

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

Chapter 3 – Providing certainty through local and neighbourhood plans

I	<p>Do you agree that local planning authorities should not have to continually demonstrate a deliverable five- year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than five years old?</p>	<p>Yes.</p> <p>The proposal would: i) incentivise the production of Local Plans, thereby increasing housing delivery; ii) deliver more plan-led development, with the benefit of community participation (i.e. as the consultation describes, the sorts of homes and neighbourhoods communities want to see); iii) reduce speculative off-plan housing developments, which lack community participation, which are so unpopular with communities; iv) provide more certainty within the planning sector for the benefit of applicants, the community and local authorities; v) reduce time spent debating planning applications at appeal, thereby speeding up the planning process and reducing resource requirements for applicants and local authorities; and vi) reduce the resource requirement to continually demonstrate a five year housing land supply.</p> <p>Local Plans undergo an examination in public to ensure that they are sound and the housing land supply is deliverable throughout the plan period. The fact that the 5YHLS can be challenged within a short period of a Local Plan being adopted, as allowed by the existing Framework, is illogical and wastes time. These issues would have been looked at in detail in the examination process, which would have included ensuring the LPA has a flexible supply of housing to accommodate / weather changing economic cycles.</p>
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¹ <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

2	Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?	<p>Yes, although a further reference to buffers in Footnote 39 of the NPPF 2021 needs to be deleted.</p> <p>The Council agrees that buffers add complexity to how housing land supplies, prolong debate in plan-making, making it harder to get plans into place, and open additional routes to unplanned development. The Council also agrees that, when making plans, the best way for local planning authorities to provide the correct number of homes is by identifying a robust and deliverable 5-year housing land supply from the intended date of adoption of the plan.</p>
3	Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?	<p>Yes, although we urge that the supply calculation is set out clearly and in detail in Planning Practice Guidance so it is workable.</p> <p>The Council agrees that there is currently inconsistency in the way that oversupply within the Local Plan period is factored into the way 5YHLSs are calculated in different authority areas. This is confusing to applicants, local authorities, inspectors and communities. It also enables debate at appeals, leading to speculative housing developments in off-plan locations.</p> <p>The production of up to date Local Plans can, and should, be the way the supply of housing is boosted in order to achieve national house building targets. The five year housing land supply should only be used as a mechanism to ensure that housing needs are fully delivered, if a local planning authority does not have an up to date Local Plan or if housing needs are not being fully delivered. It should not be used as a mechanism to lever additional unplanned housing development in excess of housing requirements set in up-to-date strategic policies, as this disincentivises the production of Local Plans and penalises those authorities that have successfully delivered their housing requirement.</p>
4	What should any planning guidance dealing with oversupply and undersupply say?	<p>Cotswold District Council has a tried and tested method of incorporating oversupply and undersupply into the five year housing land supply calculation, which has already been working effectively for several years. This was tested at a Local Plan examination and was found to be sound. The following is copied from Policy DSI of the adopted Cotswold District Local Plan 2011-2031, which specifics how this methodology works (note: reference to the addition of a buffer to the 5YHLS calculation has been removed to accord with this NPPF consultation proposal).</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

		<p>6.1.15 The calculation of the District's five year housing requirement is based on a residual requirement approach for the remaining years of the Plan period. This deducts net completions since 2011 [the start of the Local Plan period] from the overall [Local Plan] requirement of 8,400 dwellings...</p> <p>6.1.16 Between 1 April 2011 and 31 March 2017, 3,176 net additional dwellings had been completed in the District. The residual requirement for the remainder of the Plan period is therefore 5,224 dwellings (i.e. $8,400 - 3,176 = 5,224$).</p> <p>6.1.17 The annualised average residual requirement is 373 dwellings, which is calculated by dividing the total residual requirement by the 14 remaining years of the Plan period (i.e. $5,224 / 14 \text{ years} = 373$). This method is similar to the 'Liverpool approach', whereby any shortfall in delivery is equally distributed across the remainder of the Plan period.</p> <p>6.1.18 Multiplying the residual annual requirement by five gives a five year requirement of 1,866 dwellings (i.e. $373 \times 5 \text{ years} = 1,866$).</p> <p>6.1.19 The five year requirement will be recalibrated annually to take account of further dwelling completions over the remainder of the Plan period... This will be set out in the Housing Land Supply Report, which will be published around May each year.</p> <p>In scenarios where the oversupply or undersupply is factored into an adjusted local housing need, the guidance should highlight that the local housing need is based on a 10-year household projection. Any oversupply or undersupply should be deducted / added to the 10-year housing need. The 10-year housing need can then be divided by 10 to provide an adjusted annual housing need. This provides a clear and consistent method that can be applied to all local authorities.</p> <p>The oversupply / undersupply should not apply to the following five year period (i.e. the Sedgefield approach), which is inconsistent with current guidance.</p>
5	Do you have any views about the potential changes to paragraph 14 of the	Cotswold District Council generally supports the proposal to give NDP areas more protection. However, there are several concerns:

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

	<p>existing Framework and increasing the protection given to neighbourhood plans?</p>	<p>i) One of the conditions for NDP areas to qualify from the proposed benefit is that “<i>the neighbourhood plan contains policies and allocations to meet its identified housing requirement</i>”. However, there is currently no guidance on how housing requirements within NDP areas should be calculated. Further clarity on this issue is needed before the proposal to boost the status of Neighbourhood Plans is introduced.</p> <p>ii) The current guidance effectively says that plan-making authorities can provide NDP areas with a housing requirement if they wish to. However, it is not mandatory for plan-making authorities to provide NDP areas with a housing requirement. So even if NDP areas choose to allocate land, they would not qualify from the proposed benefit if the local planning authority chooses not to provide the NDP area with a housing requirement.</p> <p>iii) The proposal will likely incentivise the production of NDPs. NDPs already require a significant amount of resources and support from local planning authorities and the proposal would likely create further resource requirements. If the policy is introduced, it must be accompanied by additional resources for local planning authorities to support the production of additional NDPs.</p> <p>iv) In the event that there is a LPA-wide housing shortfall, the enhanced protection given to NDP areas allocating sites could prevent ‘off-plan’ development in these locations. In Cotswold, the majority of our most sustainable settlements are developing NDPs, and are the most likely to develop site allocations - thus, in the event of a shortfall in housing supply, the near absolute quality of this protection would direct development to unsustainable locations.</p>
<p>Chapter 4 – Planning for housing</p>		
<p>6</p>	<p>Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?</p>	<p>No and yes.</p> <ul style="list-style-type: none"> ● Additions have been made to paragraph 7 of the Framework, which set out the purpose of the planning system. Mitigating and adapting to climate change, including moving to a low carbon economy, is currently part of the environmental objective of sustainable development in paragraph 8. This should be relocated to become part of paragraph 7, as climate change affects the social, economic and environmental objectives. Indeed, it is fundamental to all aspects of

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

		<p>planning. If paragraph 7 is being updated, there is an opportunity to include this amendment at the same time. This would be best achieved by reiterating the duty currently outlined in (newly numbered) Para 155, which requires plans to ‘take a proactive approach to mitigating and adapting to climate change’, and is linked in turn to footnote 61, which clarifies this duty with the phrase ‘In line with the objectives and provisions of the Climate Change Act 2008.’ Moving (or at least restating) both of these within Para 7, would clear up any lingering doubt about whether there is a clear legal duty on Local Planning Authorities to fully address climate change in all aspects of plan making.</p> <ul style="list-style-type: none"> ● The opening sentence of Paragraph 7 of the existing Framework says, “The purpose of the planning system is to contribute to the achievement of sustainable development”. It is proposed to add “,including the provision of homes and other forms of development, including supporting infrastructure in a sustainable manner.” to the end of the opening sentence. Whilst the principle of this addition is welcomed, further clarity is needed on how ‘infrastructure’ is defined. Infrastructure must include necessary green infrastructure to make developments sustainable, as well as energy saving / generating infrastructure that are necessary to achieving the government’s carbon reduction targets and to support healthy warm homes. ● Cotswold District Council strongly supports the addition of paragraph 11(iii), although a minor addition to this paragraph is required to specify “there is clear evidence of past over-delivery, in terms of the number of homes <u>built and</u> permitted compared to the housing requirement in the existing plan”. This is because over-delivery is measured on the number of homes that have been completed, in addition to the number that has been permitted. ● There are no objections to the other alterations proposed by this consultation to the opening two chapters of the Framework.
7	What are your views on the implications these changes may have on plan-making and housing supply?	Local planning authorities need to know as soon as possible what the housing need resulting from the updated standard methodology will be so that we can plan for it accordingly. We are conscious that we need to carry on producing a Local Plan but the proposed changes to the standard methodology may result in costly abortive work and delays to updating the Local Plan.

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

In general, Cotswold District Council believes the proposed changes will have a beneficial impact on the speed of plan-making and, consequently, they will help to boost the supply of housing in Cotswold. However, there are some alterations / additions that the Council requests should be considered:

- Regarding the proposed update to the standard methodology, the Council highlights that household projections are based on past delivery rates. If housing delivery has been front-loaded in a plan-period, the result will be a higher household growth rate and thus a higher housing need. So building more homes results in a higher housing need. Conversely, an authority area that has underdelivered housing will have a lower household growth rate and a lower housing need. So under-delivery results in a lower housing need. This is both punitive and counterintuitive. The proposed update to the NPPF includes provisions to enable historic levels of over-delivery or under-delivery of housing to be factored into five year housing land supply calculations. In calculating the basic number of homes that is needed, the standard methodology - particularly the household projections that form the basis of the part 1 of the need calculation - should also take account of over-delivery or under-delivery of housing when calculating the number of homes needed.
- Paragraph 67 of the track changed update to the NPPF (2021) includes new text saying that, “*The requirement may be higher than the identified housing need, if it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment*”. However, nothing is specified about the circumstances when the requirement may be lower than the housing need. This is needed to provide clarity and a more balanced and deliverable policy.
- The proposed changes to the Housing Delivery Test are welcomed. The Council agrees that they will support a plan-led system, by preventing local authorities who are granting sufficient permissions from being exposed to speculative development.
- It is difficult to know what the impact will be on housing supply without seeing the updated standard methodology. For example, Cotswold District’s current housing need calculated by the standard methodology is 533 homes a year. A version of the standard methodology that was previously consulted on produced a housing need of 1,209 homes a year. If past oversupply is

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

		<p>allowed to be deducted from the housing need, it will again produce a very different housing need. Past experience shows that, to a large degree, it is somewhat of a lottery what the District's housing need will be. The number calculated by the standard methodology seems to bear little resemblance to the actual number of homes needed to house the population of the district. For example, it does begin to take consideration of the wider government strategies that are needed to tackle housing demand or housing affordability, or strategies that local planning authorities provide. Regardless of this, homes in Cotswold District can only be built on deliverable / developable sites. There is a very limited supply of such sites in such a constrained authority area. Whether the standard methodology produces a number of 1,209 homes a year or less than 533 is largely immaterial. The District can only deliver a requirement that is deliverable.</p>
8	<p>Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?</p>	<p>Yes, although Planning Practice Guidance is needed on the specific type of exceptional circumstances and how these should be factored into calculating housing needs. Exceptional circumstances should include national parks, AONBs and the Broads. It should also include other issues, such as Special Landscape Areas, which have been designated to protect the setting of the Cotswolds AONB.</p> <p>Paragraph 61 of the track changed update to the NPPF (2021) includes new text saying that, "<i>The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area. There may be exceptional circumstances relating to the particular characteristics of an authority which justify an alternative approach to assessing housing need; in which case the alternative used should also reflect current and future demographic trends and market signals.</i>". This is welcomed. However, it does not provide any examples of exceptional circumstances, which is the main thing that needs to be clarified.</p> <p>Planning Practice Guidance on the exceptional circumstances is needed to remove this ambiguity, which would add certainty to plan-making and would save time debating the issue in consultations and when the Local Plan is examined.</p>
9	<p>Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when</p>	<p>Yes.</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

Cotswold District Council strongly agrees that past over-supply should be taken into account when determining the number of homes that are required within a new plan. If strategic policies must be reviewed at least once every five years, and plans are required to accommodate needs over the next 15 year period, it is logical that any over supply from previous years should be factored into the housing requirement for the next five years. Otherwise, the reward for local authorities' delivering higher than required numbers of homes is to deliver even more homes in future. For many, this is currently a disincentive to adopt a Local Plan. Furthermore, over-delivery of housing resulting from current national policies can lead to unsustainable levels of development, far beyond accommodating an authority area's housing need (e.g. the lack of planning for strategic infrastructure, the unnecessary release of greenfield agricultural sites, or off-plan development that has no community participation or buy-in).

The Council also agrees that building at densities significantly out of character with an existing area should, if a local planning authority deems necessary, form part of the assessment when determining an authority area's housing requirement. This issue is a clear indicator of whether housing need can be met within an authority area.

The Council also supports the proposal for national policy to specify that Green Belt policies do not need to be reviewed or altered when making plans, unless an authority wishes to do so. However, consideration should also be given to the Green Belt areas around the 20 largest urban areas and whether the 35% uplift to the housing need of those authorities can realistically be accommodated.

10 Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

Local planning authorities could provide evidence of building densities within the area, which are contributory to the character of the area. This could be done using a typology based approach. In addition, evidence of harm caused by building at higher densities could also be provided (e.g. landscape harm, harm on the historic environment, types of housing vs housing need, other negative impacts of higher density development). It is also important to calculate the positive impacts that building at higher densities can bring, such as making public transport services, shops, etc., more viable.

Building at higher densities, depending on exactly how they are calculated, cannot be at the expense of providing meaningful Green Infrastructure. It is also imperative that good quality of design is achieved in relation to overlooking, privacy, noise transmission, etc. In some locations, it may also be important to

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

		<p>deliver a cultural shift from small private gardens and balconies to larger, communally managed green spaces, communal waste disposal etc.</p>
11	<p>Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?</p>	<p>No.</p> <p>It is fundamental that Local Plan examinations test policies against the objective evidence that has led to their formulation. Not doing so will lead to shortcuts being taken and, ultimately, either delays at the planning application stage or poor quality / unsustainable development being built. It is much better to work through these issues in the production of Local Plans, rather than further down the line at the planning application stage, to ensure that Local Plans are deliverable. Furthermore, the 'justified' test of soundness ensures that Local Plans have taken into account reasonable alternatives and are based on proportionate evidence to ensure that Local Plans deliver sustainable developments.</p> <p>As paragraph 12 of the consultation document highlights, local planning authorities will still need to produce the evidence to underpin policies. In which case, there will be little time or resource saving to be had in the plan making process if the justified test is removed.</p> <p>Testing that Local Plans are justified is also important for openness and transparency, so communities can understand how and why development plans have been produced. It is also often important for Local Plan Inspectors to have the final say on whether policies are justified, which provides communities with the trust and reassurance that the correct process has been followed.</p> <p>We are also concerned that the proposal may add ambiguity to the production of Local Plans, leading to plans taking longer to produce and adopt. For example, rather than being led by evidence, the proposal may lead to policy formulation (e.g. the location of housing allocations) being more exposed to political disagreements.</p> <p>Even setting these technical points to one side, local communities will expect a level of justification to be provided and the testing of this justification in a public setting offers a degree of confidence in the plan making process.</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

12	Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?	Yes - on the basis that the Council does not agree with the revised tests of soundness and this specific proposal will delay their introduction when compared with the alternative.
13	Do you agree that we should make a change to the Framework on the application of the urban uplift?	<p>No.</p> <p>The Council strongly supports the general principle that strategic housing growth should be focussed towards sustainable urban locations where development can help to reduce the need to travel. The Council also supports the idea of prioritising the reuse of brownfield land, providing that the brownfield land does not have another important function that should prevent its redevelopment. However, we question why an arbitrary number of 20 urban authorities is used. What makes number 20 on the list of the largest urban authorities suitable for a 35% uplift to its housing need but number 21 on the list is unsuitable? Why not the 25 largest urban authorities, or 30 or higher?</p> <p>There are also good reasons why some of the 20 largest urban authorities cannot deliver their housing need. London has never delivered anywhere close to its housing need as there are not enough available sites. Brighton and Hove is sandwiched between the sea to the south and the South Downs to the north, so is unable to accommodate its housing needs. Several others, such as Bristol, are surrounded by Green Belt (the protection of which is set to be reinforced by these consultation proposals) or have already expanded into surrounding local authority areas.</p> <p>The idea of selecting the 20 largest urban areas for a 35% uplift to their housing need is extremely crude and will not deliver the number of homes that the government wishes to deliver. It also has no relation to the number of homes that are actually needed to house the population in those areas. A more responsive and deliverable system is needed.</p>
14	What, if any, additional policy or guidance could the department provide which could help support authorities plan	Housing needs should be accommodated in the location where they originate, or as close to that location as possible. Economic data should inform the housing need calculation (i.e. so the housing need is at a level that accommodates the number of people working in an area).

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

	for more homes in urban areas where the uplift applies?	What has been lacking for many years is a spatial plan for England that brings together various government department policies, strategies and plans. At its core it would set out a plan that would address the unbalanced nature of economic investment within the gravitational pull of London and help to distribute the housing pressures across a range of English cities and regions. This would take no more than 30 months to prepare and would set the standard for Local Plans in terms of evidence, justification and community engagement.
15	How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?	If the urban uplift cannot be met within the city area where the uplift originates, it should be accommodated as close as possible to where the need originates within neighbouring authority areas. The need should not be met in a location that is detached from the economic, transport or housing market of the core town/city, although housing needs can be met sustainably within new towns/garden cities, providing the location has good economic, transport and housing market connectivity to where the need originates. The NPPF should be clear that new garden towns/cities should be preferable to a continuation of urban extensions, where it can lead to dormitory estates and towns. As mentioned in an earlier response a England Spatial Plan would help to identify locations for new garden towns and cities to meet needs.
16	Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?	<p>Yes, subject to the inclusion of some slightly amended wording, which accords with the spirit of the proposal and does not alter it significantly:</p> <p><i>“For the purposes of decision-making, where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation^[footnote 5] which included both a policies map and proposed proposes an updated policies map and allocations towards meeting housing need, those authorities will benefit from a reduced housing land supply requirement.”</i></p> <p>For further context, the proposal for a four-year rolling land supply requirement for emerging plans could help the situation in Cotswold District and no doubt other LPAs in a similar position, if the wording is amended slightly. Cotswold District Council is partially updating its Local Plan. This will involve the allocation of additional sites towards meeting housing need and an updated policies map. The Council has undertaken a Regulation 18 consultation, which confirmed this intention. However, the</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

Regulation 18 consultation did not specify which sites would be allocated for development. It is intended to do this in a Regulation 19 consultation later in 2023.

The way the current proposal is worded would disqualify Cotswold District Council from benefiting from the four year housing land supply. The spirit of the policy would not benefit those authorities that have in a sense played by the rules and invested heavily in resources to maintain an up-to-date plan. As written it will continue to lead to off-plan developments.

For the record, Cotswold District Council has been amongst the leading authorities in the country for its Housing Delivery Test score since the test was introduced. The Council has also maintained a healthy five year housing land supply for the last decade. The Council adopted a full Local Plan in August 2018, which includes a core strategy and site allocations. The Local Plan strategy front-loads housing delivery (i.e. there is significantly more housing delivery at the start of the Local Plan period) and provides for development needs up to 2031.

Since adoption in August 2018, national policy was updated. Paragraph 74 was introduced, which states “*Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old*”.

The standard method calculates the district’s housing need to be 533 homes a year. This is much higher than the annualised Local Plan housing requirement of 420 homes a year. Despite being a good example of an authority that has successfully boosted the supply of housing through plan-led development, the Council is about to go over a 5YHLS cliff edge due to previous national policy changes since 2018. From 3 August 2023, the five year anniversary of the adoption of the Council’s Local Plan, the 5YHLS is (overnight) set to drop from 7.1 years to 3.7 years.

If the Council is able to benefit from the 4 year supply rule, it may be possible to make up the deficit of 0.3 years without too much off-plan development and in a relatively short timescale. However, if the

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

		Council cannot benefit from the four year supply, it will likely need to make up a deficit of 1.3 years, which will involve a substantial amount of off-plan development and would be extremely difficult.
17	Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?	No comment
18	Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?	Yes. Cotswold District Council agrees that local planning authorities can currently be unfairly penalised because of slow housing delivery resulting from developer behaviour. The permissions based test will enable local planning authorities to take back control of the situation.
19	Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?	Yes. Given the difficulties in delivering homes in those areas affected, what is effectively a 15% buffer on top of the identified housing land supply seems to be a reasonable amount to activate the 'switch off'. This will help to ensure that plan-led development is maintained, whilst also ensuring that housing requirements are delivered in full. The proposal is a sensible compromise to a difficult situation.
20	Do you have views on a robust method for counting deliverable homes permitted for these purposes?	Before answering this question directly, this is the only part of the consultation to respond to the proposed NPPF paragraph 78, which specifies that, " <i>The Housing Delivery Test consequences set out above will apply the day following the annual publication of the Housing Delivery Test results by DLUHC.</i> " If this proposal is implemented, Cotswold District Council urges the DLUHC to check the Housing Delivery Test results with LPAs at least one month before they are published. Our past experience has found the results to be incorrect in some instances and we have needed to raise the issue with the DLUHC. Given the severe consequences of failing the Housing Delivery Test, it makes sense to double check with us LPAs that the test results are correct first.

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

		<p>In response to the actual question, the Housing Delivery Test guidance should be brought into line with the proposal to take consideration of the oversupply of homes. This is needed in order to provide an accurate and up to date requirement to measure the Housing Delivery Test against. The following is a proposed method:</p> <ul style="list-style-type: none"> ● The calculation of the Housing Delivery Test requirement should be based on a residual requirement approach for the remaining years of the Plan period. This should deduct net completions since the start of the Plan period from the overall Local Plan housing requirement. ● The residual requirement for the remainder of the Plan period should be calculated by dividing the total residual requirement by the remaining years of the Plan period. This method is similar to the ‘Liverpool approach’, whereby any shortfall in delivery is equally distributed across the remainder of the Plan period. ● The residual requirement should be recalibrated annually to take account of further dwelling completions over the remainder of the Plan period. This should be set out in a monitoring report, published annually. <p>Finally, the existing NPPF contains a definition of a deliverable site, which can be used for counting the number of deliverable homes for these purposes. Undeliverable sites should be struck off from the list of deliverable permissions that count towards the 115% figure.</p> <p>Local planning authorities should be able to have confidence that their identified housing land supply will be delivered by the end of the Local Plan period. If planning permissions are not coming forward, the government should introduce a national policy that enables planning permission to be rescinded or sites to be more easily deallocated from Local Plans.</p>
21	<p>What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?</p>	<p>This consultation has identified that house builders can be responsible for slow rates of housing delivery and it has set out measures to scrap some aspects of the Housing Delivery Test and introduce new measures to speed up delivery from house builders. There are clearly deficiencies with the Housing Delivery Test that the government is concerned with. In light of this, it seems reasonable to suspend the Housing Delivery Test until a revised Test is agreed.</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

Cotswold District Council would support Housing Delivery Test scores to be frozen to reflect the 2021 Housing Delivery Test results while work continues on the proposals to improve it. However, concessions should be made for local planning authorities that had a score of less than 85% who have gone on to make up the shortfall since 2021.

Cotswold District Council do not support the Test’s consequences being amended, for the reasons explained in the first part of the response to this question. In addition, 2022 has been an exceptional year. There have been multiple factors that have led to slow down delivery rates, which are beyond the control of local planning authorities. For example:

- the country was still within a global pandemic and its effects have significantly hampered construction;
- the cost of building materials has rocketed, causing many builders to delay;
- there have been difficulties getting building materials delivered (e.g. delays at ports and lorry driver shortages);
- there were extreme weather conditions (e.g. summer heat wave and cold in December);
- rising interest rates made it more difficult to get a mortgage, slowing down house sales; and
- Changes to Habitat Regulation Assessment rules in 2021 and new case law have delayed the granting of planning permission of sites that fall within the zone of influence of Special Areas of Conservation until biodiversity mitigation is resolved. These have been complex and lengthy matters to deal with and some are still ongoing. This has delayed the determination of planning applications, which has had a resultant impact on delivery.

It can be expected that the Housing Delivery Test results across the country will be lower than expected. It is unreasonable that local planning authorities and their communities should be penalised, and plan-led development circumnavigated with speculative applications, when there have been genuine reasons for low housing delivery that have affected the whole country.

Chapter 5 – A planning system for communities

22 Do you agree that the government should revise national planning policy to

Yes

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

	<p>attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?</p>	<p>Of all the suggested policy proposals in this consultation, this is one of the most needed. Affordable housing is typically a 20% discount to the market sale or rental value of a property. In a location such as Cotswold District, where housing is so expensive, even an affordable home is unaffordable to many people. Social rented housing provided by Registered Providers, on the other hand, allows the majority of those in housing need in the District to access affordable and sustainable housing, giving them the opportunity to remain in their communities and place of work.</p> <p>Where there is a need, there could be a minimum requirement for social rented homes within a development (as with the min 25% First Homes requirement).</p> <p>Planning controls on Right to Buy would also be welcomed. For example, in areas like the Cotswolds that can demonstrate a chronic shortage of affordable and social housing, we already know that just building more housing / or even affordable housing does not solve the problem of housing affordability. An exemption / waiver on Right to Buy is needed in areas where housing affordability is worst and where there is a deficit in social rented housing.</p>
23	<p>Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?</p>	<p>Yes</p> <p>The proposal adds clarity to what is expected of Local Housing Needs Assessments.</p> <p>The NPPF could go further though. It is recognised that most older people want to remain and live independently in their own homes and remain part of their existing community. In line with such ambitions it is envisioned that the delivery of more adapted and adaptable housing and the provision of more bungalows to meet the aspirations of older people would seem to be better in trying to meet both the need and aspiration of older people.</p> <p>There is also a diminishing stock of housing that is suitable for older people. For example, bungalows are routinely extended upwards or outwards or demolished and rebuilt, making them unsuitable for older people and others with mobility issues. It's not just about building more homes for the elderly but protecting the housing stock that we already have.</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

		<p>In terms of new build, developers in Cotswold District typically want to build larger house types, which command higher sale values, and not the smaller house types that are more suited to the elderly.</p> <p>Changes to national policy on any or all of these issues would go further to addressing the issue.</p> <p>In addition to older people’s housing, national policy also needs to enable the provision for younger person’s housing. Government interventions in this area have all been market manipulation in terms of first home mortgages, stamp duty holiday, etc., which just drive up house prices. In much the same way as over-60's housing has reduced market prices because it is not available to the whole of the market, it would be beneficial to make provision for younger people. For example, 'under-30 at purchase' housing or something like that has the same effect.</p>
24	<p>Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?</p>	<p>Paragraph 69(a) is largely ineffective. There may be many strong reasons why an authority area cannot accommodate at least 10% of its housing requirement on small sites (e.g. a lack of deliverable / developable small sites; an assessment demonstrating that the available larger sites are more sustainable than the available small sites; engagement with the community resulting in a preference for the delivery of larger sites; and so on). In addition, realistically, would a Local Plan be found unsound if it did not have enough small sites to meet 10% of its housing requirement? The beginning of paragraph 69 also uses the phrase “local planning authorities should”, rather than “local planning authorities must”. This further undermines the effectiveness of the policy by making it more advisory than an absolute minimum requirement.</p> <p>In relation to paragraph 69(b), it’s difficult to provide a response, although a suggested measure of the effectiveness of this policy is the number of area-wide design assessments and Local Development Orders that have been produced to bring forward more small sites or the number of local planning authorities that have done so. None have been produced in Cotswold District.</p> <p>Whilst the general principle of supporting windfall sites in policies and decisions is supported, paragraph 69(c) also has an issue. Paragraph 3 of this consultation document explains that the government wants to “make sure that protecting and improving the environment and tackling climate change are central considerations in planning... [by] promoting development locations, and designs and layouts, that contribute to</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

		<p>healthier lifestyles, energy and resource efficiency consumption, for example by reducing the need to travel, increasing public transport connectivity and accessibility and promoting active travel i.e. walking, wheeling and cycling”. The wording of NPPF paragraph 69(c) provides a route to deliver housing in unsustainable locations. For example, Cotswold District has many hamlets or small villages with no services, facilities or public transport links. These are technically settlements. The policy wording should be updated to, “To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing <u>sustainable</u> settlements for homes, <u>where the location promotes healthier lifestyles, energy and resource efficiency consumption, for example by reducing the need to travel, increasing public transport connectivity and accessibility and promoting active travel i.e. walking, wheeling and cycling</u>”.</p> <p>Regarding paragraph 69(d), the Council does not object to the principle of a large site being subdivided to speed up the delivery of homes. However, paragraph 64 of the Framework specifies that, “<i>Provision of affordable housing should not be sought for residential developments that are not major development</i>”. This provides a loophole for developers to submit several smaller planning applications on what is effectively the same site in order to avoid contributing to affordable housing. The loophole could be closed off by specifying that the threshold against which an affordable housing requirement will be sought will be based on the aggregated gross number of homes that form part of the same larger site, taken as a whole. The following criteria should be assessed to determine whether two or more developments are part of the same aggregated development site: i) Ownership; ii) Whether the areas of land can be considered to be a single site for planning purposes; and iii) Whether the development should be treated as a single development. This is supported by the judgement <i>Westminster City Council v First Secretary of State and Brandlord Limited</i> [2003] J.P.L 1066, which allows for the aggregation of permissions to be taken into account (see paragraphs 7.11, 7.16 and 8.2).</p>
25	How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those	Regarding paragraph 69(d), the Council does not object to the principle of a large site being subdivided to speed up the delivery of homes. However, paragraph 64 of the Framework specifies that, “ <i>Provision of affordable housing should not be sought for residential developments that are not major development</i> ”. This

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

	<p>that will deliver high levels of affordable housing?</p>	<p>provides a loophole for developers to submit several smaller planning applications on what is effectively the same site in order to avoid contributing to affordable housing.</p> <p>The NPPF should specify that the threshold against which an affordable housing requirement will be sought will be based on the aggregated gross number of homes that form part of the same larger site, taken as a whole. The following criteria should be assessed to determine whether two or more developments are part of the same aggregated development site: i) Ownership; ii) Whether the areas of land can be considered to be a single site for planning purposes; and iii) Whether the development should be treated as a single development. This is supported by the judgement <i>Westminster City Council v First Secretary of State and Brandlford Limited</i> [2003] J.P.L 1066, which allows for the aggregation of permissions to be taken into account (see paragraphs 7.11, 7.16 and 8.2).</p> <p>The NPPF could provide even greater weight to small sites that deliver high levels of affordable housing. This would however require HE grant funding/subsidy for the affordable housing element; small sites often face challenges/constraints which are the same as larger sites but are less capable of meeting such challenges/constraints and still providing the relevant planning obligations required (including affordable housing), due to the limited number of homes which are able to bear the costs of developing the site.</p>
26	<p>Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?</p>	<p>No. The Council does support the idea of exploring every available opportunity to deliver community-led housing and almshouses but changing the NPPF affordable housing definition is not the way to do this. Almshouses and Community-led housing organisations can already become Registered Providers and that this process was recently made more accessible for them to do so.</p> <p>Our main concern is that affordable rented housing providers need to be Registered Providers, which are established, financially secure and regulated organisations, held accountable by the Regulator for Social Housing. However, many community-led housing organisations and almshouses are very small-scale, have limited resources, do not have secure financial structures and are therefore unsuited to becoming Registered Providers. In these cases, the Council supports partnership working with a Registered Provider,</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

		<p>The Council strongly supports community-led housing organisations and almshouses. They can provide genuinely affordable homes for local people and keep the homes in perpetuity. In some settlements, this type of provision may be a better route (or indeed the only route) to creating social housing in perpetuity. In some cases they can be delivered independently and in addition to conventional affordable housing. In places like the Cotswolds, this can make a big difference in helping to deliver much needed affordable housing in locations where it is difficult to do so.</p> <p>The main issue community-led developers and almshouse providers face in Cotswold District is acquiring sites for these types of scheme, as they are often outcompeted by open market housing developments. Furthermore, many almshouses do not own their properties (e.g. many are owned by charitable trusts) and this makes it difficult for them to access grant funding. Rather than update the NPPF affordable housing definition, we would encourage support for community-led developers and almshouses to be directed towards resolving these issues.</p>
MB / LT	Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?	Not aware of any barriers that could be removed to make it easier for community groups to bring forward affordable housing. The greatest barrier often encountered is the time commitment involved in forming a properly constituted community-led group and finding a Registered Provider to support them. Some community-led organisations find that working with RPs to help inform the development proposals and the allocations criteria of the affordable housing is more than adequate to address their aspiration of providing affordable homes for local people within their community.
28	Is there anything else that you think would help community groups in delivering affordable housing on exception sites?	<p>Greater incentives for Registered Providers to work with Community-led housing groups to provide Affordable Rent and Social Rent properties.</p> <p>Grant funding for rural housing enablers to enable them to provide an independent advice and support service to communities to help support them with the development of rural exception sites.</p>
29	Is there anything else national planning policy could do to support community-led developments?	Emphasis on greater support for community-led housing groups through the planning process, for example a reduced planning fee or a commitment to a streamlined planning process.

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

30	Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?	<p>No.</p> <p>Planning permission runs with the land. A site with planning permission could be sold to someone who a local authority may deem to have had bad past behaviour, making this amendment ineffective. An applicant with poor past behaviour could also get another person to apply for permission - that person need not own the land - which again would make this policy ineffective. There are various ways of getting around this proposal.</p> <p>Defining poor past behaviour is also subjective and open to challenge. It has the potential for costly legal battles and being a strain on already strained Council resources.</p>
31	Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?	The Council does not agree with either option.
32	Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?	<p>No</p> <p>Proposal 'a' sets out that the government would publish data on developers of sites over a certain size in cases where they fail to build out according to their commitments. It is doubtful that this will be a disincentive for a slow house builder. The proposal doesn't affect them very much. Would a slow house builder actually care about being named and shamed? And what if there are good reasons why a house builder has had a slow build out rate - who is going to decide this? Or are house builders that have genuine reasons for slow delivery going to be named and shamed regardless?</p> <p>Proposal 'b' sets out that developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate (which is the rate at which homes are sold or occupied). Again, a developer could provide a short plan to pay lip service to this requirement. There would be no real consequence if the delivery rate continued to be slow. The cost of producing such a plan would be nothing in comparison to the capital reward from land banking or delaying the sale / construction of homes so they get the highest prices.</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

Proposal 'c' sets out that the National Planning Policy Framework will highlight that delivery can be a material consideration in planning applications. This could mean that applications with trajectories that propose a slow delivery rate may be refused in certain circumstances. Supposing the site is the most sustainable in all aspects, compared with others. However, the site is refused because of the applicant's previous slow delivery rate. Instead, a much less sustainable site would be needed to make up the shortfall. This surely can't be the right approach? Furthermore, sites with permission can be bought and sold, rendering this proposal ineffective.

All three proposals seem to be quite weak. Businesses tend to respond more attentively to financial incentives / disincentives. These would be more effective and could be set out in legal agreements, which could sit alongside the planning permission.

The general principle of incentivising house builders to speed up delivery is supported. Cotswold District has extremely unaffordable housing. House builders in the District tend to build to order (i.e. they only build houses when they are sold). There is currently no incentive for them to construct homes more quickly. Indeed, doing so would likely reduce the sale value of new homes, reducing profits. Incentivising house builders to complete homes more quickly may help to reduce house prices and make housing more affordable.

If these proposals were introduced, national policy would have to make explicitly clear the circumstances where slow delivery can be used as a reason for refusing planning permission. Afterall, there may be genuine reasons why a site has delivered more slowly than anticipated and housebuilders should not be penalised where the reason is considered to be acceptable.

Proving that a developer has been deliberately building out a site at a slow rate will be very difficult. It should not be left for determining planning authorities, inspectors or the courts to interpret ambiguous national policies, so if a national policy is introduced, it should be absolutely clear on what constitutes slow delivery and acceptable reasons for slow delivery.

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

If the government were to introduce this proposal, or a variation of it, consideration should also be given to the additional resource pressures that would be required of local authorities. In particular, the time it would take to determine whether the reasons developments have built out slowly are genuine or if a house builder should be penalised in future / an application should be refused on the basis of previous slow delivery.

Chapter 6 – Asking for beauty

33	Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?	<p>(DH) No. “Beauty” is not a sound term in the context of town planning. It is imprecise, vague, entirely subjective and unquantifiable, and is a gift to lawyers. It also implies a degree of exclusivity. We need to build buildings (and their surrounding Green Infrastructure) that are fit for purpose, for those that will live in or use them and that respect their local area.</p> <p>Development cannot be considered beautiful if its whole life impact has not been considered. New houses with superficially more interesting and architecturally beautiful designs than off-the-shelf national developers can be ugly under that veneer where they contribute to additional congestion, higher construction emissions than could have been achieved, higher ongoing energy demand than could have been achieved etc. The Council intends to update its extant Design Code (contained within its Local Plan) and it will be interpreting Beauty as development that generates the 'lowest impact possible'. Essentially creating sustainable places would be our measure of beauty and not simply just the architectural veneer of a building and layout of a development.</p> <p>The effective way to improve standards in visual quality is to require compliance with an adopted Design Code. The role of high quality design (both built and Green Infrastructure) and place-making should be further emphasised in both strategic policies and DM decisions.</p>
34	Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word ‘beautiful’ when referring to ‘well-	No. “Beauty” is not a sound term in the context of town planning. It is imprecise, vague, entirely subjective and unquantifiable, and is a gift to lawyers. It also implies a degree of exclusivity. We need to build buildings (and their surrounding Green Infrastructure) that are fit for purpose, for those that will live in or use them and that respect their local area.

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

	designed places', to further encourage well-designed and beautiful development?	<p>The effective way to improve standards in visual quality is to require compliance with an adopted Design Code. The role of high quality design (both built and Green Infrastructure) and place-making should be further emphasised in both strategic policies and DM decisions.</p> <p>For example, how could a distribution park, however well-designed, be seen to be "beautiful"? It would be better to emphasise high quality design, which is fit for purpose, etc. The use of the word beautiful makes design sound irrelevant to an industrial or warehouse type development etc. It is vital that good design is applied to all development types.</p>
35	Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?	Yes. Planning decisions should provide a clear indication of the design and materials of any new development in a manner that enables both the public to understand the proposed development (at the time the application is submitted) and ensures that any relevant enforcement action is based on clear evidence of agreed design requirements.
36	Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?	<p>No. This is a highly specific and odd suggestion. Mansard roofs are characteristic of some areas and provide a useful means of enabling new development on existing sites; however they are not characteristic in other areas and are likely to appear incongruent among other buildings. This is a particularly key issue within Conservation Areas or the setting of listed buildings. The proposed new NPPF text refers to "where their external appearance harmonises with the original building" but does not refer to the character of the surrounding buildings.</p> <p>In considering providing additional accommodation in town centres, more consideration could be given to the use of upper floors (above shops, offices etc) which are currently under-utilised.</p>
Chapter 7 – Protecting the environment and tackling climate change		
37	How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?	<p>National policy must require new development to be designed to maximise nature recovery and enhancement, and minimise GHG emissions. National guidance could identify sustainable materials which fulfil these requirements, as could local design codes.</p> <p>If BNG is fully implemented on all scales of development, this would address this point.</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

		Key to delivery of small scale nature interventions that actually provide meaningful biodiversity improvements (rather than something cosmetic - for example where bird boxes are installed but are the wrong type or are in inappropriate locations) is well-trained and experienced ecologists providing advice to both Local Authorities and planning applicants. Lack of resource currently prevents many local authorities from employing the number of specialist staff needed in these roles, and any alterations to the NPPF that lead to higher ecological standards need a recognition from government that local authority resourcing must be addressed alongside these changes.
38	Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?	<p>(HK) National policy must aim to minimise GHG emissions from food production and the supply chain, and maximise carbon sequestration. Land use planning is required to identify the optimal use of land to address climate change.</p> <p>The government should outlaw plastic grass on all but high performance sports venues. It prevents proper circulation of nutrients and gases in soil, is damaging to soil invertebrate populations, and all but impossible to recycle. If local authorities were required to properly climate proof local plans, it would also require it to understand the likely climatic changes that will be facing the district. This would allow us to identify areas where 'traditional' lawns will suffer in future drought conditions, and to skill up officers to advise developers on appropriate tree and plant cover for future conditions in general.</p> <p>Given the need for food security and international pressures it is important that productive farmland is considered in the planning process; however it is also important to bear in mind that lower quality agricultural land is normally of higher biodiversity value and sequesters more carbon than highly productive agricultural land. It is important for development proposals on greenfield sites to demonstrate a range of biodiversity and land productivity outcomes, including local food production.</p>
39	What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?	In the case of transport related carbon, the Government's Transport Decarbonisation Plan included the requirement that future Local Transport Plans should include "quantifiable carbon reductions". Guidance is expected soon on the methodology for calculating these reductions; this should be reflected in the NPPF guidance to recognise the fundamental connection between spatial and transport planning and the role of spatial planning in generating/reducing transport carbon. Recommendations on site selection and design to minimise high carbon transport patterns (e.g. those in the forthcoming Manual for Streets 3) should also be explicitly brought into or referenced in the NPPF, alongside a methodology for assessing

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

the transport carbon reduction potential of implementing such guidance in full/in part in different place types. Further options are also recommended, including:

- 1) Revising the standard TRICS methodology for assessing future vehicle trip generation from new development - a methodology that implicitly assumes future development standards will conform to those for the past, effectively locking in past transport trends;
- 2) A standardised accessibility assessment for potential new developments that identifies, at an early stage, where access to services/facilities is currently below standard (for residential developments) or inbound access from target areas is poor (for employment/commercial developments) and thus likely to generate vehicle trips. Guidance required on when/how these matters must be resolved before development can progress;
- 3) A clear methodology for assessing transport carbon reduction potential (and what proportion of generation is acceptable) in rural vs urban settings (or places with different accessibility profiles), recognising that the same standards cannot be achieved in all place types;
- 4) An assessment of the likely future annual cost of carbon offsetting of investment in high-carbon development/infrastructure (e.g. the cost of vehicle transport enabled by new road building) or conversely, the future net benefit of providing low-carbon infrastructure (e.g. rail). This to be brought into the economic assessment of development.
- 5) Following the example of the Welsh Government, a long-term Wellbeing Assessment to be undertaken for strategic plans and decisions to ensure the long-term impacts of plans on future generations are adequately assessed and considered.

Whole Life Carbon (WLC) analysis is the only approach that allows the emissions of a project to be considered holistically over its lifespan. WLC emissions are the sum total of all asset related GHG emissions and removals, both operational and embodied over the life cycle of an asset including its disposal.

There are a number of tools that enable a calculation of environmental net gain, these are still in their infancy and there are issues with most of them. Carbon calculations form a part of these tools.

The TCPA offers some useful insights in a recent article <https://tcpa.org.uk/english-plannings-darkest-hour/>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

- The 2008 Climate Act sets out an overall carbon budget and requires the Secretary of State to ensure all regulatory frameworks deliver on this budget. The planning system must clearly deliver on this legal requirement if the budget is to be effectively implemented. As a result, planning decisions must ensure but they deliver on the obligations of the carbon budget.
- The current legal position is that section 19 of the 2008 Planning Act creates a powerful duty to require development plans to include policy that mitigates climate change. The current NPPF then includes a footnote which makes crystal clear that plan policy must be in line with the 'provisions and objectives' of the Climate Act. Since the 6th carbon budget is an objective and provision of the Climate Act it is directly relevant to plan making.

But there are three obvious and major flaws in the current approach:

1. The NPPF does not give anything like the priority to action on climate change which the science demands. It is included at the end of a long list of environmental considerations. It receives the same policy weight as the new, and bizarre, text inserted on the fate of public statues. The most significant part of national policy on climate change is included as a footnote which is an unusual way to deal with the greatest global crisis ever confronted by humanity.
2. Unlike the effort directed by MHCLG to setting out the detail of housing forecasting there is no policy guidance on how to handle carbon in local plans. While this is complex there is a growing awareness of the need for carbon literacy in local government and it will be perfectly possible to set out a strategic approach to how carbon is assessed. This can be simply accompanied by a requirement that the soundness test of plans explicitly ensures conformity with the 6th carbon budget.
3. Finally, it would require government to apply carbon assessment to the dramatic expansion of permitted development. The current prior approval process does not allow local authorities to consider the impact of development on carbon emissions. This is both illogical and, like the cancellation of zero carbon in 2016, adds long term costs to people and the economy.

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

		<p>Taken together these major policy failures help account for why only a minority of local plans have an effective approach to carbon reduction and why we are failing to make the necessary progress on decarbonising buildings and transport and ensuring we are resilient to extreme temperatures.</p>
40	<p>Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?</p>	<p>We agree in encouraging nature based solutions for flooding, especially across a wider catchment area where possible, and coordination with the LLFA, to adjust to the effects climate change in a more holistic way (i.e. with benefits for health and biodiversity, prevent sewer flooding etc.) can be achieved, including mapping areas for potential (like wind turbines) for natural flood solutions. Nature based solutions may benefit from a consistent catchment wide approach in a joint-SFRA Level 1, such as a group of Districts. More frequent updates to the SFRA to update evidence for the Local Plan is welcome, but may also require more resources.</p> <p>Climate change adaptation policy must address flood risk and other climate impacts. National policy must require sustainable drainage systems to manage surface water. These systems mimic natural drainage processes to reduce the effect on the quality and quantity of runoff from developments and provide amenity and biodiversity benefits. A whole river catchment approach to flood prevention should be promoted in national policy.</p> <p>Trees provide multiple benefits, including carbon capture, and sequestration, supporting natural flood solutions, via water absorption, and slowing the flow of water as part of Sustainable Urban Drainage . They are aesthetically pleasing and intrinsic to good design, especially in urban locations. The health and wellbeing benefits of trees are well known. Trees in urban areas provide much needed shade for people, cooling of the immediate area in the summer and wildlife benefits all year round. We welcome support / better guidance for trees and new as well as existing planting schemes. There is an urgent need to map utilities, to work more closely with Highways and developers and to have after planting care schemes/guidance/management in place to make the government's ambition of planting more trees and specifically more street trees a reality. The right tree for the right place is also key. More work is required to overcome barriers to planting trees in historic town centres, which are generally devoid of trees. As such, these centres are vulnerable to extremes in temperature, making them uncomfortable</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

places to go in the summer months. The planting of new or the replacement of trees in these areas is made difficult because many historic town centres are located on Scheduled Ancient Monuments. Guidance and a resolution to this issue should also be considered.

There is a need for policy to bring together nature-based solutions and green infrastructure approaches so that they can be seen as a whole, both delivering environmental improvements and other multiple benefits.

Chapter 8 – Onshore wind and energy efficiency

41	Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?	<p>These constitute relatively minor changes only. Generally, the chapter 8 tweaks on renewable energy will not be effective in delivering on the Skidmore recommendations set out within ‘Mission zero: Independent review of net zero’, published on 13 January 2023. See section 3.2 Recommendations: “reforming the government’s approach to planning by streamlining processes so that locally supported solar and onshore wind generation systems could be developed in communities more easily”.</p> <p>Government should revise the GPDO to allow the repowering of extant turbines to be classed as permitted development within stipulated limits. Where limits are close to being or marginally exceeded, a “prior approval” approach (as in the Class E to Class C3 permitted development provision) should apply. Where limits are significantly exceeded planning permission should be required.</p>
42	Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?	<p>The proposed changes do not go far enough. Proposals should not have to be in a Local Plan or in an SPD. We need a positive approach. Also, what constitutes community support? Generally, the chapter 8 tweaks on renewable energy will not be effective in delivering on the Skidmore recommendations set out within ‘Mission zero: Independent review of net zero’, published on 13 January 2023. See section 3.2 Recommendations: “reforming the government’s approach to planning by streamlining processes so that locally supported solar and onshore wind generation systems could be developed in communities more easily”.</p> <p>Where repowering of extant turbines requires planning consent amended Footnote 63 is clear that approval depends upon community support once impacts identified by the community have been</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

		<p>satisfactorily addressed. The footnote is silent on how those impacts are to be identified impartially and what qualifies as “community support”, or how an ‘affected community’ would be defined. On the basis of this proposal it seems unlikely that many extant turbines will be repowered. Government should revise the GPDO to allow the repowering of extant turbines to be classed as permitted development within stipulated limits. Where limits are marginally exceeded, a “prior approval” approach (as in the Class E to Class C3 permitted development provision) should apply. Where limits are significantly exceeded planning permission should be required.</p> <p>The new reference in amended Footnote 63 to Supplementary Planning Documents (SPDs) conflicts with proposals elsewhere in the document (Chapter 9 paragraph 13) that effectively abolish SPDs.</p> <p>Renewal of existing renewable energy sites should be promoted in national policy, alongside the approval of new sites. Benefits of renewable energy must be given significant weight in decision-making.</p>
43	<p>Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?</p>	<p>Re Footnote 54 - the extant footnote relates to transport and no amendments are apparent in the “track changes” version of the NPPF. Having regard to the discussion in the consultation document the same comments in relation to footnotes 62 and 63 apply.</p> <p>Re. Footnote 62 - the same reservations apply as for Footnote 63 regarding the need for community support and leaving it to the affected community to identify impacts with apparently no methodological guidance. The language used in the footnote and elsewhere regarding wind energy development is pejorative in tone: “affected community” makes it sound like an affliction rather than an exemplar of forward-looking clean energy technology that will help meet Zero Carbon targets and address the impacts of the Climate Change Emergency.</p> <p>Agree that the orders referenced in footnote 62 can accelerate the delivery of wind energy development in the right places, and under community control. The footnote should be worded more positively to maximise community benefits from wind energy development, including the achievement of net zero targets. National guidance could be prepared to guide LPAs and local communities in setting the planning framework for an area to bring forward wind energy development.</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

44	<p>Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?</p>	<p>The meaning of this new paragraph is unclear. What does “significant weight should be given to the need to support energy efficiency improvements through the adaptation of existing buildings” actually mean in planning terms? Is this intended to override consideration of whether or not the adaptation of the existing building is acceptable in the first place? Or does it apply where the decision having regard to other planning considerations - proposed use, design, location for instance - is hanging in the balance? The NPPF should define significant in comparison with other weightings.</p> <p>National policy must support the retrofitting of existing buildings to achieve net zero, reduce fuel bills and improve health and wellbeing. This includes all building types, including domestic stock which is responsible for the majority of carbon emissions. LETI’s blueprint for retrofitting the UK’s homes recommends energy performance targets and a whole house retrofit plan. Best practice retrofit is fabric first, improving fabric energy efficiency before introducing low carbon technologies and renewable energies. Buildings in conservation areas and listed buildings must also be retrofitted and national guidance could showcase the most innovative methods. It is essential that national policy requires new buildings to be fossil fuel free and net zero, i.e. designed to have a net zero-operational carbon balance and deliver 100% of energy consumption using renewables, to avoid the need to retrofit.</p> <p>Updated national guidance must be clear that retrofit methods that work for modern buildings can damage traditionally constructed buildings e.g. by causing more damp. Any works must use the appropriate approach to each type of building. This, by definition, means that local authorities need more resources to upskill staff on these issues.</p> <p>It is vitally important that changes to national planning policy and guidance align with changes to the building regulations.</p> <p>Presumably, if significant weight is to be given to retrofit, then all new buildings should be zero carbon? It would be much less costly to achieve this at the time a building is constructed than to wait until later.</p> <p>The Council wishes to bring to your attention the issues of Energy efficient retrofit of historic buildings and in particular a letter from a group of Parliamentarians, Members of the House of Lords, and Local</p>
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Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

Authority Leaders and Cabinet Members representing areas of the country with some of our most precious historic buildings and streetscapes state the following,

“We recognise fully the national and international importance of enhancing and conserving Britain’s priceless historic built environment. However, we have for some time been concerned that the weight of the statutory duty on Local Authorities to preserve and enhance our historic environment has not been matched in planning or listed building legislation by any similar directive in relation to reducing the carbon emissions of the historic built environment. For well over a decade, since the Climate Change Act was first introduced, there have been calls to redress this balance.

“The situation as it stands creates serious internal conflicts for many local authorities that have declared a climate emergency; our Conservation teams are unable to accord the equivalent weight to carbon emissions reductions as we are required to give to the preservation of historic buildings. This is particularly problematic because of the granular nature of householder applications; on a single domestic building, relatively small benefits of carbon savings can easily be dismissed as not being of sufficient benefit to outweigh any harm at all to a heritage asset, but the system as it stands affords us no ability to take account of how many of these small improvements in energy efficiency would, cumulatively, have a significant impact across our entire districts and boroughs. In many cases, these home improvements would also lead to a more comfortable living environment for our residents, making them fit for the future and securing their longer-term preservation.

“This heavy weighting in favour of historic preservation also acts against improving older commercial buildings, creating a brake on economic regeneration in some of our most attractive town centres. As sustainability credentials become increasingly important to businesses, and as energy costs continue to rise, commercial tenants are less keen to take on older, more complex buildings that they may struggle to secure retrofit permissions for. Once again, this presents a risk to these heritage assets themselves; if they cannot be let on favourable terms, they risk falling into further disrepair.

“We write therefore to welcome in particular the proposals for new Paragraph 161 of the NPPF, which aims to give significant weight to applications that will allow the adaptation of existing buildings to

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

improve their energy performance. However, we note that the paragraph is still somewhat qualified by the ongoing requirement to take into account the policies set out in Chapter 16 of the NPPF, which ensure that local heritage continues to be protected.

“While we do not in any way challenge the need to preserve and enhance heritage, we would urge the Department to follow up the inclusion of proposed Paragraph 161 with targeted support and guidance for local authorities to deliver consistent policy decisions that appropriately balance sustainability with heritage concerns. In part, this could be delivered via the new proposed National Development Management Policy set, should that become a reality.

“However, to support the transition to more balanced decision-making on this issue, support that goes beyond mere policy guidance must be provided. We suggest that, in combination with clearer policy guidance, the Department should work in partnership with Historic England and other specialists in the field to ensure that there is a injection of investment into research around how to maximise carbon savings from older buildings, and a programme that supports knowledge transfer from the most advanced practitioners and planners in the field to those local authorities who lag behind in this area.

“Without such proactive support for delivering this re-weighting, we fear that the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 will continue to provide a de facto weighting that does not result in the delivery of the necessary outcomes for carbon emissions reductions in the historic environment.

We welcome the Government’s clear intention to resolve this complex issue, and would be pleased to discuss our concerns further.”

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

45	Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development	Yes. However, the government must provide reassurance to those authorities that have submitted local plans in good time and faith that PINS has sufficient resources at their disposal to ensure independent examinations are concluded in good time to allow adoption by 31st December 2026.
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Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

	strategies being prepared under the current system? If no, what alternative timeline would you propose?	
46	Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?	A qualified yes. Only where the five year rule includes partially updated Local Plans, which have been carried out as a result of applying NPPF Footnote 21. For example, Cotswold District Council adopted its Local Plan in August 2018. Subsequently in 2020 it carried out a footnote 21 review which concluded aspects of its Local Plan needed updating. The Council is scheduled to submit its draft updated Local Plan for examination later this year and the Council seeks confirmation that it will benefit from the 5 year rule from point of adoption.
47	Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?	Yes.
48	Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?	A qualified yes. Only where the five year rule includes partially updated Local Plans. As explained in answer to question 46. The introduction of SPs is welcomed, however there are concerns that the loss of SPDs will mean local plans or SPs will be unnecessarily freighted with technical detail. The Council offers a suggestion that provisions be made for local authorities to create technical guidance notes that aids the DM process and importantly confirms they have material weight. Examples of SPD that would not be suitable for SPs include, Affordable Housing, Biodiversity Net Gain, SAC mitigation strategies and Developer Contributions. Requiring local authorities to use the SP process to create technical guidance, rather than the existing SPD process, will create additional burdens in the plan making process by requiring technical guidance to be unnecessarily examined.
Chapter 10 – National Development Management Policies		
49	Do you agree with the suggested scope and principles for guiding National Development Management Policies?	Yes

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

50	What other principles, if any, do you believe should inform the scope of National Development Management Policies?	The policies must be enforceable when used as the basis for conditional planning permission. Therefore they must be precise and unambiguous.
51	Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?	Depends how “selective” the additions are and on what basis the selections are made.
52	Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?	While the Council welcomes any policies that strengthen performance across the board in any or all of these areas, it is vital that the government does not, in doing so, create a ceiling on local authority ambition. Policies in the national set should represent the bare minimum. Any local authority that can demonstrate that going beyond them would be viable in their area, should be allowed to do so. The Council cannot support the development of any set of national policies if the net effect is to undermine the primacy of local decision making in a plan-led system. Other issues for inclusion: Net Zero targets including RE provision; Decarbonisation targets; Managing flood risk; Water management infrastructure; Telecommunications infrastructure; Pollution and contaminated land; Nationally designated heritage assets; Internationally- and nationally-designated biodiversity and geodiversity sites; Nationally designated landscape areas; Green Belts; Addressing the impact of Class E - C3 PD rights on town centres and business centres; Out-of-town-centre Impact Assessments; Town centre diversity; Highway safety; Any overarching protective policy that is generic and not locally specific e.g. landscape, biodiversity.
Chapter 11 – Enabling Levelling Up		
53	What, if any, planning policies do you think could be included in a new framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?	No Comment on specific policies but the Council again reiterates the need for a National and /or Regional Plan to coordinate the delivery of various government departmental policies, strategies, plans, investment. etc.
54	How do you think that the framework could better support development that	This question does not make any reference to sustainability or growth that has regard to adapting to or mitigating the impacts of climate change. “Green growth” should now be the starting point (if one

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

	will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?	accepts the premise that growth is necessary <i>per se</i>). The framework could incentivise “green growth” by allowing exception sites where a range of sustainability criteria - such as modal shift in transport - are proposed by businesses that are intrinsically zero carbon in their working practices, products and means of production; maximise building efficiency in terms of insulation; and generate a high proportion of their own energy consumption on site through installation of RE facilities.
55	Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?	<p>Town centres, and the areas around town centres, normally have the best access to services, facilities and employment. Densifying these areas would normally result in fewer car journeys being needed, compared to edge of town or rural locations, and less carbon dioxide being emitted. These areas are also often in need of regeneration / diversification and the increase in population would support the vitality and viability of town centres. So as a general principle, the idea of densifying urban cores is supported.</p> <p>It is essential that any such densification is supported by the correct infrastructure.</p> <p>The reuse of brownfield sites should exclude important spaces within urban areas that may technically fall within the brownfield definition, which includes residential gardens. It should also not build on or degrade disused railway infrastructure, which may be reused for public transport or active transport in future. Furthermore, brownfield sites are often of high biodiversity value in areas where there is little access to natural greenspace, so it is essential that this is taken into consideration and not overridden in the planning process.</p>
56	Do you think that the government should bring forward proposals to update the framework as part of next year’s wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?	<p>Yes. Crime and fear of crime can impact our physical and mental health, e.g. create stress and our willingness to walk, and so affect footfall and can contribute to high street degradation and perceptions of safety.</p> <p>The theme also links well to having spaces with less cars/ being non-car dominated (so less noise and air pollution and to be more inclusive).</p> <p>The government must be mindful of its duties under the Equalities Act and it should explain that by focusing on the safety for women and girls it will promote a built environment that is safer / friendlier</p>

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy

⁽¹⁾ Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023

for everyone. Avoidance of narrow footpaths, poor lighting, single exit/ entrances to parks, MUGAs, and secluded areas, for example see Women and Planning II, RTPI 2021; Make Space for Girls charity.

Safe access to local shops for example, can also create independence, and older people being more likely to engage in active travel (Housing for Old People, RTPI; TCPA 2018).

GI that doesn't block sightlines or an improved high street environment such as safe, clean streets can directly influence mental health and wellbeing – improving civic pride and social contact. Safe and quality spaces accessible for all, can help reduce fear of crime and social isolation (Healthy High Streets) and we welcome an emphasis on this.

There should be an emphasis on active lifestyles, safe, inclusive and compact settlements for example 15/20min neighbourhood, (See Spatial Planning for Health, PHE). The TCPA comment that the NPPF overall 'represents a missed opportunity to take action on climate change, health and well-being'. The Council (CDC) has made health a Corporate Priority and supports the premise in the White Paper that 'places affect us' (para 1.3). Further consideration on the importance of healthy communities and what a healthy place looks like, including crime prevention, would be welcome.

Chapter 13 - Practical changes and next steps

57	Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?	No Comment
58	We continue to keep the impacts of these proposals under review and would be grateful for your comments on any	No Comment

Cotswold District Council response to consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy ⁽¹⁾ *Consultation published by DLUHC on 22 December 2022 and closes on 2 March 2023*

potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.