

**Richmond Council officer response to national government consultation on the Levelling-up and
Regeneration Bill: reforms to National Planning Policy
2 March 2023**

No.	Question	Response
1	Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?	<p>The Council fully supports the proposed changes to the 5-year housing land supply. If a Plan has been produced within the last 5 years and found to be legally compliant and sound by an Independent Inspector at examination, it should be seen as a robust assessment of the housing requirement and ability to deliver for an area. It's important to have an overall picture of supply which has been established over a number of years rather than focusing on temporary dips in the five-year supply. It will also reduce the burden on councils at the decision-making stage by not having to spend time and resources on defending planning decisions and appeals in light of five- year housing land supply considerations.</p> <p>Footnote 44 is also welcomed as this reflects the fact that a local plan may not require updating once the five-year review has been completed. We recommend however that government takes the opportunity to make it more explicit that if a five-year review of the plan establishes that the housing requirement is still fit for purpose, the approach proposed in paragraph 75 continues to apply.</p>
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>The Council fully supports the proposed removal of the buffer from the 5-year housing land supply calculations because local authorities should not be penalised if developers are not delivering more homes / building out their permissions.</p> <p>The buffer is also of significant concern to boroughs with limited development opportunities (e.g. open land constraints etc.), such as Richmond borough, and removing the buffer requirement would ensure that such authorities are not penalised.</p> <p>It is also agreed that this could simplify plan making and support a plan-led approach, ensuring high quality housing is built in the right and appropriate locations.</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>The Council supports the proposed changes as this would ensure that oversupply in previous years can be taken into account in respect of calculating the 5-year housing land supply. It is considered that this aligns with the notion of taking into account past under supply in an overall assessment. As mentioned in the response to Q1 above, it's important looking at the overall picture and longer-term horizon, where fluctuations or variations could result in oversupply in some years.</p> <p>Notwithstanding the above, it is important for the planning system and national guidance to fully recognise that Councils cannot be made responsible for the build out of approved homes as we haven't got powers to control this. In addition, government needs to address the issue of the current Standard Methodology, which uses out of date data (see our answer to Question 7 for further details).</p>
4	What should any planning guidance dealing with oversupply and undersupply say?	<p>Planning guidance should clearly recognise the issues of undersupply and oversupply, whereby the focus should be on longer time periods rather than leaving 5-year housing land supply calculations vulnerable to year-on-year fluctuations. Often these fluctuations are outside of the control / influence of Councils / Local Planning Authorities, e.g. during times of economic downturns or recessions, or if developers are not delivering their sites for commercial reasons.</p> <p>The guidance should cover stepped patterns of delivery, perhaps lower in early years and greater in later years and vice versa.</p> <p>The Council is also of the view that NPPF paragraph 11b(iii) as drafted is unclear. Government should clarify what is meant with 'over-delivery' in this</p>

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		paragraph, i.e. it should not relate to the annualised requirement of an adopted plan but instead apply to the whole Local Plan period.
5	Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?	<p>The Council considers that the existing 2-year protection is not considered to be of sufficient length, particularly bearing in mind that neighbourhood plans are usually prepared by dedicated local volunteers in the community who are giving up their time for a good cause.</p> <p>There is one adopted Neighbourhood Plan in the Borough of Richmond upon Thames, i.e. Ham and Petersham Neighbourhood Plan. This Plan required extensive work by dedicated local community volunteers, in collaboration with and support by the Council, and our experience shows that local communities run out of steam, and it is unlikely that this Plan is being reviewed again at this point in time.</p> <p>The 5-year protection would therefore seem more fitting, also as it would better reflect the value that government seems to put on neighbourhood plans given, they are part of the statutory development plan.</p>
6	Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?	<p>It is not entirely clear how the addition of the wording 'sufficient' regarding housing and other development is going to be helpful without better defining what is meant with 'sufficient'. There is also a danger that the additions in paragraph 1 in combination with the additions in paragraph 7 risk tipping the balance in favour of housing when really the opening paragraphs should be about sustainable development overall.</p> <p>This links to a general concern that the proposed changes to the NPPF, rather than speeding up the plan-making process and encouraging suitable development in the right forms and places, will instead cause confusion and delay, in effect resulting in less sustainable development taking place.</p>
7	What are your views on the implications these changes may have on plan-making and housing supply?	<p>Delivery of genuinely affordable housing is a high priority for this Council. However, there may be a number of potential unintended consequences.</p> <p>Removing the need for 5-year housing land supply calculations and changes to the Housing Delivery Test – whilst welcome – will generally benefit development management processes once the Plan is adopted. However, it could place a greater burden on the planning authority in its plan-making function as we can expect much greater scrutiny at a local plan examination stage, which in turn may mean that local planning authorities have to provide an even stronger, more detailed and more robust evidence base to demonstrate housing supply, delivery forecasts, contingency mechanism etc. for the entire Plan period. Removing the buffer is therefore also not going to benefit the plan-making processes as there needs to be some contingency in a local authority's plan for delivering housing (i.e. it does not mean that we can have fewer development sites / site allocations). It is also anticipated that for the examination, a local planning authority will need to have evidence of a rolling 5-year housing land supply for the examination, as a minimum at the point of plan adoption and for the following 5 years. It is therefore evident that a local authority would also need to monitor performance/delivery against the 5-year supply on a regular basis as otherwise it would not know whether there are any supply issues.</p> <p>Furthermore, the Council considers that unclear / unhelpful phrases are used in the revised proposed NPPF, such as in relation to the need for local planning authorities to meet their objectively assessed needs 'so far as possible'.</p> <p>In relation to the Standard Methodology, we strongly recommend that this should be based on up-to-date data, rather than the out-of-date data from the 2014 ONS. It is believed that government continues using the 2014</p>

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		dataset as the subsequent datasets provided lower numbers, which would not have delivered on the arbitrary government 300,000 net additional homes per annum target. Census 2021 data should soon be used. The Affordability Factor should also be abandoned as should be the 35% uplift, which is completely arbitrary (more on that in our response to question 13).
8	Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?	<p>Yes – The Council is concerned that currently it is unclear as to what may constitute an exceptional circumstance for the use of an alternative approach for assessing housing need. It should also be clarified whether supply constraints, such as Green Belt and Metropolitan Open Land designations, would count as exceptional circumstance.</p> <p>It is therefore important that the ‘exceptional circumstances’ are clearly defined, and that there is clear guidance on what is expected from a local planning authority if it wants to formulate a case that justifies taking a different approach.</p> <p>In addition, the NPPF and guidance remains silent on the situation in London. As a London Borough who operates under a regional spatial strategy, i.e. the London Plan, which is part of the statutory development plan for the borough and which sets out specific housing targets that are based on needs and constraints, clear guidance is needed as to whether an objectively assessed housing need has to be established against the government’s methodology, given that the housing targets for individual London boroughs are set out in the London Plan.</p>
9	Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?	<p>It is noted that paragraph 142 now states that ‘Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period.’</p> <p>Around 2/3 of Richmond borough consist of protected open land, with the majority being Metropolitan Open Land but also with some Green Belt. The Council has recently carried out a strategic / boroughwide review of its protected open land. In a plan-led system, government should encourage local authorities to review all their designations from time to time.</p> <p>Reviewing Green Belt boundaries does not mean that local authorities have to release such land for development; in fact, Richmond borough’s review has established that all the Green Belt continues to fulfil its purposes in line with the NPPF and that therefore no Green Belt release is proposed.</p> <p>Ultimately it is still down to the local authority to decide as to whether it wants to take such a review further and justify a release of Green Belt and/or amendments to its boundaries. The proposed amendment to the NPPF will however discourage any Green Belt authority from reviewing their Green Belt boundaries. At a time where there is a genuine housing crises and a significant need for genuinely affordable homes, authorities should be encouraged to review designations and boundaries in the borough so they can reassure themselves that the designations continue to fulfil their purposes.</p> <p>The wording of the draft NPPF at paragraph 11 b (ii (“such adverse impacts may include situations where meeting need in full would mean building at densities significantly out of character with the existing area”) is unclear and the Council is concerned that this could have unintended consequences. By its very nature, larger scale development in particular is likely to change the character of an area. Whilst almost all development in Richmond borough takes place on previously developed land, the word ‘significant’ casts</p>

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		<p>uncertainty over site allocations and larger development opportunities, which are likely to lead to ‘significant’ changes.</p> <p>Richmond Council has produced a comprehensive boroughwide Urban Design Study in support of its emerging new Local Plan. This Study considers capacities and development opportunities as well as design guidance, and it sets out appropriate areas for the potential location of mid-rise and tall buildings. This study enables the Council to deliver a design led approach to meeting its housing targets through the emerging Local Plan. Government should encourage authorities to produce such boroughwide assessments as they bring together the values, character and sensitivity of different parts of the borough with the reality of future development pressures, and thus provides a robust evidence base to inform future planning and development. It also allows us to set out appropriate design guidance for development sites which may have the potential to significantly change an area.</p> <p>The Council supports the proposed change that ensures that ‘over supply’ in previous years can be taken into account in respect of calculating the five-year land supply. This aligns with the proposal of also taking into account past under supply in overall assessment work.</p>
10	<p>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?</p>	<p>By its very nature, development (particularly on a larger scale) is likely to change the character of an area. It is however important to focus on urban design processes and good urban design principles.</p> <p>The lack of clarity on what ‘significantly out-of-character’ means in practice casts uncertainty over site allocations for major developments.</p> <p>The Council would encourage instead characterisation and urban design studies (as set out above in the response to Question 9). Urban Design Studies can assess the capacity for growth, which is determined by assessing the sensitivity of character areas to establish high sensitivity areas that are unlikely to have capacity for development without adverse effects on the townscape (such as heritage assets); alongside areas of medium and low sensitivity with the potential for targeted or larger scale growth. The Urban Design Study could focus on low sensitivity areas to target these for growth.</p> <p>This could go hand in hand with the preparation of boroughwide design guides and design codes (produced in line with the National Design Guide and National Model Design Code) to establish the parameters for growth through height, scale, massing, character, public transport accessibility levels etc., rather than this blanket inclusion of 11 b (ii).</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>Whilst the Council would welcome and support a more proportionate approach to examination, it is unlikely that the proposal to delete the test of soundness relating to the plan being ‘justified’ would make much difference in practice.</p> <p>This is because the NPPF, at paragraph 31, states that “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals”.</p> <p>Therefore, there continues to be a need to produce evidence, especially when demonstrating how the other tests of soundness are being met (e.g. being consistent with national policy).</p>

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		<p>The Council would recommend that government clarifies what is meant by “proportionate” in NPPF paragraph 31, particularly in relation to key policy matters such as housing and employment. The PPG should be updated on what constitutes a proportionate approach to evidence gathering so that local authorities are clear on what is needed prior to commissioning specialist technical evidence which comes at a significant cost and time expense on local authorities.</p> <p>In addition, the Council would find it helpful if the issue of ‘ageing’ evidence could be addressed as often local authorities start producing evidence base studies to support the Regulation 18 stage, and by the time the Council has taken the Plan through regulation 19 stage and submits the Plan for examination, the evidence may already be considered out of date. It would help speed up the processes and reduce burdens on local authorities if the evidence base could be ‘locked in’ at the publication of the Regulation 19 Plan.</p> <p>Otherwise there continues to be a risk of delay or challenge to the plan, together with a risk of incurring unnecessary or avoidable costs.</p>
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?	<p>This is supported in principle, although it could be argued that it could also come into effect immediately as the proposed change is around reducing requirements in relation to the test of soundness.</p> <p>There is a potential unintended consequence as a result of footnote 24 (to paragraph 36). The footnote could imply that either none of the tests of soundness apply to plans that have reached Regulation 19 stage, or that none of the tests of soundness apply to non-strategic policies in plans that have reached Regulation 19 stage. This matter could be rectified by adding to paragraph 225 wording that makes it clear that all the tests of soundness shown in the previous version of the NPPF (2021) continue to apply to plans that have reached Regulation 19 stage.</p>
13	Do you agree that we should make a change to the Framework on the application of the urban uplift?	<p>Whilst the notion of brownfield first is fully supported, the Council strongly opposes the 35% uplift on housing targets, which would also apply to London / London Plan.</p> <p>There are a number of fundamental flaws in the urban uplift methodology; although following the standard methodology would only provide “an advisory starting-point”, within London it would have to be delivered “so far as possible” (see the Council’s response to Q7 above), without a Green Belt review (see the Council’s response to Q9 above), and whilst avoiding “development that would be uncharacteristically dense for the area” (see the Council’s response to Q9 above).</p> <p>Richmond borough has significant land constraints, with 2/3 of the borough being protected by open land designations such as Green Belt and Metropolitan Open Land. The issue of limited land supply and capacities is now further compounded with the arbitrary 35% urban uplift. The majority of London boroughs as well as Green Belt authorities surrounding London will not be able to meet their housing need (+35% urban uplift) locally, especially as there will no longer be any incentive for re-considering Green Belt boundaries.</p> <p>Whilst it continues to be unclear how the uplift would be applied in London (i.e. will it be applied to the London Plan and then distributed to boroughs, or will every borough see a 35% uplift regardless of any consideration of capacities), the Council recommends that government scraps the proposed 35% uplift for the 20 largest urban areas (including London), as this is</p>

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		merely seen as ‘making up’ the 300,000 net additional homes target for England without considering capacities, land constraints and the specific circumstances of the ‘urban areas’.
14	What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?	As set out in the response to Q13 above, the Council is concerned that urban areas will be unable to accommodate the uplift that is applied to them, and therefore this urban uplift policy should be scrapped. In many contexts, including London, it is unrealistic to expect boroughs to be able to accommodate the uplifts in growth as set out.
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?	<p>As mentioned in response to Q13 above, it is unlikely that urban areas, particularly London, will be able to accommodate the unrealistic amount of housing the urban uplift proposes.</p> <p>The Council is also concerned that in the absence of a formal requirement for neighbouring authorities to cooperate and consider cross-boundary matters (there are no details on the proposed ‘alignment’ policy), it is unclear what mechanisms there will be to address strategic planning considerations which cut across boundaries and what will happen to excess need and where will it be accommodated.</p> <p>The Council accepts further detail on the ‘alignment’ test will be part of a future consultation. However, whilst the Duty to Cooperate is not perfect and often seen as arduous tick box exercise, without effective regional planning in England, there is no mechanism to address key issues including the housing crisis across a wider, more strategic area.</p> <p>This is of particular concern to Richmond borough, which benefits from the London Plan as providing the regional development strategy, but the borough borders a number of authorities outside of London, which are Green Belt authorities.</p>
16	Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?	Transitional arrangements are welcomed as it enables the Council to get up to speed with the new requirements and plan accordingly. However, there is always the risk that this leads to greater confusion, thus, we would welcome clear text on when this will apply and when it won’t. For example, the Richmond Regulation 19 Local Plan version will be presented to its relevant Committee on 24 April to proceed to public consultation in May 2023. When will the two years start from? Would Richmond borough benefit from the 4-year land supply instead of the usual 5?
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?	Yes, although guidance needs to be clear so as not to result in confusion.
18	Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of	The Council supports the addition of a permissions-based test that will ‘switch off’ the presumption in favour of sustainable development because local authorities should not be penalised for the behaviour of developers if they have issued sufficient permissions. For numerous reasons, developers are often slow or delayed in building out permissions. This permissions-

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	sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?	based test should hopefully ensure that Local Planning Authorities with up-to-date plans can demonstrate they are granting the necessary permissions to meet their need, without risking losing the opportunity to determine future applications in line with the Local Plan for the area. We are also mindful that there can be external influences such as local market conditions or economic downturns, which may mean a developer may not even progress with a planning application. As local planning authorities are facing acute resource and funding issues, and as they cannot influence the development industry (e.g. force developers to submit planning applications or build out schemes), it is strongly recommended to drop the HDT completely.
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?	It is unclear where the figure of 115% has been derived from, although it is noted that it appears to be the mid-point of the expiry range (where "10 to 20% of permissions do not materialise into a start; the permission 'drops out') which Ruth Stanier DCLG showed in her presentation to the HBF Planning Conference September 2015. Richmond borough is highly constrained with a limited supply of developable land. It is not clear why the figure needs to be above 100% at all. Once a local authority has granted sufficient planning permissions, in line with its Local Plan, then why should an authority be punished at all by the 'tilted balance' being switched on because developers have failed to deliver the permissions/houses.
20	Do you have views on a robust method for counting deliverable homes permissioned for these purposes?	Richmond Borough Council has robust databases in place, which are regularly updated, maintained, and managed by a dedicated team of officers within the Spatial Planning and Design Team. Whilst we wouldn't have major problems providing statistics on deliverable homes permissioned, the administrative burden on local authorities should be considered as we doubt that local authorities across the whole country have similar systems and resources in place, and therefore care needs to be taken should this become a national requirement. Rather than collecting it annually for national statistical purposes, it is recommended that this approach should only be taken where a local authority has failed the Housing Delivery Test and where they feel that they are being unfairly penalised.
21	What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?	As mentioned above, we strongly recommend for the HDT to be scrapped entirely; local planning authorities should be able to focus on local plan making and decision taking and not on implications of a failed HDT. If government is minded retaining the HDT, given that there are no national statistics for permissioned units at this time and work is still underway by the government on deciding on the right approach to applying the HDT, the Council recommends that the HDT should be frozen while work continues on government's proposals to improve it.
22	Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?	The Council welcomes the revisions to the NPPF to attach more weight to Social Rent in policy and decisions. Securing Social Rent homes is already a priority for the Council so any support through national policy on this is welcome. In Richmond's Local Plan the current split is 80% affordable rent and 20% intermediate, with a 70% - 30% split in the emerging Local Plan. One potential mechanism to promote social rent would be to allow LPA's greater discretion in the NPPF to determine the affordable housing tenures on any sites or to set a percentage that must be for social rent as paragraph 66 already does for affordable housing ownership. Alternatively, another

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		option would be to update the mandatory 10% requirement for affordable homes, and instead incorporate a minimum requirement for Social Rent. We would urge further consultation on this, as it will need to be carefully balanced. If there is more social rent compared to intermediate housing within a scheme, there is a risk that the gross development value decreases and jeopardises the overall quantum of affordable housing that is delivered. It is also recommended to reconsider and ideally scrap the requirement for First Homes as this is making the delivery of social housing even more difficult.
23	Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?	The Council is broadly supportive of the proposed changes to NPPF paragraph 62 (now renumbered as paragraph 63). We acknowledge the need for a range of types of housing to meet the needs of older people and the importance of this in freeing up the wider housing stock to meet the needs of the wider community by enabling older people to downsize and move from their current homes into more suitable accommodation. Linked to this is a need to provide affordable housing within retirement housing schemes and care facilities; government should take the opportunity to require all types of residential development schemes, including C2 uses, to provide affordable housing so that the needs of older people who are in housing need and cannot afford market housing can also be met.
24	Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?	In Richmond borough, due to the numerous heritage and environmental constraints in the area, small sites are vital to meet our housing need, and this is reflected in our existing and emerging Local Plan. The London Plan also sets a positive framework for London boroughs to deliver homes on small sites. The Council does not think that the NPPF can be any more prescriptive and that it is for individual authorities to set out what is justified for their area.
25	How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?	The Council believes the best way to encourage greater use of small sites is to include it as a preference within the Local Plan. Furthermore, by preparing Design Guides and Design Codes for the area, applications are likely to be brought forward that reflect the character of the area and that are in keeping with the context the area is within.
26	Should the definition of "affordable housing for rent" in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?	The Council, in principle, supports the proposed amendment to the NPPF Glossary to include community-led developments; however we feel there needs to be appropriately robust safeguards in place in relation to eligibility, including the quality of affordable housing provided, consistency with local occupancy policy, and availability in perpetuity.
27	Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?	As this is in relation to rural exception sites, the Council has no comment on this.
28	Is there anything else that you think would help	As this is in relation to rural exception sites, the Council has no comment on this.

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	community groups in delivering affordable housing on exception sites?	
29	Is there anything else national planning policy could do to support community-led developments?	<p>In our experience, the neighbourhood planning process and community-led developments relies heavily on local volunteers who have the ability and capacity to give up their own time to develop specific proposals. They also rely on government funding, which they have to be able to confidently navigate and apply for. In addition, they can be a drain on local authority resources due to the need to support neighbourhood planning groups with technical aspects of the work, providing data and information, guidance and support etc. It is not thought that local volunteers would have the knowledge and skills to draw up local Design Codes, and ultimately, they would need to engage consultants to do so, which would be a costly exercise. Thus, government support in the form of improved guidance or training and financial support would help to support community groups.</p> <p>For neighbourhood planning groups / Neighbourhood Forums who have successfully managed to get a Plan in place, a more simplified process of reviewing an adopted neighbourhood plan should be considered. Richmond has one adopted neighbourhood plan, i.e. the Ham and Petersham Neighbourhood Plan, adopted in January 2019; it took several years from conception through to adoption, led by a number of dedicated local volunteers. There are currently no signs of the community updating this Plan. We consider that a simplified process of review may enable a neighbourhood plan to be refreshed on a regular basis; community led development could potentially come through more easily with just the changes and new parts of the plan to be examined and subject to referendum.</p> <p>With regard to community-led development per se, it's likely that land assembly, ownership and development financing are the main barriers.</p>
30	Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?	<p>Whilst this notion may sound appealing, taking into account an applicant's past behaviour in decision-making is fraught with difficulties, especially as the permission goes with the land and not a developer/applicant. It would be of serious concern to take this into account in the general approach to what constitutes a material planning consideration. Even if there were a way of defining and setting a threshold for past 'bad'/'irresponsible' behaviour, it would be difficult to police / enforce if a developer were to apply under a different name or company. Furthermore, it may encourage objectors to schemes to make claims about developers and applicants' behaviour to influence the decision-making processes (whether true or not). Whilst it is recognised that government will publish further details as part of a future consultation, this is unlikely to be an effective way of speeding up the planning system and tackle the housing crisis.</p>
31	Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?	<p>The Council's in-principle concerns are set out in response to Q30, and therefore neither option would be supported nor would it be considered helpful. In any event, it is likely that an authority would have to have robust evidence of irresponsible behaviour that would be capable of withstanding close scrutiny at appeals and potentially in court. The whole concept of taking into account past behaviour is likely to lead to subjective judgements and loss of transparency in decision-making processes. It is of utmost concern that non-planning matters would be brought into consideration,</p>

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		<p>with arguably lots of discussions, and all of this would divert planning resources away from our core development management and plan making functions.</p> <p>The Council would recommend that the government considers instead adequate resourcing of planning authorities to strengthen and expedite processing of applications, monitoring and plan making function.</p>
32	<p>Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?</p>	<p>The Council welcomes the government’s attempts to incentivise developers to build out more quickly, but we are concerned how this would work in practice.</p> <p>Local Planning Authorities have limited powers and scope to influence the speed at which permissions are built out which can be frustrating. The Council feels the transparency that the 3 build out policy measures propose to introduce will be helpful in securing positive dialogues between Councils and developers. However, the Council accepts that often situations outside of developers control can lead to delays in build out. Thus, we would seek assurances and further information to clarify how the mechanisms for Councils to apply penalties would work, what a slow delivery rate will be defined as, what diversity of housing tenures means and what the certain circumstances are that would permit a refusal. The Council is concerned that it doesn’t want to push developers to build out quickly if this is at the expense of quality development. The Council is especially keen to avoid affecting the provision of affordable housing by requiring quick buildouts that developers argue reduce the viability of developments.</p> <p>The Council is also concerned that these policy measures will increase the burden on the development management process, e.g. ensuring Development Commencement Notices are received and that they contain the correct information. It is unclear as to what the consequences will be if they are not submitted. Other practical implications need to be thought of, e.g. what happens if a site is sold to another developer, what happens if developers merge, and at what point will the clock be reset. It is important to fully resource local planning authorities to effectively implement these policy measures if government is minded pursuing with them.</p>
33	<p>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>	<p>In paragraph 20, the inclusion of ‘to ensure outcomes support beauty and placemaking’ in brackets is superfluous as the wording is self-explanatory as existing.</p> <p>In paragraph 94, the word beautiful in the context seems emotive. A far more constructive addition would be the inclusion of streets after public space. A beautiful pedestrian route is meaningless as the term well-designed is far more significant insofar as it would imply the route was designed in accordance with available guidance, linked with other routes, provided pedestrians and cyclists with adequate safety and security and waymarking.</p> <p>In paragraph 126, again the use of the word beautiful is emotive and well-designed would more adequately express the quality expected. Moreover, it is subjective and implies it is aimed at buildings, whereas well-designed places emerge from a consideration of holistic considerations, the type, form and layout of streets, how people find their way around, how people use the spaces, how people get to the places, how places are designed for people to live, work, and have opportunities for leisure and entertainment.</p> <p>In paragraph 135, the proposed insertion into this paragraph should be prefixed by the sentence from the National Model Design Code and this will give it more emphasis and consistency so the insertion would read as</p>

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		<p>follows: 'They should provide a framework for creating high-quality places, with a consistent and high-quality standard of design to inform development proposals. The primary means of doing so should be through the preparation and use of local design codes, in line with the National Model Design Code. For assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life.'</p> <p>Richmond Council is mindful of the pilot schemes for the production of design codes at multiple local planning authorities. This suggests that significant funding and resource was essential to produce effective codes. Government should consider adequately resourcing local authorities through central support to facilitate the production of effective design codes.</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-designed places', to further encourage well-designed and beautiful development?	<p>We disagree with the inclusion of the word beauty in the title of chapter 12. It is a misnomer to place the word beauty in the title without any of the following text elaborating on defining what beauty is in the context of places. Beauty is an emotive term and will vary depending on people's individual perceptions. The word 'beauty' is too subjective and sets a very high bar in many people's minds. Beauty is not a process; instead, urban design is a process, the outcome of which is to create high quality sustainable places that people will enjoy living and working in, as well as being fit for purpose for education, entertainment, and leisure. Moreover, places need to be resilient to climate change and provide a healthy lifestyle for people, enabling them to have choices in moving around. The phrase 'well-designed' captures the title sufficiently as design is a process. The outcome of that process should make places that people will want to live and work in.</p> <p>Quite often developments that are well-designed and places that people enjoy for living or working or leisure are perfectly acceptable in planning terms, but they would not necessarily be described as 'beautiful'. There are various larger commercial developments in Richmond borough, such as business units/parks and industrial sites that have operational requirements, which likely means that they would never be considered 'beautiful' by the general public, yet our society needs those places and relies upon them.</p> <p>There used to be a raft of documents that were part of government guidance on designing places that were removed, such as the Urban Design Compendium etc., yet the principles in them for creating great places are timeless. Designing places is about designing for people. If an adverb is required, the Council would suggest the use of 'high-quality', which would also chime with the wording in the National Model Design Code.</p>
35	Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?	<p>We agree that further clarity will be needed – otherwise it will be difficult to determine beauty as set out above and below. Greater visual clarity on design requirements, both in the development as a whole and, as set out in planning conditions should be encouraged to support effective enforcement action. However, this relies on clear and accurate plans being submitted at the outset, which in turn relies on the Council having adopted a clear validation checklist for planning applications.</p> <p>In this context, the requirement to review and adopt a local validation checklist every 2 years is an unnecessary and significant burden on local</p>

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		<p>planning authorities. In reality, requirements do not change significantly in that time and this period could be extended to 5 or more years, more akin to Local Plan timescales.</p>
36	<p>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>	<p>We disagree with this reference in paragraph 122 e). It is entirely incorrect for a national planning policy guidance document to venture into providing design guidance, let alone in a chapter that is detached from design. The NPPF should not specify typologies without any understanding of the implications of such specification. Whilst mansard roofs may be appropriate in some areas, they could be harmful to the character and appearance of other areas.</p> <p>We strongly urge the government to remove any reference to mansard roof development within the NPPF as it isn't justified and should be left to a local level design guide or design codes. Alternatively, the NPPF could state that opportunities to explore upward extensions can be established through the use of design codes and design guidance as prescribed in Chapter 12.</p>
37	<p>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>	<p>In urbanised environments, formal and private gardens as well as the soft landscaping schemes of new developments may constitute highly valuable, and in some cases irreplaceable, wildlife corridors. As such, poorly designed and unsympathetic schemes, which include artificial grass, inappropriate non-native species and suppression of physical connectivity and vegetative continuity can have severe consequences for the mobility of species through the urban landscape and thus for the survival of populations. Secondary impacts of this may be an incremental imbalance at ecosystem level at our larger nature conservation sites and green spaces, as movement between sites and population replenishment is curtailed.</p> <p>It is important however that the planning system focuses on what it can control and enforce. Whilst we do not support artificial grass, if a homeowner for example chooses to install it in a rear garden, it wouldn't be possible to take enforcement action in the current system. Therefore, the system needs to be properly resourced as otherwise it will only lead to significant burdens.</p> <p>National policy on small scale interventions could be strengthened via greater acknowledgement and protection of connectivity in the urban environment, with aims to facilitate the identification and formal recognition of urban corridors between sites at a Local Plan level. There may be scope within national policy to set preference for use of wildflower meadows, green/brown roofs and generally place an emphasis on the importance of local plant and tree species to support native food chains.</p> <p>Local planning authorities should be afforded greater power through legislative and policy revisions to establish and determine interventions that are appropriate at a local level. National policy and guidance should allow planning authorities to follow through at a local level with policy production and decision making that ensures local priorities and initiatives carry weight in decision making and implementation. An example of this could be the introduction of Article 4 Directions in defined areas to prevent the gradual loss of valuable backgardens, or the removal of permitted development rights where significant benefits have been secured at the time of granting planning permission, but which could be eroded if extensions, outbuildings etc. were to be built under permitted development rights.</p>

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		<p>Local planning authorities will also need much greater resources and support to implement Biodiversity Net Gain, starting from November 2023. The new regulations need to be published as soon as possible so that authorities can prepare on the implementation.</p>
38	<p>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>	<p>As this is in relation to farm land, the Council has no comment on this.</p>
39	<p>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?</p>	<p>Whilst the Council welcomes, in principle, greater importance being attached to understanding emission levels, it is concerned by this suggestion as it will be difficult to assign emissions to a whole Local Plan or to the making of a planning decision. This would introduce a high level of complexity to the plan-making process in particular, involving gathering and assessing relevant information, which would have time and cost implications (especially at a time where government is trying to speed up the plan-making processes to 30 months).</p> <p>Also in relation to decision-making on planning applications, it may be better to consider including such a requirement as part of the building regulations processes as this would then also apply to permitted development schemes, and it could be a cost to the developer only when they are ready to implement a permission as opposed to adding an upfront cost at the planning stage and potentially prolonging the planning application process.</p> <p>Whilst the Council can understand the rationale for carbon impact assessment approaches, it will need to be carefully considered how they can be made to be efficient, robust and have the appropriate weight in actual decision-making processes.</p> <p>In addition, it is worth noting that currently, national policy and guidance does not encourage local authorities to go over and above Building Regulations requirements set out in Part L, nor to require zero carbon developments; the NPPF is entirely deficient in this regard, and it should be a lot more ambitious in its efforts to tackle the climate emergency.</p> <p>Whilst carbon impact assessments could be a key part of this, there are many other areas that are currently lacking, or where local authorities are required to jump through significant hurdles to introduce more stringent requirements as part of its plan-making processes. In addition, there is a concern that local planning authorities are not appropriately skilled, and resources are needed to take forward this proposed approach.</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</p>	<p>The Council would support specific wording that requires applicants to consider climate change adaptation. Clearly this would need to be proportionate, for instance, requiring major development to detail mitigation methods when applying for planning permission. It would be useful if the wording required evidence to indicate why options have been chosen and what the intended outcome is.</p>

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	that provide multi-functional benefits?	<p>The Council would also like to see more reference made to overheating in the environment, as there is currently not much detail on this. It would be useful to have wording that promotes the reduction of overheating and that requires active measures to achieve a reduction; for instance, promoting cooling spaces.</p> <p>There is also an opportunity to address the permitted development rights for front gardens to require the retention of some planted areas. It continues to be a concern to particularly Richmond Council that a front garden can be paved over with non-permeable paving as long as a soakaway is in place. Retaining some planted areas would deliver multiple benefits, including tackling surface water flooding and biodiversity. On a similar token, backgardens can currently be completely paved over and up to 50% of a garden can be built on under permitted development rights.</p> <p>Backgardens can be very important for biodiversity, and the cumulative effect of the loss of backgardens across an area can be significant. There is also an opportunity to tie such changes to the General Permitted Development Order in with the new requirement around Biodiversity Net Gain.</p> <p>Further to this, the Council would advise government to liaise with the RTP1, TCPA, POS, universities and other key stakeholders to best understand how planning policy could support climate change adaptation further. The above organisations/bodies have all carried out extensive research into this and produced papers and reports.</p>
41	Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?	As this is mainly in relation to wind turbines, the Council has no comment on this as wind energy is highly unlikely to be acceptable in the borough.
42	Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?	As this is mainly in relation to wind turbines, the Council has no comment on this as wind energy is highly unlikely to be acceptable in the borough.
43	Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?	As this is in relation to wind turbines, the Council has no comment on this as wind energy is highly unlikely to be acceptable in the borough.
44	Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?	<p>The Council supports adapting existing buildings to improve their energy performance. Improving the energy efficiency of the buildings in the borough is a key priority for the Council.</p> <p>It is recognised that there may be challenges around compatibility with conservation and heritage concerns. Protecting and enhancing our built heritage assets remains an important consideration. Government could consider revising the wording in this paragraph to give greater clarity about the weight to be given to these issues and how this should be balanced against impacts on the significance of heritage assets. Currently the text</p>

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		<p>simply says that the policies in chapter 16 of the framework should be “taken into account”.</p> <p>Whilst officers note that the government has just published a consultation on changes to permitted development rights in relation to renewable energy, additional guidance relating to the installation of solar panels and heat source pumps would also be helpful. Currently it is confusing for authorities and applicants about what permission is required and when, and the conditions needing to be satisfied for permitted development works. This may deter some people from installing measures that would improve the energy performance of buildings.</p>
45	<p>Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?</p>	<p>We commend the government’s desire to increase the number of Local Plans that are adopted and decrease the amount of time it takes to get a plan in place. However, we are concerned that changes in the NPPF and proposed through the LURB will not achieve this. Instead, we are concerned that by focusing on speeding up the process of plan making, the quality of plans produced and the opportunities to genuinely engage with the public will decrease.</p> <p>Based on our experience, 30 months is not a realistic timeframe, and we would question whether this would lead to genuinely better outcomes and more certainty.</p> <p>There are also uncertainties around when the penalty will apply to authorities who have already started new plans, but where the existing Local Plan would be out of date (i.e. older than 5 years) once the new NPPF is published. For example, Richmond Council has adopted its current Local Plan in 2018 but will be publishing the Regulation 19 version of the Plan for public consultation later in spring 2023. It is not clear what the implications are once the existing Richmond Local Plan is older than 5 years, and significant progress has been made on a new Plan.</p>
46	<p>Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?</p>	<p>We commend the government’s desire to increase the number of Local Plans that are adopted and decrease the amount of time it takes to get a plan in place. However, we are concerned that changes in the NPPF and proposed through the LURB will not achieve this. By focusing on speeding up the process of plan making, the quality of plans produced and the opportunities to genuinely engage with the public will decrease.</p> <p>We suggest that the government offers the choice to local planning authorities whether to start or change their plan making adoption the new or the old system.</p> <p>Based on our experience, 30 months is not a realistic timeframe, and we would question whether this would lead to genuinely better outcomes and more certainty. It is also considered to be unfair because post Regulation 22, i.e. submission of the Plan to the Secretary of State for independent examination in public, significant delays can occur during the examination stage, e.g. appointment of Inspectors, Inspector availability, the Matters/Issues/Questions raised by the Inspectors, issues at the examination hearing sessions, modifications consultation etc. If anything, only the period up to Regulation 22 stage should be measured, as that is within the control of the local planning authority. In our experience, the examination period is at least 12-14 months but could be more depending on the issues that arise. It would be entirely unrealistic to expect all the stages up to Regulation 22 to be undertaken in less than 16-18 months,</p>

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		bearing in mind democratic services and decision-making cycles, gathering proportionate and robust evidence, statutory public consultation stages, resourcing and staffing shortages etc.
47	Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?	Whilst the proposal seems sensible, we have no specific comment on this as there are no neighbourhood plans coming forward in this borough at this point in time, and therefore there is unlikely to be any neighbourhood plan in this borough ahead of the proposed cut-off date of 30 June 2025.
48	Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?	<p>The Council is concerned by the proposed removal of supplementary planning documents. We are specifically concerned that there is a lot of detail contained within these documents that would then not be afforded the same weight or clarity.</p> <p>The Council would also question the rationale behind removing supplementary planning documents in the first place; it is not evident through the consultation as to what apparent problems are associated with these documents to warrant such significant changes. In our experience, they have proved to be a useful source of more detailed information and guidance for developers and applicants to support planning policies and/or site allocations contained within Local Plans.</p> <p>If government is minded proceeding with this proposal, then there will need to be clear transitional arrangements in place, and SPDs should be allowed to remain in place until they are either replaced by Supplementary Plans or revoked by the local authority. As mentioned in our responses to other questions in this consultation, local planning authorities are facing significant challenges on various accounts, specifically in relation to budgetary constraints as well as staff shortages. The work involved in converting existing SPDs to Supplementary Plans is likely to be significant, and on top of that authorities are facing new burdens in terms of the requirement of coverage by design codes, the new Biodiversity Net Gain requirement and general changes to the planning system as proposed in this consultation.</p>
49	Do you agree with the suggested scope and principles for guiding National Development Management Policies?	<p>Whilst the Council supports in principle measures to avoid duplication, we are very concerned by the introduction of National Development Management Policies (NDMPs).</p> <p>There could be a whole raft of unintended consequences, particularly as in the current system planning decisions are made in accordance with the Local Plan (and London Plan in the case of a London borough), unless material considerations (which can include government policy) indicate otherwise. Through the introduction of NDMPs, not only would its own policies be added to those that have 'development plan' status, but in the event of any conflict between them, the government's policies would legally take precedence. The Council strongly urges government to remove the automatic primacy for NDMPs, especially as the policies in the Local Plan would have been examined and found 'sound' by the Secretary of State.</p> <p>Government's notion of speeding up the plan making process by avoiding reproduction of national policies at local level is flawed, as it is highly unlikely that the principal reason for delays to Local Plans is the number of development management policies in a plan.</p>

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		<p>The introduction of NDMPs would likely lead to stifling of innovation and creativity. Currently local authorities are able to forge ahead with new ideas around for example climate action, but it would be hard to argue why a particular place/area is justified to do so (for example exceeding national standards in relation to biodiversity net gain or carbon emission reductions where locally justified). Furthermore, local plan policies are often introduced or needed to explain how a national policy should be applied at a local level, taking account of local circumstances; this helps speed up decision-making at planning application stage.</p> <p>Government should note that the current adopted version of the London Plan (unlike previous versions) includes a significant number of development management policies, which should arguably not be in a strategic plan / regional spatial strategy; there were a number of policies contested by different London boroughs because they do not take account of specific local circumstances. We are therefore concerned that NDMPs would remove flexibility for a local planning authority to justify alternative and/or more ambitious approaches, and instead of striving for the best outcomes, the risk is that nationally we will have to settle for the lowest common denominator, to the detriment of planning outcomes in local areas that take account of local circumstances and opportunities.</p> <p>The Council also seeks clarification as to how this would work in the London context. The boroughs of London are already required to be in general conformity with the policies set out in the London Plan. Clarification is needed as to whether the London Plan will also need to conform with NDMPs.</p>
50	<p>What other principles, if any, do you believe should inform the scope of National Development Management Policies?</p>	<p>The Council would like to reiterate the significant challenges that the government would face in respect of defining nationally coherent development management policies that are fit for use and application across the whole of England. With so much variation across the country, it is of utmost importance that there is flexibility for local planning authorities to add extra considerations or value to such policies where local circumstances can be shown to justify such an approach.</p> <p>The Council would also like to see a mechanism introduced for not applying certain NDMPs, where there is local evidence and justification, tested through a Local Plan examination, that would allow the authority to take a different approach.</p>
51	<p>Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?</p>	<p>Given the limited details available on this matter at this point in time, the Council wishes to reserve comment and judgement on this until further details are published.</p>
52	<p>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?</p>	<p>For the reasons set out above in our response to Q50, we do not support the introduction of NDMPs.</p>

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53	What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?	The Council has no specific comments on this matter at this point in time but wishes to reserve judgement until further details are published.
54	How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?	The Council would be supportive of government initiatives and outcomes sought, but economic growth objectives should not trump or override the full range of other planning considerations. All the strands to sustainable development need to be followed as principles, and it should be remembered that planning is more than just housing numbers.
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?	Within Richmond borough, development takes place almost exclusively on brownfield land, and therefore this Council does not need further guidance on the brownfield first approach.
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?	The Council strongly supports initiatives to ensure women, girls and other vulnerable groups feel safe in our public spaces. We would be supportive of reviewing and where appropriate amending the NPPF to embed this in national policy. It is however important to manage expectations on what planning (on its own) can achieve, particularly in relation to this matter. The planning system already takes account of secured by design principles, and it seeks to achieve well-designed spaces that are pleasant, easy to navigate and accessible to all. A one-size-fits-all street lighting policy as part of the NDMPs is unlikely to change or improve the situation though, and it is wrong to assume that the planning system on its own can resolve this. A coordinated place-making approach is likely to be required that would involve a wide variety of stakeholders.
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?	The Council does not wish to highlight any particular issues in this regard but generally supports best practice on this matter, including ensuring national planning policy is accessible to all.
58	We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.	The Council has no specific comments to raise on this matter at this point in time.

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