , clearly demands that approved developments are carried out in a timely manner. Anything that expedites this should be welcomed. Timescale ought to be part of the planning and approval process with penalties for failure to deliver out-with exceptional circumstances which will be few if the planning process has been rigorous AND the resources of planning departments are capable of ensuring compliance, which we doubt!

Pre - planning discussions are currently a matter of a private transaction between developer/landowner and the LPA and there is no statutory requirement for the LPA's guidance given in such discussions to be placed in the public domain. This is unacceptable in principle but we recognise that the issue of 'scale' is relevant here. We have experienced one instance where substantial community engagement was generated in a scheme to build out over 100 dwellings and the LPA was not able to state why the scheme had been withdrawn. This risks blighting existing estates close to the pre application proposal. There must be statutory commitments placed on the LPA to declare the outcome of pre planning discussions on schemes which, in the opinion of the LPA ,significantly impact on the character of the surrounding area.

Chapter 6 - Asking for beauty

General Observation

We support the general thrust of this chapter on place making and the role well-designed places play in people's health and well being. Working with developers and LPA's which we are now experienced in, better ensures that well designed places also reflect local awareness and sensitivities.

Q33 We are ambivalent about the words 'beauty' and 'beautiful' -they can mean different things to different people, but given they are now included in the National Design Guide and the National Model Design Code, they may not do harm being in the NPPF. We advise it would be very useful to include in the NPPF glossary the definition of '*Living with Beauty*' from the above - '*It includes everything that promotes a healthy and happy life, everything that makes a collection of buildings into a place ,everything that turns anything anywhere into somewhere and nowhere, into a home*'.

Q34 We do not agree to the removal of the word '*attractive*' in favour of '*beautiful*' in paragraph 92b, noting it has not been removed in paragraph 124e where the two words now sit side by side. '*Attractive*' also means somewhere which is a magnet, encouraging people to experience it. It is not synonymous with '*beautiful*'.

Q35 The problem with '*value engineering*' which reduces design quality, is not necessarily a result of inadequate planning conditions. Sometimes it is done without permission, in which case enforcement , severely underfunded, needs reinforcing. Sometimes it results from a non- material amendment which the LPA might be hard pressed to refuse because it might not be considered poor enough , though not good enough , to justify through the current appeal process. This could be avoided by requiring a completely new full planning application-with full fee- for any less '*beautiful*' changes in materials or design.

Q36 Mansard roofs are a very specific and localised design solution and have no place in a national policy document. To encourage such solutions in places where they are not a common form of roof design,

contradicts all the efforts to achieve new development which is locally distinctive. It should not be imposed on LPA's.

Chapter 7 - Protecting the environment and tackling climate change.

General Observation

We support the drive to bring a stronger holistic planning policy on the above, in making development decisions. We have already submitted our observations on Leeds City Council's recent intention to strengthen their Core Strategy/Local Plan proposals on this front. Well informed community engagement can be critical in addressing stronger compliance of climate change issues during the LPA's determination of planning applications especially on large scale schemes. We have been very successful on that front recently, raising and delivering on key issues e.g. energy saving, noise and air pollution which we believe would be less likely to have been achieved if we had not been involved. Community engagement can positively engage with the local people in promoting the need to step up to a higher plane in supporting LPA's decision to impose tougher climate change conditions on consents and refusing consents on climate change grounds.

Q37 We are unclear why artificial grass is picked on, unless it is used as a low key maintenance solution. Obviously if it is used, it should be compatible with a sustainable urban drainage specification. Protection /recovery of ancient woodland or the creation of local nature reserves are important objectives to pursue - but we can 'fiddle' with nature when often it is best left to take care of itself.

Q38 Yes we do. The ease of transporting food from far-flung places has led to undervaluing food production at home. Proper consideration of the value of farmland is essential in protecting future national food strategies. This stronger approach towards protection also fits new Gov. Environmental Land Management [ELMS] grant regimes available to farmers now being rolled out to farmers. UK farming land is good for growing grass and less good at growing other things which means that grazing animals, whilst having to reduce methane output, will need to remain a controlled contribution to the national diet. As ever, balance in all things is called for.

Such stronger protection on agricultural land also fits well with the need to protect the merit of local footpaths and bridleways which traverse the highly valued 'rolling landscape' surrounding much of the Better Wetherby area and which has substantial areas with no protection from green belt and higher landscape designations such as e.g. AONB.

Q39 Net Zero is obviously a good objective but frequently leads to a narrow view of the problem, failing to take account of wider consequential effects. Carbon assessments need to be broad in their scope in order to determine if any action is effective, not only in cost effectiveness terms but also in consequential terms. The accent on 'zero' risks being an unachievable mandate rather than a primary target and thus an 'at all costs' objective, which is not sensible or, in some cases, not possible.

Carbon is a naturally occurring element and we need it. It only becomes a problem when we throw it around as particulate matter or combine it with oxygen. We need to reduce or control the level of it, not eliminate it.

Q40 Green infrastructure offers long term benefits in terms of climate change. Flood risk which is a factor in our area, and flood prevention will remain immediate problems and must be given priority. Many sites are not suitable for housing because of these risks and if it is not affordable to provide contemporary flood

protection, proposals should be rejected. In the interests of public health and protecting river biodiversity, separation of rain water run-off from sewage, addressing excessive storm water discharges from old systems requires a significantly raised step up in national policy.

The Better Wetherby area contains valuable green infrastructure reaching out into the surrounding countryside, creating critical biodiversity habitat safe from agricultural pesticide spraying and in some instances equally valuable footpath/ cycle access. These green corridors however also cross joint LPA boundaries and we have witnessed a serious absence of joint LPA holistic support to protect and enhance the latter when determining planning applications.

The proposed Alignment Policy must demonstrate that green infrastructure is as important as other infrastructure elements, demanding a nature based approach from LPAs which community groups and local councils can recognise and help implement.

Q41/42 Yes - we support the changes to the NPPF and the provisos set out in the explanatory para.4 . This raises another bigger question with regard to renewable energy and its high artificial price which is based on universally determined KWh. The business model needs to be changed. Obviously this is outside the direct ambit of NPPF policy but response to this consultation must demonstrate the need for greater awareness of holistic action across most sectors of national and local governance in addressing climate change. This is not apparent at the moment.

Q43 Yes - always providing that noise nuisance is thoroughly assessed and sites are chosen which are compatible with the 'Beauty' criteria in Chapter 6.

Q44 - Generally 'yes' but consideration should be given to the use of alternative materials which simulate the original .

Chapter 9 - Preparing for the new system of plan-making

Q45 A qualified Yes. Local Plans are essential for local communities who wish to have their say and a reasonable degree of control over their environment. Tighter time lines will be accepted providing, **and we repeat**, there must be clear Gov. /LPA stated support [financial and organisationally] to assist community groups face the complexity of examining and contributing to Local Plan making and major planning applications.

Q46/47/48 On the surface, this appears reasonable. We have not had an opportunity to discuss this with our two LPAs. There must be clear evidence that there is inbuilt capacity to extend timelines when major complex schemes are proposed and in our case are dependent on agreements between joint authorities. Time and space are absolutely key to encouraging community engagement. The proposed Alignment Policy must also address this perspective demonstrating that it recognises the new shift in this consultative Bill towards '**a stronger voice for community views**'.

Chapter 10- National Development Management Policies

Q49/50 We await the planned consultation on NDMPs. The devil may well be in the detail. We can see the value of a top-level national plan but it could be seen as too much central gov. control and de- value local plans by being descriptive of detail. If Local Plans are unnecessarily long or complex, it may be it is trying to

guard against loose interpretation of the current NPPF. Any attempt to exert control by means of NDMPs, is in danger of weakening the provisions of the revised NPPF and over-riding local Plans.

Q51/52 These examples would seem applicable . However, mention is made of transport but not education and health - clearly equally important even though not apparently viewed holistically as key infrastructure.

There are other things that a local plan might address other than Para.16 listings such as measures to drive sustainable growth and attract new businesses. Every community has its own characteristics creating scope for introducing individuality into local solutions.

Chapter 11- Enabling Levelling Up

Q53 It is important to encourage innovation providing employment which will only come about in areas where support infrastructure is in place or will be provided. If we are to reduce travel and other inefficient uses of time and energy , communities need to be more self -contained , and reduce sourcing its need from outside.

Q54 We do not think it will unless there is a will and an effort by local authorities to both innovate and encourage innovation.

Q55 Almost certainly . The foregoing paragraphs outline the process well, but action is needed, not words.

Q56 Any planning proposal which fails to accommodate these requirements is flawed. While the Framework can hardly solve these social issues , other gov. policies can do so but only when resources are allocated to enact those policies.

Chapter 12- Wider changes to national planning policy in the future , and

Chapter 13 - Practical changes and next steps

Q57 As with most things in our digital world , making information available in this proposed format does aim to make it more accessible. That said , we find the explanation in the consultation document to be complex and lengthy . It is therefore at odds with the aim of encouraging '**a stronger voice in the community**' and risks the general public failing to engage with it. Communicating where these regulations and documents can be found will no doubt help. At present ,for most people ,they are probably unaware of their existence, let alone their content.

Again we repeat, we need to see in the response to this consultation how the Gov. and LPAs are genuinely committed to better community engagement by making information and even training systems accessible. We accept that communities also have to take responsibility on this front too.

Q58 We have not found time to make ourselves familiar with the Public Sector Equality Duty to comment.