



Consultation Response

National Planning Policy Framework: proposed reforms and other changes to the planning system

Response by the Royal Institution of Chartered Surveyors (RICS).



Introduction

The Royal Institution of Chartered Surveyors (RICS) is pleased to respond to this consultation on the National Planning Policy Framework.

Established in 1868, RICS is the largest organisation of its kind for professionals in property, construction, land, and related environmental issues, setting and upholding professional standards for 125,000 qualified professionals and over 10,000 firms. RICS regulates both its individual qualified professionals and those firms that have registered for regulation by RICS.

Over 100,000 of our qualified professionals work in the UK, where our goal is to deliver a healthy and vibrant property and land sector as a key pillar of a thriving economy while addressing the need for the creation of green, safe communities.

We are not a trade body; we do not represent any sectional interest, and under the terms of our Royal Charter the advice and leadership we offer is always in the public interest.

RICS role in planning reform

RICS welcomes the opportunity to respond to the consultation on the NPPF, proposed reforms and other changes to the planning system.

RICS recognises the vital importance of planning reform to achieving the government's housing targets. As the leading professional body for those working in the built and natural environment, RICS takes an active role in addressing the challenges we face. RICS is a participant of the UN Global Compact, the world's largest corporate sustainability initiative and we are committed to supporting delivery of the Sustainable Development Goals (SDGs) within our sector.

RICS supports the planning and development sector in a number of ways – our members work across the full spectrum of this sector – our standards and conferences help set the industry agenda, and our members undertake continuous professional development, all of which help us deliver confidence in the market.

Consultation response

Introduction

RICS welcomes the UK Government's focus on reforming the planning system to ensure it is responsive to the pressing need to sustainably deliver the housing and infrastructure the country needs.

Support for housing development and economic growth

We particularly welcome the declaration in Chapter 6 that planning for new homes remains at the heart of the planning system and aligns with government's key ambition to deliver 1.5 million safe and decent homes.

We also fully support the opening statement in Chapter 7 that 'Economic growth is the number one mission of this government'. All other ambitious goals and objectives in the built and natural environment such as increasing standards, delivering social and affordable housing, protecting and enhancing the environment and mitigating climate change are more easily achieved when the overall economy is growing sustainably.

Implementation challenges

Government has signalled that it is approaching the end of the proposed planning reforms. We look forward to the implementation stage when the benefits of the reforms begin to come through. We welcome the introduction of a strategic policy framework through the Spatial Development Strategies as well as the reforms to the production of local plans. However, we consider the time frames for completing nationwide coverage with SDS's and up to date local plans will well exceed government estimates, bearing in mind this is happening during a period of local government reform with stretched local authority financial and staff resources. If these reforms are to make an early contribution to scaling up delivery, there is therefore a need for greater clarity on the weight to be given to legacy policies in local plans during what may be lengthy transition periods. Given the dependency of a revised viability regime on the new plan system, we would advocate that the new plans are in place before introducing a new viability regime.

Maintaining the business case for development

The Government's ambitious objective to boost economic growth will only be attainable if the conditions are right for attracting investment into the sector, combined with a healthy and sustainable demand for any increase in housing output. In developing sustainably there are many trade-offs to be made to ensure development comes forward. Viability constraints for development have been widely documented as a

result of increasing policy costs, higher build costs and costs of debt. Ensuring the business case for development is not further compromised by the imposition of increasing obligations on the sector at a time when the market is fragile is an important consideration.

Limits to 'land value capture'

We are mindful of the Emergency Housing Package introduced by the GLA and MHCLG for the London area and conclude that government understands the limits to what can be achieved through what are described as 'land value capture' measures. There is a need to ensure that national government recognition of viability constraints properly filters through to local level decision-making. We would caution against measures seeking to extract more from this source without fully testing the potential consequences on all of the stages in the development process. This includes from land allocation, to promotion through the planning system, to the provision of infrastructure and finally the construction and sale of dwellings.

Demand side incentive?

The planning reforms have primarily been about supply side reforms which should be beneficial in the longer term. There is a more immediate issue relating to effective demand for housing. Indications from the sector (Molior) are that effective demand is currently not near the scale necessary to absorb the boost in housing numbers required to meet government targets. RICS has been careful about advocating demand side incentives because of the perceived inflationary risks associated with them. Given the weakness of demand which is unlikely to ease in the short-term, government should consider a carefully designed and targeted measure to enable those in the private rental sector to access the private housing purchase market.

Global Instability

We have referred to development risk throughout our responses. This risk is further heightened by global political instability and the effects of the current war in the Middle East. Uncertainty about energy costs, interest rates and inflation will affect both developers and home purchasers.

Questions

The case for non-statutory national policy

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

We are disappointed that government is not proceeding with statutory National Development Management Policies (NDMP) as an important part of moving to a rules based planning system. The rationale for statutory NDMPs is well understood in terms of reducing scope for contentious discussion over the weight to be given to certain issues at decision making stage.

We recognise that at present government is concerned about legal challenges undermining the preparation or validity of development plans. A phased introduction of statutory NDMPs with the least contentious local policies being transferred to the Phase 1 NDMP. The intention would be to transfer a further set of policies within a five year period in Phase 2 coinciding with the time frame for the next review of local plans.

Changes to structure and content

- 2) Do you agree with the new format and structure of the draft Framework which comprises separate plan-making policies and national decision-making policies? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Yes, we agree with the distinction being proposed for plan-making and decision-making policies.

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

- 3) Do you agree with the proposed set of annexes to be incorporated into the draft Framework? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Through the NPPF 2019 there was a clear intention to separate planning policy from the guidance on the application of those policies. In particular this related to the transfer the guidance on Viability into national Planning Practice Guidance. The current draft has now placed some of this Viability guidance in Annex B with other revised Viability guidance to follow in a revised PPG. This may imply different statuses between the content in the NPPF and that in the PPG which will inevitably be tested through the courts.

4) Do you agree with incorporating Planning Policy for Traveller Sites within the draft Framework? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Neither agree nor disagree

Chapter 1: Introduction

5) Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree

a) Please provide your reasons, particularly if you disagree

Yes, we strongly agree with simplifying the terminology in the Framework.

Chapter 2: Plan-making policies

Importance of quality geospatial data for plan-making

At a time when the quality of data used to underpin decision making is critically important, it is essential that a modern planning system is fully enabled with the most advanced data capture and analysis capabilities. The NPPF identifies policies across a wide range of sectors, functions and areas of expertise. Bringing all of these together for the purpose of plan making with their diverse levels of digital readiness is a challenging exercise given the legacy systems in place and the historic lack of interoperability. We welcome government's digital transformation which should accelerate the move to having real-time data available to support a rules based planning system.

A modern planning system can only succeed if it is built on a shared, authoritative spatial data foundation enabling the creation of a planning system that is faster, fairer and fundamentally more transparent.

The UK Geospatial Commission, OS, VOA and HM Land Registry (HMLR) each emphasise the need for interconnected, standardised, machine readable spatial data as the foundation for efficient decision making, digital planning reform and economic productivity. This can be extended to key infrastructure and other regulatory stakeholders critical to moving from policy making to practical implementation.

We strongly advocate that in reforming the NPPF, sight is not lost of the foundational importance of quality spatial data at all levels in the planning system so that the policies can be more effectively delivered through the different planning and development scales.

PM1: Spatial Development Strategies

6) Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

In principle yes, we agree, but recognising our comments on development plan making and transitional arrangements referred to in the plan making section below.

The phrase “where considered appropriate” is applied only to minerals in this paragraph and no other types of development. This wording may have been included because some geographical areas may not have mineral resources present. However, all SDSs will need to consider the supply of minerals for their area. The wording “where considered appropriate” runs the risk of the SDSs not considering the supply of minerals as appropriate more generally, ignoring the reality that many minerals need to be sourced as close as possible to their market.

7) Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

We agree with the principle of maintaining all plans as up to date as possible. There is a practical resource issue which could be challenging. Because of the time taken to do reviews and updates, this may result in plans being in a constant state of updating. In our opening comment we emphasise the importance of quality spatial data and would hope that the digital transformation of planning will result in regular updating of key data sets to avoid the lengthy process of evidence gathering which precedes plan making.

a) If not, do you think there should be a different approach, for example, that alterations should only be made to spatial development strategies every five years where there are significant changes to housing need in the strategy area?

This will depend on how ‘significant’ changes are to be defined.

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

area's local housing need? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

A sector updating relating to significant change to housing requirement figures is one approach but would require provision for ancillary development to conform with the requirements for sustainable development in terms of social, economic and environmental provisions.

PM2: Local Plans

9) Do you agree with the role, purpose and content of local plans set out in policy PM2? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

The new development plan system assumes a Spatial Development Strategy will be produced for a sub-region and that this will define the spatial distribution of housing requirements to LPAs. This will include the identification of LPAs which can 'under-allocate' housing requirements on the basis that other LPAs will 'over-allocate'. Our view is that this system will take many years to get in place. In the meantime, LPAs in local planning authorities will continue with local plans which may under-allocate against national targets.

Transitional arrangements, for introducing the new system of plan-making are too long. They will allow local plans already in the system, based on policy and lower housing requirements in the either the 2023 or 2024 NPPF to proceed to adoption. This will frustrate the aim to accelerate housing delivery and will perpetuate the current situation where 17.5% of all housing permissions are secured at appeal.

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

Yes. Given the length of time to process strategic development sites a 15 year period would provide an increased degree of certainty compared to a 10 year period. With the transformation to digital planning there should be increased ability to quickly adapt to changing social, economic and environmental standards.

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

PM 3 Minerals and Waste Plans

Inclusion of requirements for minerals plans is supported; however, the policy wording should include reference to steady and sufficient supply of minerals. The word 'steady' is considered essential for long term planning and delivery of essential minerals.

PM4 Supplementary Plans

PM5 Neighbourhood Plans

PM6: General principles for Plan-making

11) Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

We strongly agree with these principles.

PM7: Initiating plan-making for local plans and minerals and waste plans

12) Do you agree with the approach to initiating plan-making in PM7? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

We agree with the intention to have plans adopted within 30 months, with clear milestones to ensure adoption timeframe is maintained on track. In practice we have doubts as to whether such timetables can realistically be met, running concurrently with the production of Spatial Development Strategies and local government reform.

A key objective of the important reforms to the planning system is to accelerate delivery of housing to meet the target of 1.5 million by mid 2029. While these reforms will assist in the longer term it will require more pro-active housebuilding measures to begin to address the shortfall in housebuilding. In the meantime, we will have a patchwork of plans based on different NPPF policies, some of which will be less aligned with government's core policy to boost housing delivery.

The inclusion of minerals and waste plans being directly referenced within these requirements is supported as is a timescale for those plans to be prepared.

PM8: Evidence for plan-making

13) Do you agree with the approach to the preparation of plan evidence set out in policy PM8? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

In principle we agree with the requirement for proportionate evidence to support the local plan. However, the level of evidence required for affordable testing of area wide viability at plan-making stage falls well short of the requirements for viability test at development management stage. It has been government's intention since at least the NPPF 2019 to minimise more detailed site specific viability testing at development management stage.

What is proportionate testing at plan-making scale is not capable of capturing the distinctive characteristics of specific sites or the development being proposed at development management stage. Rather than pursue an unattainable aim it would be preferable if government recognised that viability testing at development management stage is a valid and necessary part of the delivery process to ensure planning obligations are affordable and that an appropriate level of affordable housing is met, without undermining the business case for development.

There would also seem to be an assumption that development plans are up to date and that therefore the evidence base supporting them has captured current economic conditions. While it is government policy intentions that such is the case, the reality is that it will be almost 4 years before the current out of date plans will be adopted.

As mentioned in our opening comments in this chapter we would expect the digital transformation of planning with high quality geospatial data and interoperability across the sector will lead to significant improvements in the quality of evidence.

PM9: Identifying land for development

14) Do you agree with the approach to identifying land for development in PM9? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

We support this approach. Following our comments at 13 (a) above we would wish to understand what an appropriate level of viability testing of sites at PM9 2 (b) would be which would have the effect of minimising site specific assessments at development management stage.

PM10: Maintaining cooperation between plan-making authorities and PM11 Demonstrating cooperation between plan-making authorities

15) Do you agree with the policies on maintaining and demonstrating cross boundary cooperation set out in policy PM10 and policy PM11? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

We strongly agree with the intention to ensure planning authorities pro-actively engage with adjoining authorities and particularly with infrastructure providers. Aligning the infrastructure planning of private companies with the strategic planning intentions of the local planning authority at plan making stage is a critical function to reduce delays in the development management process.

PM 11: Demonstrating cooperation between plan-making authorities

Verification that cooperation between plan-making authorities on key areas impacting on the delivery of development has taken place, is an important stage in avoiding unnecessary delays at the development management stage.

PM12: Developer contributions

16) Do you agree that policy PM12 increases certainty at plan-making stage regarding the contributions expected from development proposals? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Partly disagree

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

We recognise policy makers desire to minimise the number of site specific viability assessments at the development management stage. We also recognise the desire to ensure planning obligations and affordable housing requirements are factored into the price paid for land. However as noted in PM 8 above the ability to assess viability at plan making stage to a degree that would remove the need for site specific assessments at the decision making stage is extremely difficult.

For cost reasons, many plans are necessarily based on a 'viability' evidence base proportionate to plan making and subjected to a light touch assessment at plan examination stage. Even if practitioners and LPAs wished to undertake a fully detailed assessment, this would be precluded by a lack of detailed site

due diligence and cost information at the plan-making stage, as many sites are (as expected) at an early stage in terms of the development process. The exercise would also be very time-consuming and would quickly become out of date in any event.

It is therefore mistaken to resist the need for a site-specific viability assessment on the grounds that a broad brush wide area assessment has been undertaken some years earlier which could never address site specific conditions, even if the plans were up to date.

We also draw policy makers attention to the length of time and the costs associated with the promotion of strategic land (further addressed in responses on Annex B Viability) from the initial decision to pursue a development proposal to the point where planning consent is granted. The substantial and uncertain costs of largescale infrastructure provision cannot be properly assessed at the plan making stage as well as the negative impact of inevitable delays in co-ordinating key stakeholders at the implementation stage.

17) Do you agree that plans should set out the circumstances in which review mechanisms will be used, or should national policy set clearer expectations? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

As discussed in more detail in our response to the questions in Annex B Viability, we would like to see greater clarity in national policy about the circumstances in which review mechanisms should be used. If the alternative is to refuse development where the proposal cannot on current day metrics meet policy requirements, then a review mechanism should be an option particularly where there is an expectation, though not certainty of positive market change.

At the time the late stage review is carried out there can be considerable dispute about allowable expenditures incurred up that point. Scope for such disputes to arise should be minimised by agreeing as far as possible qualifying expenditures at the time the late stage review terms are being drafted at the outset.

PM13: Setting standards

18) Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree

It is not clear what quantitative standards for 'placemaking' could be introduced given the multifaceted characteristics that contribute to exemplar placemaking. RICS published research on this RICS 'Placemaking and value' 2016 and is updating that research in 2026, ten years later. We would be happy to share to findings of the second addition on completion.

[placemaking_and_value_1st_edition.pdf](#)

We fully support the intention to avoid overlap with the building regulations. Building control has the technical expertise to assess relevant national technical standards.

We agree with the intention to commence section 43 of the Deregulation Act 2015 to make clear that local plans should not set higher energy efficiency standards for residential development.

PM14: Examining Spatial Development Strategies

PM15: Examining Local Plans and Minerals and Waste Plans

19) Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) If not, please explain how this could be improved to ensure a proportionate assessment, making it clear which type of plan you are commenting on?

Spatial Development Strategies: Yes, given the strategic nature of the SDS in terms of scale and long-term perspective, we consider that the evidence base should take account of the uncertainties associated with long-term strategic planning and a clear identification of the dependencies and risk around them should be stated.

Local Plans and Minerals and Waste Plans: With the increasing availability of quality geo-spatial data, the evidence base for local plans and minerals and waste plans should be continuously improving and available in real time. We are concerned that the evidence base which is proportionate for plan making is seen as being adequate for decisions at site specific level such that viability assessments should not be necessary at the development management stage. Specific site conditions which cannot be captured at plan making level are material to the viability of a development proposal. It is important therefore to recognise the limitations of the local plan-making evidence base and accept that viability testing at development management stage is a valid and legitimate assessment to be carried out. A move to an increasingly light touch assessment of viability at plan making stage will inevitably lead to a need for more viability assessments at development management stage. Policy makers at plan making stage need to be

cognisant of changing market conditions and allow the flexibility to adjust to them when recognised at decision making stage.

The inclusion of minerals and waste plans being directly referenced within these requirements is supported. However, the quantification of the confirmation of which parts of Policy S1 apply to Minerals and Waste Plans should be clarified, for example do mineral plans now need to include: providing for objectively assessed needs for housing and other uses (including supporting infrastructure), which would be a supported inclusion.

Regarding the role of heritage in the development plan, we highlight the importance of evidence (in terms of plan soundness – PM14 & PM15) & adequate consideration of the historic environment within all tiers of the Development Plan (including the uppermost Spatial Development Strategies tier – which affects the wording of PM1).

PM16: Examining supplementary plans

PM17: Examining Neighbourhood Plans

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

No

Chapter 3: Decision-making policies

DM1: Preparing Development Proposals

21) Do you agree with the principles set out in policy DM1? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Yes, we agree with the principles set out. They are however dependent on having up to date plans formulated in a way that meets the intention of having a 'rules based' system. Development plans which do not conform to the ideals of a rules based system risk being vague and unclear. It is this lack of clarity and the scope for multiple interpretations locally that necessitates consultation with officers. It is not just the decision making that becomes problematic but the validation process also, with increasing demands for further details. Greater clarity on proportionate validation processes is desirable.

We agree with reducing the need for fewer pre-application meetings for smaller schemes and that resources are allocated to large ones. Nevertheless, even in small scale developments in sensitive

locations, consultation with an informed local officer can quickly bring greater clarity as to the LPA's likely response, to the benefit of the applicant.

We agree with the concise planning statement as set out in 1 (b) but advocate having greater certainty provided about what is acceptable as would be recorded at 1 (b) ii. i.e. the outcome of pre-application engagement.

DM2: Information Requirements

22) Do you agree with the policy DM2 on information requirements for planning applications? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

We support the desire to be more proportionate about the demands for information in small and medium scale developments.

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

We re-iterate our comments above on the formatting of requirements for a rules based system in local plans in a way that lend them to compliance and ease of verification of compliance.

DM3: Determining Development Proposals

24) Do you agree with the principles set out in DM3? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

We agree with the desire to have officers become more proactive in advancing development proposals. We fully support this approach but are also conscious of officer reticence to commit to certain proposals to avoid accusations on pre-determination grounds. Additional support may be required from central government to encourage such positive discussions through for example Ministerial Statements.

We would also expect that reforms to the statutory consultee regime initiated would contribute to improving response times.

Given the range of measures impacting the area of planning and development and the other regulatory systems in place, it would be beneficial to provide a clear national statement on what is a 'planning'

consideration in order to avoid having scarce resources applied to matters which are not planning considerations.

We support recommendations by the Planning Officers Society on this to ensure planning resources focus on matters within the scope of the planning regulatory system.

[POS-MBP15-Improving DM.pdf](#)

DM4: Emerging Development Plan Proposals

DM5: Development Viability

25) Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

As drafted the policy seems to ignore a basic reality that c. 75% of local plans are not up to date. DM5 1 states a fundamental premise about decision making in the context of up to date plans. This cannot be met in the case of the large majority of LPAs. The majority of local plan evidence bases are unreliable for plan making and would be completely unreliable for considering immediate development proposals. DM5 4 refers back to the local plan viability assessment carried out for the 75% of plans which are out of date.

The further in time the development management decision on a development proposal is from the original local plan viability assessment the less relevant the original local plan viability assessment is.

Some of the key factors arising in dynamic market conditions with a material impact on viability:

1. Market demand – effective demand and rate of sales
2. Construction costs
3. Infrastructure costs
4. Cumulative costs of regulatory compliance including micro-levies imposed through other regulatory regimes
5. Promotion costs – allocation, application
6. Cost of finance
7. The effect of taxation, for example CGT on development land increasing from 20% to 24% following the October 2024 Budget

These have very specific site/project costs, some emerging from design choices and are not captured at local plan level even if the plans were up to date. With pressure to maximise land value capture, policy objectives and targets at the threshold of viability are frequently being pursued. These are often understandably aspirational planning policies and may be justifiable on policy grounds but not deliverable in commercial terms.

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

We are concerned that DM5 doesn't distinguish between different scales of development. Nowhere is there any indication that there is a pragmatic understanding of the process, related cost and time required to bring strategic land proposals forward. We have referred to this further in our response to the questions on Viability in Annex B.

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

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

Current market conditions reflect the economic and business conditions encountered in the development sector after the Global Financial Crisis. Then extant planning obligations negotiated in an earlier strong market rendered development proposals unviable and became an obstacle to housing being delivered. Through the Growth and Infrastructure Act 2013 the government of the day introduced S106BA and BC (repealed in 2016) which allowed developers to apply to modify or discharge affordable housing obligations already entered into through a S106 agreement where these obligations made the development economically unviable. Although there was a reduction in affordable housing provided, many stalled developments were taken forward when no development might have taken place without the ability to re-negotiate such agreements.

The difficulties associated with this have been most recently recounted in the blog below by Simon Ricketts, Solr. with reference to recent judgement in Lancaster City Council v Secretary of State 2026.

<https://simoncity.com/2026/03/01/and-another-thing-another-misconception-about-amending-section-106-agreements/>

A similar measure to that introduced in the G&I Act 2013 is now required through reinstating the S106BA/BC measures.

In the interim there is provision in the current system to negotiate on a voluntary basis a deed of variation to the section 106 obligations with the planning authority. This could be given added weight by a strong Government Policy/Ministerial Statement linking the measure to delivering the government's target 1.5 million dwellings and boosting economic growth. It would require flexibility in re-negotiating S106 agreements and relaxing planning obligations to enable housing development to proceed.

The advantage of reinstating Section 106BA is that it enables developers to modify planning obligations via a significantly easier process than relying upon a S73 application. This would particularly benefit SME housebuilders. (See link below)

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

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

The component of the planning obligations giving rise to the lack of viability will include affordable housing provision. Reducing the amount of affordable housing will be a necessary part of restoring viability. It is therefore unlikely that in the first instance a re-negotiation will automatically result in affordable housing delivery at the level of the original agreement. But it is likely to result in more affordable housing being provided than if the development didn't proceed at all.

There is the possibility that where a late stage review measure is also in place, at some future date additional affordable housing and other obligations may be triggered.

The recent appeal case at Cuba Street, Tower Hamlets arose as a result of a section 73 application to amend floor plans and reduce affordable housing obligations to restore viability. The planning inspector ultimately imposed a late stage review to take enable the community to share the benefit of any improved market conditions. We comment on the use of 'late stage' reviews more generally elsewhere.

DM6: Use of Planning Conditions and Obligations

29) Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Yes, we agree with the contents of DM6 particularly model conditions and obligations. We also support the avoidance of conditions that are required to be discharged before development commences.

In principle we support avoiding the use of processes which have multiple sequential dependencies contributing to protracted delays where technical, administrative and legal resources are inadequate.

DM7: Relationship with Other Regulatory Regimes

30) Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

We have referred above to a paper by the Planning Officer Society on this matter and support its contents.

DM8: Unauthorised Development and Enforcement

31) Do you agree with the new intentional unauthorised development policy in policy DM8? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Yes, we support this proposal to prevent undermining the integrity of the planning system.

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

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

This is not just about administrative non-compliance. There may for example be other significant breaches: such as unacceptable impacts on the local environment (septic tanks in rural areas) giving rise to potential pollution and contamination of water sources; or creation of new accesses onto public highways potentially giving rise to a traffic hazard.

DM9: Use of Development Orders

DM10: Article 4 directions

33) Do you agree with the new Article 4 direction policy in policy DM10? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

We support the potential through Article 4 directions to remove permitted development rights and consider the scope to limit this potential to be appropriate.

Chapter 4: Achieving sustainable development

S1: Positive Plan-Making

S2: Producing a Spatial Strategy

34) Do you agree with the proposed approach to setting a spatial strategy in development plans? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

We strongly support positive plan making which recognises the importance of meeting the needs of a growing population in a sustainable way.

35) Do you agree with the proposed definition of settlements in the glossary? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Yes, we agree with the definition of settlements. The definition excludes hamlets. For completeness the definition of a hamlet for the purposes of this policy should be added to the glossary.

S3: Presumption in Favour of Sustainable Development

36) Do you agree with the revised approach to the presumption in favour of sustainable development? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Yes, in principle we support the presumption in favour of sustainable development in S3 particularly 1c where development proposals that accord with an up-to-date plan should be approved without delay.

There are however circumstances where the “tilting” of the balance in certain decisions as expressed in policies S3-S5 may have unintended consequences. Concern has been raised that the use of “substantial weight” in place of “great weight” in heritage policy may not be consistent with statutory duties & obligations under World Heritage Convention. This should be clarified.

S4: Principle of Development Within Settlements

37) Do you agree to the proposed approach to development within settlements? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

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

Yes, we agree with this policy.

S5: Principle of Development Outside Settlements

38) Do you agree to the proposed approach to development outside settlements? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Yes. The inclusion of Minerals in the list of developments with presumption of approval outside settlements is strongly supported, along with the other list of development types. However, it is unknown how the caveat test of “unless substantially outweighed by adverse effects” will affect this presumption.

Mineral extraction should be defined to include all associated infrastructure such as plant, screening, site offices etc.

39) Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

a. Please provide your reasons.

No comment

40) Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

See comments on Chapter 12

S6: Neighbourhood Plans and the Presumption

41) Do you agree that neighbourhood plans should contain allocations to meet their identified housing requirement in order to qualify for this policy? *Strongly agree, partly agree, neither agree or disagree, partly disagree, strongly disagree.*

a. If not, please provide your reasons

Yes, the NP should contain allocations to meet the identified housing requirement to qualify for this policy.

Chapter 5: Meeting the challenge of climate change

CC1: Planning for Climate Change

42) Do you agree with the approach to planning for climate change in policy CC1? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Carbon Emissions

Yes, we support these measures to mitigate climate change. In particular the assessment of baseline carbon emissions and the potential effect of development options on future emissions and their mitigation.

In supporting the transition to net zero by 2050, we believe it would be beneficial if this is supported by an analysis of the most important measures that need to be taken, and an identification of the key priority areas that need to be targeted. Clear communication and transparency are critical to provide clarity and to allow stakeholders to prepare and take the necessary actions.

We support the proactive approach to mitigating and adapting to climate change but also stress the importance of establishing evidence based national targets and roadmaps focusing on decarbonisation and enhancing resilience of the built and natural environment. Plans should outline appropriate actions that need to be taken over the short, medium and long term to achieve national climate targets.

Any measures to address future climate risks must be supported by engaging communities and local authorities and in particular to help develop plans to prepare for extreme weather events and incorporate nature-based solutions and green infrastructure.

We agree with the plans for new developments but stress that any policy approaches and plans should place a strong emphasis on retrofitting existing buildings and infrastructure to help reduce emissions from existing sources and enhance resilience of the built environment sector.

Flooding

Flood maps are in a near constant state of change. For example, in North Somerset Council's emerging plan (which has reached examination stage Reg19), updated tidal data was published late (Q4 2025). This

has affected allocations. Some land knocked out some stays in, some stays in with reduced capacity. The reason - a 1.6m increase in 2125 with climate flood height! This will affect Bristol's plan, Forest of Dean and anywhere along the Bristol Channel.

The Government has good EA flood map resources, but the public and profession would benefit from a single portal 'Climate Change and Adaption' a resource window for everyone with links to useful information, resources and latest data. This overlaps with planning policy and would contribute to better public and professional understanding.

National decision-making policies

CC2: Mitigation of Climate Change

43) Do you agree with the approach to mitigating climate change through planning decisions in policy CC2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

In principle we support these measures. The pace at which these policies are introduced needs to be balanced against the other strands of sustainable development namely economic and social. In particular we are concerned that growing requirements for enhancing performance may result in developments not proceeding.

We consider that climate change mitigation as with all aspects of sustainable development is about optimising the complex combination of measures to achieve the policy aims of mitigating climate change while meeting other essential needs like affordable accommodation.

Improving energy efficiency of existing buildings should be one of the key priority areas. Reducing energy consumption in buildings not only lowers energy bills but also reduces the demand for energy generation in the first place, and increases the quality of indoor spaces, with positive impacts on the occupants' health (and thus lower costs for the NHS in the long term).

Limiting energy consumption is critical. This is addressed by Building Regulations (Part L) but should be supported further with regular energy efficiency audits to ensure buildings are operated efficiently.

Limiting embodied emissions is also critical, as these are becoming more relevant but are still completely unregulated in the UK. Policy should encourage adoption of standards and industry tools to help with this. The Professional Standard on Whole Life Carbon Assessment for the Built Environment (2023) is widely adopted in the UK as a robust methodology for assessing embodied and operational carbon for new and existing buildings.

In addition, policy approaches should look further into the barriers that may be preventing potential energy efficiency improvement across the sector such as any absence of finance and incentives. Possible obstacles that may need to be address are lack of awareness amongst stakeholders, lack of knowledge and training among professionals and lack of data, information and adoption of digital tools and processes for energy efficiency assessment and reporting.

CC3: Adaptation to Climate Change

44)Do you agree with the approach to climate change adaptation through planning decisions in policy CC3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Yes, we agree with this and consider the local plan as the appropriate means through which to assess the various trade-offs. For this reason, we regard the completion of up-to-date local plans and spatial development strategies as fundamental to getting the optimum outcome.

We support the policy of requiring developments proposals to consider both current and future climate impacts over the lifetime of the development. We believe this policy should be supported by clear guidelines on how to assess and report climate risks. These guidelines can be developed by working with existing frameworks. For example, the [UK Climate Resilience Roadmap](#) by the UK GBC outlines the key climate hazards for the built environment. Furthermore, the [IFC Building Resilience Index](#) is a hazard mapping and resilience framework.

We suggest that any indicators, metrics and frameworks to identify and assess climate risks should align with existing metrics and frameworks to allow for consistency and comparability. In addition, policy approaches should take into account regulatory approaches in other countries and regions.

45)Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

a. Please provide your reasons

Policy CC3 1e relating to fire risk refers to lands which are likely to be outside the control of a planning applicant particularly where there is commercial afforestation and protected historic woodlands.

We believe that policy on wildfire adaptation requires further detail on assessing and mitigating wildfire risks for planning purposes, in particular, detail on how these risks should be assessed, metrics to consider and how to report findings of such assessment. [The wildfire management plan](#) by DEFRA is a good starting point.

We strongly support the suggestion of commissioning wildfire research, developing a wildfire risk map and defining effective wildfire risk reduction measures as outlined in the [Third National Adaptation Programme](#). We agree that development proposals must consider both current and future climate impacts over the lifetime of the development and wildfire should be one of the key risks that need to be under consideration.

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

We suggest:

- An initial assessment of climate risks should be included in planning applications with wildfire risks included in assessment of climate impacts alongside other risks such as flooding and coastal change.
- Development of a national roadmap focusing on climate adaptation and resilience should include wildfire adaptation and key priorities and steps that need to be taken help manage wildfire risks in the short, medium and long run.
- The [International Fire Safety Standards](#) aims to provide a globally consistent framework for fire safety practices. The standard points towards common fire prevention principles, proposes an assessment of risks and evaluation of fire prevention measures at the planning stage with wildfires as being one of the key categories for consideration.

The [building resilience index](#) is a tool that is aimed at helping identify, manage and disclose climate risks. Wildfires, among other hazards are included in framework.

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

None

Chapter 6: Delivering a sufficient supply of homes

Plan-making policies

HO1: Assessing the Need for Homes

HO2: Setting Housing Requirement Figures

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

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

Yes, we agree with the requirements for SDS's and local plans in relation to meeting housing need. We would hope the final selection of the geographical boundaries of these areas reflects the functional economic area.

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

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

This is a growing area of concern with an aging population and the desire to care for people in their own communities. At the same time there is a desire to move elderly people out of family homes in order to release these homes for young families. More research is needed on the implications of such policies in terms of community cohesion, wellbeing of elderly residents and the costs of dedicated senior living accommodation.

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

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

Yes, Travellers are a particular group in need of homes.

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

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

No comment

H03: Providing Land for Homes

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

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

Yes, we are broadly in agreement with the measures for setting the buffer.

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

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

Yes, we broadly in agreement with this.

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

Yes, we agree with this but are aware that implementing the delivery is often problematic.

HO4: Land for large scale residential and mixed-use development

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

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

Yes, we consider the proposals provide a suitable basis on which to deliver a diversity of high quality accommodation.

We would have expected the selection of the location of 'new town' sites to be preceded by a national spatial development strategy. Since this hasn't been the case there will be a need to reconcile the selections already made with the ongoing geographical configuration of the 'greater than local' spatial development strategies.

HO5: Meeting the needs of different groups

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

We support the desire to meet the needs of diverse groups particularly to ensure social and affordable housing is available in rural areas to support the rural economy and to maintain the health of rural communities.

We are also supportive of the desire to provide for accessibility and ageing populations. These requirements should be targeted and applied proportionate to the expectations of the growing need as determined locally.

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

Yes, we agree that the proportion of new housing to be delivered to the accessibility requirements for dwellings in Part M4 of the Building Regulations should be set out in the local plan.

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

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

This requires further consideration in the interest of deliverability. See Q 59.

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

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

We are conscious that the requirements to meet distinctive sustainable social and environmental standards are desirable. It is recognised that the cumulative effect of additional requirements which have cost implications may impact on project viability. The impact will vary at different points in the economic cycle and policy will need to be designed to be able to adjust to these circumstances to meet the other sustainable development requirement - economic sustainability. As stated in Chapter 7 of this NPPF 'Economic growth is the number one mission of this government'.

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

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

Yes, we agree with the desire for a greater mix of tenures but consider the threshold of 150 dwellings may be too restrictive.

We would add the importance of there being an active Registered Provider market for such dwellings and that the viability of the overall scheme is not undermined by the lack of demand for such dwellings.

H06: Planning for Diverse Sites

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

a. Please provide your reasons

In some locations this may be hard to achieve because of land ownership patterns. The policy should be accompanied by a requirement to allocate land for the provision of serviced sites.

National decision-making policies
HO7: Meeting the need for homes

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

No. Identifying a diversity of potential routes to delivery should be beneficial to meeting evidenced needs.

HO8: Providing Affordable Homes

63) Do you agree that proposals to add military affordable housing to the definition of affordable housing, and allow military housing to be delivered as part of affordable housing requirements, will successfully enable the provision of military homes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Yes, we agree. However, it should be relevant to local need and should not exclude reviewing existing MOD land to ensure that it is being used effectively to provide military homes.

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

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

Agree

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

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

We recognise the importance of delivering housing for social rent a need that is likely to increase. However, we are concerned about the extent of such provision as part of a market development without impacting on viability. This is particularly so at this point in the economic cycle when the cumulative effects of planning obligations are beginning to stall development. Additionally Registered Providers whose role it is to provide for this need have in many instances withdrawn from the market for s106 dwellings.

66) Are changes to planning policy needed to ensure that affordable temporary accommodation, such as stepping stone housing, is appropriately supported, including flexibilities around space standards?
a. If so, what changes would be beneficial?

It is not clear what standard would be required to be met for this so called 'stepping stone' housing.

On-Site Affordable Housing Provision

67) Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Yes, we agree with this. Cash payments in lieu of on-site delivery is not the most efficient way of delivering affordable housing from a local authority perspective due to the cumulative costs of developing new homes.

However, cash payments in lieu of on-site delivery may be appropriate in some circumstances such as a scheme of 12 executive homes in a gated community. However, where for example 100 homes are being built there should be capacity within the scheme to deliver affordable housing on site and those homes should be tenure blind to ensure effective integration of the affordable housing into a scheme.

Where cash payments are being taken in lieu of on-site delivery, there needs to be a clear capability on the part of the local authority or RP to deliver the housing within a limited period.

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

No, it would be preferable to leave this to the discretion of the SME/LPA without any further qualifications.

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

68) What risks and benefits would you expect this policy to have? Please explain your answer. The government is particularly interested in views on the potential impact on SME housing delivery, overall

housing delivery, land values, build out rates, overall social and affordable housing delivery, and Registered Providers (including SME providers).

The benefit should be that there is a clear procedure where compliance can be executed quickly. This should accelerate SME housing delivery.

The risk is that the funds go into a pool (Unspent S106 funds already an issue) and by the time they are used to fund affordable housing the costs have increased and less affordable housing than was originally expected can be delivered.

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

Many local authorities now have their own independent housing development capabilities. Early engagement between the planning department and the local authority direct housing provision company would ensure the funding goes directly into affordable housing provision.

[local authority direct provision of housing iv report.pdf](#)

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

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

RICS is currently producing a professional standard on 'New Affordable Housing Development: valuation considerations' which would help support this policy measure. This is due for completion shortly and the latest draft can be made available.

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

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

Yes, we agree with this, but it should be provided within a reasonable distance of the related market development to ensure satisfactory spatial distribution.

It needs to be clear that it is about creating better outcomes and not moving affordable housing away from other types of housing, such as that for sale. Affordable housing is a key part of placemaking and creating integrated communities accessible to those on limited budgets and without private means of transport.

HO9: Specialist forms of accommodation

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

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

Yes, we agree with these proposals. This needs to fit in with the wider context of placemaking, ensuring that there is access to local amenities and services. When building new homes, they need to take into consideration that circumstances will change over time. While there will always be a need for specialist accommodation, building homes that can be adapted over time will enable those who don't want to move into specialist accommodation or wish to delay a move to specialist accommodation, able to stay in their own home for longer.

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

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

We agree.

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

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

Yes, we agree with this proposal.

HO10: Exception Sites

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

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

Yes, we agree with the measure. The proposed changes provide useful reinforcement of the role of rural exception sites in meeting locally identified affordable housing needs. Clearer guidance on site size, settlement relationships and the requirement for schemes to remain predominantly affordable should give local authorities and applicants greater certainty when bringing proposals forward.

However, it is unlikely to result in a substantial increase in rural exception site delivery on its own. Progress is constrained by two key issues: landowner expectations regarding land value and the viability challenges faced by developers and registered providers delivering small rural schemes.

To support greater uptake, the policy would benefit from:

- Enhanced funding or targeted financial support to help address viability gaps and create stronger incentives for land release.
- Clearer guidance on benchmark land values, reducing uncertainty during negotiations.
- Some flexibility on site size where justified, as slightly larger schemes may be necessary in certain rural areas to achieve viability while remaining appropriate in scale and character.
- Explicit recognition of cross funding mechanisms, including the ability to use market housing development to support rural exception schemes. Off site financial contributions from market schemes directed towards rural affordable housing could provide an important funding route in areas where viability is particularly challenging.
- Consideration of exemptions or reduced requirements for BNG on rural exception sites, recognising that BNG can place a disproportionate cost burden on small rural schemes and undermine deliverability.

Overall, the proposals are a step in the right direction, but without additional measures focused on financial viability and land value, they are unlikely to meaningfully increase delivery.

The policy does not distinguish between rural affordable homes and travellers' sites. These have different characteristics in their use and need to be considered separately.

A 1 Ha site could enable a development of say 45 houses depending on density, which is quite a significant addition in a rural area. 2b does provide for a proportionate amount of housing relative to the existing settlement but not more than 10 houses seemed to be a more acceptable limit.

The policy does not provide for the allocation of affordable and social rent homes to people in the locality, in perpetuity through a Community Land Trust?

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

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

From the operation of the policy this route has been ineffective in practice. The prescriptive tenure and eligibility requirements have tended to restrict, rather than support, the delivery of homes that genuinely

reflect local housing needs. This is particularly evident in rural areas, where market conditions and viability can vary significantly.

Removing the standalone category but being retained within Rural Exception site policy should help streamline the exception site framework and allow local authorities and developers to focus on affordable housing options that are better aligned with local needs and more deliverable in practice.

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

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

A practical benchmark must reflect the commercial position of landowners. To bring rural exception sites forward, the benchmark must sit above agricultural value; otherwise, there is little incentive for landowners to release land. Most edge of settlement sites already have clear development potential, and landowners are aware of the significantly higher values achieved on fully allocated residential land. A benchmark set too close to agricultural value is therefore unlikely to be effective.

A realistic benchmark should take account of:

- The opportunity cost for landowners who may prefer to wait for a full residential allocation.
- The higher values typically associated with edge of settlement land, which often includes an element of hope value.
- The need for commercially credible expectations so schemes can proceed without relying heavily on grant funding.

Setting a benchmark at a level that recognises this uplift gives landowners a genuine incentive to release land while still allowing schemes to remain viable for developers and registered providers.

HO11: Isolated homes in the countryside

HO12: Traveller Sites

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

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

We agree in principle. In certain circumstances the identification of sites which can fulfil those requirements will be difficult.

HO13: Build out of residential and mixed-use development

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

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

Build out rates are strongly determined by absorption rate. Offering a range of different products across a site may help increase that rate selling into different price points in the market. These are market determined and impact on viability. We advise caution about intervening through planning measures at this point in the market. We addressed these points in our submission on the MHCLG consultation on build out rates.

81) Do you agree the requirements to take a flexible approach to the consenting framework for large scale residential and mixed-use development is sufficient to ensure the opportunities of large scale development are supported? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Large sites 'super-strategic' as described can take decades to complete from initial plan allocation, through planning consent, infrastructure development, housing development and sale. They will usually be built out through a number of economic cycles. There is a balance to be struck between the certainty required by the community about what will be constructed and the flexibility needed by the developer in order to meet changing circumstances and remain viable. There is considerable risk being carried by the developer for a long period where substantial up-front costs have been incurred. Any measures which would add 'planning risk' would seem to run counter to what government is trying to achieve in incentivising development and boosting supply.

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

- a) Please provide your reasons.

A fast-track process which would reduce the time required between the sequences at different stages of the development particularly to reduce risk in the early stages of the process would make a significant contribution.

Housing Delivery Test Rule Book

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

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

No comment

Chapter 7: Building a strong, effective economy

Plan-making policy

E1: Providing the conditions for long term economic growth

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

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

We agree with the national focus being placed on ensuring the planning system is an enabler of economic growth. It will be important that this is followed through at local level where the implementation of these policies takes place. It will also be important that the economic growth is well distributed geographically, with the intention of reducing regional imbalances in economic opportunity.

National decision-making policies

E2: Meeting the need for business land and premises

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

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

Yes, we emphasise the importance of upgrading infrastructure and the processes and dependencies associated with such upgrading.

E3: Freight and logistics

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

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

We agree that the factors identified in the policy are the relevant ones to ensure Freight and Logistics provisions are supported through the planning system.

E4: Rural business development

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

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

Yes, we welcome the flexibility related to rural development serving the rural economy.

It is positive to see recognition of the need to support sustainable economic growth in rural areas, including development that may appropriately occur outside settlement boundaries. The emphasis on flexibility, such as conversions, farm diversification, and investment in food production infrastructure reflects the operational realities of rural businesses and is therefore welcome.

There are areas where the policy would benefit from greater clarity and stronger support.

1. While expectations for sensitive siting and good design are reasonable, interpretation at the local level can be overly restrictive. This can hinder development that is necessary for rural economic resilience. Clearer guidance on how decision makers should balance economic benefits against landscape impacts would help avoid unnecessary delays or refusals.
2. Flexibility for evolving business models. Although the policy acknowledges diversification, renewable energy, and on-site infrastructure needs, it could go further by explicitly recognising the need for ongoing flexibility in the scale, type and form of development required as agricultural practices and market conditions evolve.
3. Reconsidering the 'land-based business' requirement. The continued reliance on a narrow 'land based business' criterion does not reflect how the rural economy now functions. With the expansion of rural fibre networks and the availability of reliable satellite broadband such as Starlink, many high value, fully remote or digital businesses can operate effectively in rural areas regardless of their connection to land based activity. Retaining this restriction risks preventing legitimate rural economic growth, particularly in locations where modern connectivity has removed traditional barriers to operation. The policy would be strengthened by broadening its scope to support a wider range of rural enterprises that contribute to economic resilience even if they are not land dependent.
4. The countryside also urgently needs rural policy that supports food production to maintain strategic security and support the network of family farms on which rural communities are dependent. A new set of rules is required that recognizes the desirability of generational farming succession and transition, and enables design guided development that enhances the countryside.

Overall, the approach is constructive, but a firmer emphasis on viability and practical deliverability would better support rural businesses to adapt, invest and remain competitive.

Chapter 8: Ensuring the vitality of town centres

Plan-making policy

TC1: Planning for town centres

88) Do you agree with the proposed changes to policy for planning for town centres? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Yes, we agree with the proposals.

National decision-making policies

TC2: Development in town, district and local centres

89) Do you agree with the approach to development in town centres in policy TC2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

a. If not, please explain how you would achieve this aim differently?

Yes, we agree with this proposal.

TC3: Main town centre uses outside town centres

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

No comment

91) Do you believe the sequential test in policy TC3 should be retained? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

We consider it important that the application of policies at local level should be capable of supporting the health of town centres as centres of commercial activity. We welcome a review of the sequential test given the flexibility introduced by Use class E.

TC4: Assessing the impact of development on town centres

92) Do you agree with the approach to town centre impact assessments in policy TC4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

We regard this as a proportionate approach.

Chapter 9: Supporting high quality communications

National decision-making policies

TI1: Proposals for Telecommunications Infrastructure

TI2: Telecommunications Infrastructure – Supporting Information

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

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

We agree with this policy. The redrafted policies (T11–T12) give clearer support for network expansion and upgrades, aligning planning practice with national connectivity objectives and RICS' evidence-led recommendations for certainty and consistency.

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

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

We partly agree with this. The reuse/minimisation principles are sound but need clearer national guardrails (via PPG) to avoid inconsistent local interpretation and to recognise that sharing/consolidation can entail increased height/volume that reduces overall proliferation.

95) Do you agree the supporting information requirements are proportionate and sufficient without creating unnecessary burdens? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Partly agree. T12 is broadly proportionate, but a short national validation checklist and firmer boundaries against non-planning requirements would minimise burdens and improve consistency.

Chapter 10: Securing Clean Energy and Water

Plan-making policies

W1: Planning for Energy and Water

96) Do you agree with the approach to planning for energy and water infrastructure in policy W1? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

The recent changes to the electricity grid, including the new connection queue milestones, the National Energy System Operator's (NESO) published capacity data by renewable technology, and the shift towards more strategic system planning, make early engagement between developers, utility providers and plan making authorities increasingly important. The policy should acknowledge these national reforms and

align with them to ensure local plans are based on a realistic understanding of future energy and utilities capacity.

Encouraging early and proactive engagement with all relevant utility providers is sensible. Establishing clear visibility of capacity constraints on electricity networks, renewable energy infrastructure, water supply, drainage, and wastewater treatment at the plan making stage will significantly improve deliverability and help ensure growth aligns with long term infrastructure needs.

While the overall direction is positive, the policy requires further detail to ensure consistency and effectiveness in practice.

1. The policy leans heavily on early engagement, but without any real clarity on timescales, data sharing, or who's responsible for what, the quality of that engagement will vary massively. A more formalised requirement like a duty to cooperate, would help make sure utility providers and local authorities are sharing information in a timely and transparent way.
2. Growth pressures, climate change, and increasing demand all putting pressure on existing networks, the policy could go further by explicitly supporting better alignment between strategic infrastructure investment plans and emerging local plans. This would give a clearer line of sight on what upgrades are coming and help reduce delays caused by the need for off site reinforcement works.
3. Major infrastructure upgrades can be a huge cost burden and can easily tip a site into non viability. The policy would benefit from some guidance on how these costs should be shared between utility companies, developers, and potentially public funding sources so essential infrastructure isn't the thing that stops planned growth going ahead.

To make the policy more workable, the following additions would help:

- Providing national guidance on how funding tools like the Infrastructure Levy, Section 106, and potential grants should be factored into early plan viability work.
- Acknowledging that development can play a positive role in delivering or helping fund infrastructure upgrades and reflecting that in how sites are assessed and prioritised.
- Reference to ongoing national grid and utilities reforms, ensuring that plan making processes take full advantage of improved data availability, capacity mapping, and connection queue reforms.
- Clear expectations for early and ongoing engagement, including timelines, data requirements, and responsibilities for each party.

W2: Securing Renewable and Low Carbon Energy and Electricity Network Infrastructure

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

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

The amendments to Policy W2 show a more proactive approach to planning for renewable and low carbon energy infrastructure. The focus on identifying suitable areas, as well as supporting repowering and life extension projects, is welcome.

Support for decentralised energy networks and the co-location of energy generation with end users is also welcome. This approach can help reduce pressure on centralised infrastructure and improve energy efficiency within developments.

There are a few areas where the policy could be tightened up.

1. Although the policy asks local authorities to identify locations where renewable and low carbon energy can be supported, it is light on how they are expected to do so. Without clearer criteria or a consistent national methodology, there is a real risk of inconsistent interpretation across local plans, which could slow down delivery and create uncertainty for developers.

In addition, the policy should explicitly encourage local authorities to prioritise sites that are already under option or have secured grid connection agreements.

These sites are far more likely to come forward quickly, particularly in the context of national grid reforms and increasingly constrained capacity. Giving weight to sites with an established route to connection would help ensure that identified energy areas are genuinely deliverable and aligned with near term deployment opportunities.

2. Grid capacity is already a major obstruction for renewable energy projects, and the policy could be more direct about this. It would make sense to align energy planning and DNO investment plans so that the areas identified are actually capable of being delivered on the ground.
4. While the policy does talk about identifying areas for renewable energy, it could place more emphasis on enabling strategic, large scale schemes. Addressing environmental and community considerations early in the plan making process would hopefully make it easier to bring forward the kind of larger scale projects needed to meet national energy targets.

The policy would benefit from a bit more clarity and a stronger link between planning policy and long term energy infrastructure investment to make it as effective as it needs to be.

National decision-making policies

W3: Renewable and Low Carbon Energy Development and Electricity Network Infrastructure

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

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

Policy W3 reflects the need to speed up the delivery of renewable and low carbon energy projects. Giving substantial weight to the wider benefits including energy security, economic growth and progress towards net zero is sensible and necessary. Also, the recognition of the value of repowering, as upgrading existing sites can deliver much more capacity with fewer landscape or infrastructure impacts.

The policy is also clear that applicants shouldn't have to demonstrate need, and that proposals can still be acceptable even if they fall outside any 'suitable areas' identified in local plans.

There are a few places where the policy could be clearer or more practical.

1. Although the policy states the weight that should be given to the benefits of renewable energy, it doesn't give much direction on how decision makers should balance those benefits against landscape, heritage or environmental considerations. In practice, this can lead to inconsistent outcomes at local level. More guidance on what constitutes an acceptable impact or what kind of mitigation is required would be helpful.
2. Requiring decommissioning and restoration plans for time limited developments is sensible, but the policy could be clearer about what level of detail is expected and how funding should be secured. Without this, there's a risk that restoration becomes uncertain or under resourced at the end of a scheme's life.

W4: Water Infrastructure

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

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

It is helpful that applicants are not expected to demonstrate need. Upgrades to water infrastructure are driven by statutory undertakers and regulatory requirements, not by individual planning applications, so removing this requirement should make the process more straightforward. This reflects the direction set out in the Government's *Water White Paper: A New Vision for Water* (January 2026), which proposes a more strategic, system wide approach to identifying infrastructure need through a new integrated water

regulator and strengthened regional planning frameworks rather than relying on ad hoc assessments at the planning application stage.

Where the policy could go further is in making the link between plan making, housing trajectories and water infrastructure investment much clearer. The Water White Paper emphasises long term investment cycles, integrated regional planning, and the need for clearer alignment between development growth and infrastructure capacity, including 5, 10 and 25 year planning horizons for water systems. Ensuring that local plans and housing trajectories are properly coordinated with these investment programmes would help avoid situations where a lack of water supply, drainage or wastewater capacity constrains deliverable and sustainable development

By explicitly referencing the need for alignment between local growth strategies and the new national water planning framework set out in the White Paper, Policy W4 could better support the Government's wider reforms and provide greater certainty for both developers and infrastructure providers.

Chapter 11: Facilitating the sustainable use of minerals

Plan-making policies M1: Planning for a Sufficient Supply of Minerals

The RICS welcomes the inclusion of the section 11 Facilitating the sustainable use of minerals within the section of the NPPF headed "Delivering homes and supporting growth". Minerals are essential to everyday life and the economy, and this places the minerals policies within the appropriate section of the NPPF.

However, we strongly disagree with the Objective box of the revised version for three key reasons set out below and which relate to omissions that were present in the previous 2024 NPPF in para 222.

1. Firstly, the new objective does not include the reference to a sufficient supply of minerals as being "essential", the objective wording should be amended to include the following – "...supply of minerals which is essential for providing the infrastructure..." as this wording is key in demonstrating the need for minerals in the planning system.
2. Secondly the role of minerals in all energy projects and not just green energy projects should be referenced. Whilst the acknowledgment of minerals in delivering green energy is supported, the wording should not lose reference to wider energy developments, such as nuclear energy which is a key component of the Government's UK Infrastructure: A 10 Year Strategy" strategy. The objective wording should be changed to. ... "provide the infrastructure, buildings, energy (green and other types) and goods that the country needs."

3. The restriction for development of other types of minerals is unclear as to what it refers to. If this is only in relation to energy minerals such as coal and peat, this should be made clear, or the phrase deleted and an exclusion included as a footnote referencing policy M5.

The objective in M1 should therefore read:

“The Objectives of the policies in this Chapter are to ensure that a sufficient supply of minerals of minerals which is essential for providing the infrastructure, buildings, energy (green and other types) and goods that the country needs. Since minerals are a finite resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.”

4. We disagree with Policy M1 Paragraph 1. – The paragraph should be amended to reinstate the word steady to read “ The development plan should provide for a steady and adequate supply of minerals of national and local importance.”

The reference to steady and adequate which formed part of the NPPF2024 has been replaced by sufficient. This wording is considered a weakening of the previous wording and removal of the key requirements of a mineral supply, that being steady and adequate.

The glossary definition of Minerals of Local and National Importance should include reference to the ‘essential nature’ of the other minerals listed after the Critical and Growth Minerals to meet society’s needs.

5. We partly Disagree: Policy M1 Paragraph 6. We are concerned about the definition of designated heritage assets which now extends to Listed Buildings. Listed Buildings can include curtilages which extend beyond the immediate structure. They can also include non-structural designations which can have difficult curtilages to define such as lime kilns, a common feature around mineral operations. There are numerous examples of active mineral operations working directly adjacent or in close proximity to Listed Buildings with no harmful effects and suitable mitigation is undertaken when required. The definition of designated heritage assets should provide further clarity regarding working near or within the curtilage of Listed Buildings.

Amend - Footnote 40 – Please see reference to comments above on policy PM 1 2f above. The inclusion of the wording where appropriate, in this footnote strongly implies that the assessment for the provisions of aggregate is not a necessary requirement for undertaking strategic spatial development strategies. This allows the separation of mineral provisions from strategic spatial development strategies and potentially leads to the unsustainable and unplanned sourcing of mineral requirements, if they are even available. The wording should remove the reference to may, where appropriate to read: “ The assessment of the provision needed for aggregate and industrial minerals should be undertaken and set out through the preparation of spatial development strategies.”

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

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

The policy direction of UK Government on coal extraction has been previously set out through changes to the licensing regime for coal through the Mining Remediation Authority - nee Coal Authority. However, there are uses of coal beyond energy - such as the use of coal in the steelmaking, industrial sector and heritage sectors which is still of importance. Very often these coals can be and have been worked in association with other minerals, and it makes sustainable sense to do so. This should be recognised in the definition.

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

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

The policy direction of UK Government on oil and gas has been previously set out through changes to the licensing regime and ministerial statements. The changes in relation to oil and gas in the NPPF are therefore unsurprising. However, during the transition to a low carbon economy the role of oil and gas and energy security cannot be underestimated, and the NPPF has importantly made distinction between inside and outside of licence areas, and the stages of a project's development.

Policy or wording changes should not negatively impact on infrastructure required for land for the continued operation of offshore oil and gas installations.

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

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

The inclusion of critical and growth minerals within the national planning policy is supported. This sectors importance to the future green sectors growth is understood and this focus on ensuring that the NPPF supports an indigenous 'critical minerals' sector is important.

However, the 'other minerals' set out in the definition of Minerals of Local and National Importance are also essential (such as construction materials, industrial minerals etc) to the UK economy, the needs of society and also delivery of infrastructure associated within growth minerals definition. For example, one of the IS-8 sectors of the Industrial Strategy is Clean Energy Industries, the strategy references these

industries as including the deployment, construction and maintenance of clean energy assets. Construction aggregates will be essential to delivering this.

To reflect this, the wording Minerals of Local and National Importance should be amended to read; “Critical and Growth Minerals (as defined in the glossary) and other Essential Minerals which are necessary to meet society’s needs including aggregates, brick clay etc”. This wording will re-enforce the importance of other minerals.

M2: Safeguarding Mineral Resources and Infrastructure Through Plan-Making

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

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

We support the retention and strengthening of requirements for safeguarding and prior extraction of minerals where environmentally feasible. However, the translation of wording from the previous NPPF has created some possible weakening of this policy.

Paragraph 1 Point a – the addition of the word support implies that these safeguarding measures are only there to support. The wording should be changed to “Define Mineral Safeguarding Areas and (in two tier areas) Mineral Consultation Areas to safeguard mineral resources.”

Policy M2 Paragraph 1 – the removal of text which directly references minerals resources as being of local and national importance is not supported and is considered a weakening of policy and removes direct reference re the threat of resource sterilisation. The NPPF 2024 contained the word in Paragraph 223 Section c. Another point should be added to Policy M2 a between points a. and b. and should be added as “Adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked.”

National decision-making policies

M3: Assessing the Benefits of Mineral Development

RICS supports the allocation of substantial weight given to the benefits of mineral extraction (on the basis that this new definition is now the highest level of weight in the NPPF Paragraph 1) when considering minerals planning decisions. This should also include a reference to how essential minerals are necessary for the ends of society, in line with the proposed revised definition.

We also support the sections M3 1a, 1b, and 1c as these are important policy drivers for steady and adequate flow of minerals and ensuring that there is sufficient supply of minerals to meet society's needs.

We also support the inclusion of M3 1e and revised wording. However, we would suggest that the role of building stone for new buildings should be recognised as important, with high quality stone being important commodity that supplies both local and national needs.

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

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

The inclusions of critical and growth minerals within this policy M3 1d is supported. However, it is felt that Essential Minerals should also be included alongside Critical and Growth Minerals as these will also be required to support the delivery of areas i-iv set out in the M3 1d. Without this, the importance of other minerals risks being overshadowed by the emphasis on Critical and Growth Minerals and the continued importance of continued supply for essential minerals will be underplayed.

We consider that the four identified areas may be overly restrictive for use of Essential Minerals and Critical and Growth Minerals and consideration for future proofing use of these minerals for other types of development. This could be addressed by amending the wording of M3 1d to "Facilitating the exploration and extraction or processing of critical and growth minerals for all development requirements, with focused importance for the uses which supports any or all of the following:"

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

We are concerned that there may be unforeseen requirements for essential minerals to support the oil and gas industry as part of their normal ongoing and authorised activities. Given that the oil and gas sectors are an important part of the energy mix during the transition to a low carbon economy, use of minerals for this important sector should be supported.

Policy or wording changes should not negatively impact on minerals ability to be used for required for infrastructure required for land for the continued operation of offshore oil and gas installations.

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

M4: Considering the Impacts of Mineral Development.

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

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

The policies wording contains the same requirements as the NPPF 2024; however, the rearrangement of the policy structures removes the great weight of the benefits of mineral extraction, including to the economy within the balance of these requirements. Whilst this is covered in Policy M3, the disconnection here risks losing the need and importance of balancing these requirements with the great economic and societal benefits of mineral extraction. A potential solution wording for this: "Whilst considering the great weight of the benefits of mineral extraction, proposals for mineral development should:"

M5: Development Involving Peat, Coal or Onshore Oil and Gas

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

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

The policy direction of UK Government on coal extraction has been previously set out through changes to the licensing regime for coal through the Mining Remediation Authority - nee Coal Authority. Whilst Coal use for coal generation is not applicable given the phase out of all coal fired generation in the UK, there remains important uses of coal beyond energy - such as the use of coal in the steelmaking, industrial sector and heritage sectors. Very often coals can and have been worked in association with other minerals and it makes sustainable sense to do so. The policy should reflect this remaining niche need that remains for coal where a compelling case for the mineral can be made.

In addition, the policy must not make it more challenging to work minerals such as brick shale, clays and fireclay that are found in coalfield areas and lie adjacent to coal seams or require coal to be extracted or dug to recover these clays. There is the real potential for the new policy wording could have adverse unintended consequences that would impact new or existing brick shale, clay or fireclay development. It should be made clear that where the extraction of coal is required to facilitate the working of brick shale, clays, fireclays or sandstone this will be permitted.

M5 3 is therefore supported given the comments above on fireclays.

The RICS supports policy M5 4 in relation to storage proposals for underground oil and gas storage

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

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

The list of exceptions in M5 2 should be extended to include -

2 d - To facilitate the Wining and working of Minerals of Local or National Importance such as brick shale, clays and fireclay.

2 e- Stabilisation of land for development where development can only be feasibly achieved through full removal of shallow coal workings by working and stabilisation.

M6: Safeguarding Mineral Resources and Infrastructure through decision-making

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

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

In M6 1a, the word foreseeable is new and not easily definable and open to interpretation. As safeguarding is designed for the long term, the word foreseeable to be deleted so the paragraph reads 1a "Constrain likely or future use for mineral working in a Mineral Safeguarding Area."

In M61b the use of the word prevent does not cover the full requirements for safeguarded sites. The paragraph should read "Prevent or Constrain the use of existing, planned and potential sites for....." With wording as proposed for points i-iii.

The definitions under Policy M6 Paragraph 1b should be extended to include another line between ii and iii which reads: "The manufacture of asphalt and asphalt products."

113) Does policy M6 provide sufficient clarity on the role of Minerals Consultation Areas? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Yes, this does provide the necessary clarity.

Chapter 12: Making effective use of land

Plan-making policy

L1: Planning for an Effective Use of Land

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

Yes we agree the principles which should underlie the preparation of development plans.

115)If not, what further guidance is needed?

National decision-making policies

L2: Making Effective Use of Land

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

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

Yes we agree the policy provides clear guidance on assessment.

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

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

The proposed typologies could be helpfully graphically illustrated in Planning Practice Guidance.

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

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

Yes we agree the principles are appropriate in the context of moving to a more rules based planning system.

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

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

In urban design terms there is the risk of applying a formulaic approach to massing of development at street junctions which may not always be appropriate. Plot configurations at junctions do not lend themselves to providing external space.

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

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

Yes we agree with these, many of which are factors taken account of for prior approval under permitted development rights.

L3: Achieving Appropriate Densities

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

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

Yes we agree.

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

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

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

Yes we agree.

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

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

RICS has produced a professional standard 'Land measurement for planning and development purposes' which may help to clarify the measurement of density and implement the policy.

[Land measurement for planning and development ready for approvals.pdf](#)

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

a. Please provide your reasons and preferred alternatives.

Yes it is important to be aware of the carrying capacity of these transport hub and avoid the risk of overcrowding.

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

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

No comment

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

Yes this would bring certainty to expectations about what would be granted planning consent in keeping with moving to a rules based planning system.

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

L4: Residential Extensions

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

The policy might usefully refer to the permitted development rights and encourage applications at a scale larger than the permitted PDRs to reflect the principles being adhered to in the PDRs.

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

Chapter 13: Protecting Green Belt land Plan-making policies

GB1: Establishing New Green Belts

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

Green Belts are fundamentally intended to achieve an urban containment objective. In the opening box section, it would be helpful to recount the changed circumstances of urban settlements now by comparison with when they had a large proportion of industrial/heavy industrial enterprises generating high levels of atmospheric pollution.

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

GB2: Assessing Existing Green Belt Land

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

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

Yes we agree with the importance of having an assessment of Green Belt land at the scale of the Spatial Development Strategy with the assessment informing the preparation of local plans.

GB3: Altering Existing Green Belt Boundaries

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

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

We agree that the mechanism through which Green Belts are altered is through updating the local plan. We re-iterate our concern about the length of time it will take to update local plans. This is expected to be much longer than the 30 months government is scheduling. Although various transition arrangements are provided for, it is unlikely they will have the benefit of a Spatial Development Strategy to provide a larger than local organising framework. If such plans are to be dependent on an assessment of the Green Belt through the Spatial Development Strategy preparation this will be a protracted process.

GB4: Defining Green Belt Boundaries

GB5: Beneficial Uses of Green Belt

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

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

Green Belt land is typically in private ownership. Whether in private or public ownership it will usually have a functional use which may not be compatible with providing public access. Improved access for outdoor sport, allotments and community food production is desirable, but it will entail having land allocated for this purpose with owners prepared dedicate the land for that purpose.

National decision-making policies

GB6: Control of Development in Green Belt

GB7: Development which is not inappropriate in the Green Belt

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

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

Policy GB7 (g) (i) - refers to undermining the purposes of the remaining Green Belt across the area of the plan. Should this not refer back to the Spatial Development Strategy which is the strategic organising framework within which decisions on the Green Belt which extend beyond the boundaries of one local planning authority as is the case in the London Green Belt.

GB7(h)(i) refers to a 'reasonable walking distance' to a rail station. The Housing Minister has referred to both 15 minutes' walk (c.1.2k), but also to 800m. 15 minutes needs to be confirmed.

GB7(h)(i) also refers to train stations with a 'high level of connectivity' which it defines as 4 trains per hour and within the Top 60 TTWAs. This definition should be broadened to include more stations as supported by Lichfields research demonstrating how this could significantly increase the potential number of new homes which could be delivered. There are locations with train stations but very low frequency train services at the current level of surrounding development. These should also be included for consideration.

Regarding mineral extraction the continuing reference to mineral extraction not being a conflict with principles of the Green Belt are important, but should also make reference to the associated infrastructure, plant and compounds necessary to work minerals.

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

Yes we agree with the development types and proposed locations in the Green Belt.

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

No comment

GB8: Golden Rules

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

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

Yes we agree to site specific viability testing subject to these three circumstances. We agree with the proposed development types and locations in the Green Belt. However, based on evidence emerging from

local authority viability modelling in several plans, some additional flexibility during the transition period may be necessary.

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

No comment

Affordable Housing Floor

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

If government intends having a floor for affordable housing it would seem more appropriate to have to linked to the level determined by local circumstances in the local plan. This will better reflect the diversity of socio economic conditions and land values in Greenbelt land.

In addition, land now identified as Grey Belt under NPPF 2024/PPG will often be greenfield land at the edge of urban areas where the previous constraint was preventing continued expansion or settlement coalescence.

The additional "golden rule" benefits have clear merit where they can be achieved. However, during transition periods or weaker market conditions, if local authority viability modelling demonstrates that schemes are not viable, some flexibility is required otherwise delivery will reduce.

Viability is directly affected by both the proportion of affordable housing and tenure mix. Many authorities are now seeking the highest possible proportion of social rented housing. In practice this tenure is typically valued at around 45% of open market value, which in can be below the cost of construction.

Policy should therefore aim for the optimal outcome in terms of delivery and affordable housing percentage, rather than a rigid approach that risks reducing overall supply. MHCLG's live affordable housing delivery data can also provide decision-makers with a useful additional evidence base. The core aim must be for delivery to continue through weaker markets, and AH completions to increase.

The current approach to viability and land value capture at plan-making stage, informed by local authority viability modelling, is well understood and generally operates effectively. This remains the most robust way of testing viability and making evidence-led decisions that support affordable housing delivery.

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

As above

Benchmark Land Values

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

a) Please explain your answer.

No, we do not agree with 10 times EUV as a standardised BLV for greenfield, Greenbelt land for testing viability at plan making stage. We emphasise the variability of land values throughout the country and in the diversity of greenfield Green Belt land. Site and landowner circumstances will vary on a site-by-site basis, and it would be unreasonable to impose a rigid fixed BLV on every site. The PPG for Viability provides the framework for assessing BLV which should apply to all sites.

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

As responded in Q143 setting nationally standardised BLVs to test viability at plan making stage fails to account for the variability in land values nationally and the variability in relation to landowner and site-specific circumstances which must be considered when setting BLV in accordance with the PPG.

There is already a difference between market value (transaction based) and benchmark land value (policy based). Standardised BLV's inappropriately applied in variable market contexts is likely to result in land not coming forward for development.

Guidance and Glossary

145) Do you agree that proposed changes to the grey belt definition will improve the operability of the grey belt definition, without undermining the general protections given to other footnote 7 areas? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

Yes we are broadly in agreement with this.

Chapter 14: Achieving well-designed places

Plan-making policies

DP1: A Strategy for Design

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

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

We agree with the approach in DP1 to achieving design expectations through the development plan.

DP2: Design Guides, Design Codes and Masterplans

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

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

We support this policy. RICS published a report on five exemplar case studies which emphasised the need to be able to make necessary adjustments in the light of implementation. RICS 'Placemaking and value' 2016 is being updated to understand how the masterplan and design guides have performed over the longer term in these exemplar schemes.

[placemaking_and_value_1st_edition.pdf](#)

National decision-making policies

DP3: Key Principles for Well-Designed Places

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

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

We support DP3 particularly the substantial weight to be given to outstanding or innovative designs which will be essential to meet changing social, environmental and economic needs.

DP4: The Design Process

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

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

We agree with this policy particularly (a) the need to ensure design is embedded in the planning/development process from the outset and (b) the need to ensure design quality does not materially diminish between planning consent and completion of the project.

Chapter 15: Promoting sustainable transport

Plan-making policies

TR1: Vision-Led Approach to Planning for Transport

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

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

We support this change in priority but caution that while these ideals may be easy to articulate the provision of reliable and frequent alternative transport services is in practice severely lacking. This has significant consequences for residential amenity and the attractiveness of such developments to potential purchasers. Our concern is that it may be easy at the policy making stage for policy makers to identify what they do not wish to happen in transport terms but ensuring a reliable alternative service is available may be beyond the capabilities of those implementing the policy.

This has implications for density and car parking. Because of the absence of any reliable public transport in some of the exemplar schemes we have studied ('Placemaking and value' Paper) chronic car parking conditions have arisen. This reality needs to be recognised and appropriate provision for car parking addressed at the master planning stage.

TR2: Local Parking Standards

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

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

While we understand the sentiment, again we caution about the practicalities of implementing this policy. This is the point at which co-dependent, policies for increased housing density; vision led transportation planning and designing in and implementing reliable alternative modes of transport get tested. So far even on exemplar developments the lack of reliable alternative modes of transport inevitably results in increased use of private transport.

National decision-making policies

TR3: Locating Development in Sustainable Locations

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

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

In principle we support these aspirations. We caution against imposing restrictions without being able to provide the assurance that reliable alternative modes are available.

TR4: Street Design, Access and Parking

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

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

Reference is made at 1 (a) to 'facilitating easy access to high quality public transport'. These are ideals that are not met in some exemplar new developments. Those in employment or where strict times need to be met could not rely on the level of service provided in many new housing developments. The alternative modes are too fragmented to be relied upon to provide the appropriate service. While a vision based approach to transport is appealing, the lack of quality public transport is what emerges without significant investment which so far is demonstrably lacking.

TR5: Roadside Facilities

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

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

Yes we agree

TR6: Assessing Transport Impacts

155) Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and travel plans will be required, and for considering impacts on the transport network? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

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

We agree with this policy but have concerns about how such circumstances could be rectified in the case of TR6 2 'identifying fallback options if initial measures do not deliver expected outcomes'. Much of this will relate to the upgrading of local road network infrastructure well beyond the control of the developer

TR7: Marine Ports, Airports and General Aviation Facilities

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

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

Yes we agree.

TR8: Public Rights of Way

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

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

Yes we agree with the provisions for maintenance and expansion of a diverse range of routes enabling easy and safe circulation.

Chapter 16: Promoting healthy communities Plan-making policies

HC1: Planning for healthy communities

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

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

We support the proposals in principle but inquire where the funds for these provisions are intended to come from. Are they to be funded through the Community Infrastructure Levy or some other source. RICS produced a paper entitled 'Cities Health and Wellbeing' as part of our capacity building in this area.

[cities-health-and-well-being-rics.pdf](#)

HC2: Local Green Space

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

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

In principle we support this measure.

Decision-making policies

HC3: Community facilities and public service infrastructure serving new development

HC4: Proposals for new community facilities and public service infrastructure

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

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

In principle we are in favour of this but question where the funding to provide such infrastructure is to be sourced.

HC5: Hot food takeaways and fast food outlets

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

No comment

HC6: Retention of key community facilities and public service infrastructure

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

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

We agree with this policy.

HC7: Development affecting existing recreation facilities

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

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

We agree with this policy.

HC8: Development affecting Local Green Space

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

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

We agree with this policy.

Chapter 17: Pollution, Public Protection and Security

Plan-making policy

P1: Planning for Clean, Liveable and Healthy Places

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

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

We agree in principle.

Decision-making policies P2: Ground Conditions

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

No comment

P3: Living Conditions and Pollution

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

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

We agree with this measure.

P4: Impact of Development on Existing Activities

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

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

We agree with this policy.

P5: Maintaining Public Safety and Security

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

We agree with this policy. RICS participates in a working party producing guidance on such safety and security measures in the public realm.

P6: Land and Operations for Defence and Public Protection

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

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

We agree with this policy.

Chapter 18: Managing Flood Risk and Coastal Change Plan-making policies

F1: Assessing Flood Risk for Plan-Making

F2: Planning for Effective Flood Risk Management

F3: Managing Coastal Change

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

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

We agree with this policy in principle.

National decision-making policies

F4: Assessing Flood Risk for Decision-Making

F5: The Sequential Test

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

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

The proposed changes to Policy F5 generally help clarify how the sequential test should be applied. The aim of steering development toward areas with the lowest flood risk, while still allowing for proportionate, evidence led decision making, makes sense.

The explanation of how the test should work in practice, including the reference to the 'anticipated catchment' of a development, does add some much needed consistency between different local authorities. The detail on when the sequential test isn't required, for example for small scale schemes or sites already assessed through the plan making process, is also useful and should help reduce unnecessary work for applicants.

The exemptions for minor development and certain changes of use are sensible. However, it may be worth extending this clarity to other small scale, low risk forms of development where the time and cost of a sequential test can feel disproportionate. This is especially relevant in rural areas, where there's often very limited choice of alternative sites.

More emphasis should be placed on the type of flooding and potential mitigation for individual sites rather than the requirement to consider all potential alternative sites.

F6: Development in Areas at Risk of Flooding from Rivers or the Sea

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

a. Please provide your reasons, particularly if you disagree

The refinements to Policy F6 improve how the exception test is presented, making it clearer and easier to follow. Strengthening the link between the sequential test, the site specific flood risk assessment, and the three core criteria of the exception test helps ensure that development in medium and high risk flood zones is properly justified, safe for its lifetime, and doesn't push flood risk onto other areas. That feels like a proportionate and sensible approach, and it reinforces the need for genuinely sustainable development in places where flood risk is an ongoing concern.

There are still areas where the policy could be clearer:

1. Greater clarity on what counts as 'Wider Sustainability Benefits'. Without a definition it's very open to interpretation. For example, this could include contributions to housing delivery, regeneration, local jobs, or essential community facilities. This would help make sure that applicants understand what they're expected to demonstrate.
2. Providing practical guidance on evidencing 'lifetime safety'. This part of the test is becoming harder to apply because climate projections and flood modelling are changing so frequently. Clearer expectations around the type and depth of evidence required, and what proportionate mitigation looks like in different scenarios would make the process more predictable for applicants and decision makers.
3. More clarity around reapplying the exception test for allocated sites. The phrase 'significant increase in the risk of flooding to the site' is vague. National guidance should clearly identify what qualifies as a material change, whether that's new modelling, updated climate change allowances, changes to flood defence strategies etc.

F7: Ensuring Development is Safe from Flooding

F8: Sustainable Drainage Systems and Watercourses

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

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

Requiring sustainable drainage systems (SUDS) to be designed in line with the National Standards should help bring more consistency and ensure schemes are designed properly from the outset, with long term performance in mind.

Bringing the National Standards directly into Policy F8 should also reduce ambiguity for applicants and give more certainty during design and decision making. Ultimately, it should help secure SUDS solutions that are resilient, maintainable, and fit for purpose throughout the lifetime of the development.

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

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

Restoring watercourses to a more natural state brings a whole range of benefits. Keeping watercourses open also creates opportunities to improve places more generally. Open channels can add to the character of a site, provide usable amenity space, and support wider placemaking and landscape objectives. De culverting can also help address long standing drainage issues and support more effective, nature based approaches to managing flood risk.

Overall, the approach aligns well with good practice in watercourse management and supports the long term resilience of both new development and existing communities.

F9: Development in Coastal Change Management Areas

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

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

We broadly agree with this policy.

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

Annex F: Managing Flood Risk and Coastal Change

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

The proposed additions generally strengthen the classification framework and provide greater clarity for decision making. The inclusion of modern infrastructure types such as data centres, EV charging facilities, and renewable energy installations reflects current and emerging development needs and is appropriate given their operational importance.

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

Yes, Agricultural processing and on farm energy infrastructure. As farming practices evolve and diversify, many rural businesses are investing in on site energy or infrastructure assets essential to their operation. These uses often fall between categories and would benefit from explicit classification to avoid inconsistent interpretation at local level.

To support practical delivery, the NPPF could also provide:

- Clearer definitions for emerging infrastructure types, ensuring authorities apply classifications consistently.
- Guidance on how to manage mixed use developments, where different parts of a scheme may fall into different vulnerability categories.
- Recognition of modern construction methods, such as elevated or flood resilient design, which may allow certain uses to come forward appropriately in areas of higher flood risk.

Overall, the additions are a positive step, but further clarity would support more consistent and deliverable decision making across complex and evolving development types.

Chapter 19: Conserving and enhancing the natural environment

Plan-making policies

N1: Identifying environmental opportunities and safeguards

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

a. Please provide your reasons, particularly if you disagree

Yes we broadly agree with this policy. Policy N1 is generally a positive step because it brings nature recovery, environmental protection and green infrastructure into the plan making process in a much more joined up way. Using evidence from Local Nature Recovery Strategies, Protected Landscape Management Plans and River Basin Management Plans should help create a more coordinated, landscape scale approach, making nature recovery part of growth planning instead of something tagged on at the end.

The expectation that development should be steered toward land of lower environmental value is reasonable, so long as it's applied proportionately and doesn't unintentionally block otherwise viable development.

There are, however, a couple of areas where the policy could be clearer to strike the right balance between environmental aims and practical deliverability:

1. While the cap on going above the statutory 10% BNG requirement is helpful, there's still a risk that local approaches could vary and affect viability, especially in rural areas where schemes often operate on tight margins. Some clearer national steers would help avoid unnecessary differences between authorities.
2. Directing development toward land of lower environmental value makes sense in principle, but in some areas these sites simply won't exist in sufficient quantity or unconstrained land may still be needed to meet housing delivery. Acknowledging this practical reality would help avoid the policy being interpreted too rigidly.

Overall, the policy is sensible, but additional clarity would help ensure environmental ambitions are balanced with what is realistically deliverable and viable

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

The statutory 10% biodiversity net gain requirement already represents a significant uplift for development sites, and in practice it is generally sufficient to deliver meaningful ecological benefits without placing unnecessary pressure on viability or land availability.

Given the scale of challenges already facing housing delivery, particularly in rural areas and on smaller sites it would not be proportionate to require anything above 10%.

Requiring higher levels of BNG can quickly become unrealistic, especially where land is limited, site constraints are significant, or schemes operate on tight margins. For many sites, achieving 10% already involves careful design, the use of high quality habitat creation, and in some cases off site contributions.

Pushing requirements beyond this risks diverting land from development or undermining the viability of schemes that communities rely on.

There is also a practical point: the statutory framework has been designed around a 10% expectation, which already strikes a balance between improving biodiversity and maintaining deliverability. Introducing higher local targets will create inconsistency between authorities, and risks slowing down development unnecessarily. The priority should be securing high quality, well designed habitats that can be delivered and maintained, rather than setting higher numerical thresholds.

In short, the 10% requirement is both ambitious and achievable. It provides a clear, nationally consistent standard that supports nature recovery without compromising the ability to bring sites forward. Additional uplift should not be required the focus should remain on delivering the statutory level effectively, proportionately, and in a way that supports rather than hinders development.

In general, we should seek to minimise greenfield development generally, development on high grade agricultural land specifically, and pursue a policy that provides a mosaic of habitats across the whole country that gives wildlife the best opportunity to thrive.

National decision-making policies N2: Improving the natural environment

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

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

Yes we agree with this policy.

Policy N2 sets out a clear framework for making sure development takes proper account of the natural environment, and overall the direction is positive. There are a few areas where a bit more clarity would help decision making be more consistent and practical in real development scenarios.

1. The encouragement to direct development toward lower quality agricultural land is reasonable in principle. But in many rural areas, especially around market towns, Best and Most Versatile (BMV) land is unavoidable simply because it's so widespread. Clearer guidance on what 'significant development' of agricultural land means and how BMV considerations should be balanced with local housing and economic needs would be useful.
2. While it's right that all development should support nature recovery where possible, there needs to be clearer recognition that smaller or tightly constrained urban sites can't deliver the same breadth of ecological or green infrastructure benefits. National guidance should reinforce that enhancements must be proportionate to the scale and context of the proposal, so viability and design quality aren't compromised.

3. Requiring long term management is sensible, but applicants would benefit from clearer guidance on what mechanisms are acceptable e.g. management companies, local authority adoption, or partnerships with conservation organisations. This would help avoid uncertainty and ensure a consistent approach across authorities.

Mineral related developments have a long track record of delivering large biodiversity gains well before any statutory requirement, and in most cases well above the 10% requirements. However, there are continuing issues in the application of BNG to mineral developments as the measure was not designed for the specific characteristics of mineral development. The requirements of footnote 69 are therefore important and therefore supported.

RICS is currently working on producing professional advice on the evaluation of BNG in development proposals based on NERC Research and will make it available when completed.

N3: Trees in new development

N4: Protected Landscapes

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

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

Yes we agree with this policy. Policy N4 sets out a solid framework for assessing development within, or affecting, protected landscapes. It reflects the statutory duties for National Parks, the Broads and AONBs, particularly the requirement to give substantial weight to conserving and enhancing natural beauty, wildlife and cultural heritage, which is right.

The core principles are clear keeping development limited in scale, ensuring it is sensitively sited, and requiring exceptional circumstances for major development. However, there are areas where a bit more clarity would make the policy easier to apply in practice. For example, clearer guidance on what counts as 'major development', how the public interest test should be interpreted, what is meant by impacts on the 'setting', and what level of mitigation is expected. Having this detail would help ensure decisions are proportionate and consistent, while still meeting statutory duties.

N5: Maintaining the character of the coast

N6: Areas of particular importance for biodiversity

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

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

We agree with this policy. To reduce delay, more tightly assessed and defined protected areas that exclude development would increase certainty and reduce bureaucratic wastage.

Because minerals can only be worked where they occur footnote 72 should also include specific reference to minerals extraction.

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

Ensuring that policy does not default to one of environmental mitigation because development policies have enabled encroachment of development. Clearly urban densification has a key role to play in reducing environmental damage caused by development.

Chapter 20: Conserving and enhancing the historic environment

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

a. Please provide your reasons.

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

Plan-making policies

HE1: Planning for the Historic Environment

HE2: Conservation Areas and World Heritage Sites

HE3: Historic Environment Records

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

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

The reuse of buildings is encouraged in various locations within the NPPF and is something we welcome for many different reasons. Reference to viability however is largely removed from heritage policy. To avoid weakening of heritage protection, the loss of 'optimum viable use' from current policy should be replaced with the term 'uses consistent with their conservation'. We suggest policies HE1, HE4 and HE6 merit

reference to 'use consistent with the conservation of the asset' as a more appropriate positioning of the policy.

National decision-making policies

HE4: Securing the Conservation and Enhancement of Heritage Assets

HE5: Assessing Effects on Heritage Assets

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

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

We welcome policy recognition of the full range of effects that proposals can have on heritage, including the positive. We also welcome the clarification in policy HE5 that proposals should be accompanied by an assessment of significance (not simply a description) and for that assessment to be undertaken by applicants. Changes to the approach on harm in broad terms is also welcome, including no longer referring to less than substantial harm.

HE6: Proposals Affecting Designated Heritage Assets

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

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

HE6 states energy efficiency is a public benefit which, appears to be strengthened when considered in tandem with substantial weight for energy efficiency measures in policy CC2.2.

HE7: Decisions on Non-Designated Heritage Assets

HE8: World Heritage Sites

HE9: Conservation Areas

HE10: Archaeological Assets

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

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

It would be beneficial to integrate policy HE10 on archaeological assets into other policies in the NPPF & recognise the public benefit that can be derived from archaeology.

HE11: Loss or Removal of Heritage Assets

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

Transitional arrangements

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

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

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

Written Ministerial Statement

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

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

We welcome this opportunity to remove Ministerial statements now obsolete.

Annex A - Data Centres and onsite energy generation

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

a. Please give reasons.

RICS partly agrees with this policy. We consider that recent and forthcoming reforms to the planning system, including those delivered through the Planning and Infrastructure Act, represent a positive step towards greater flexibility and clarity in consenting to infrastructure critical to economic growth and decarbonisation. Allowing energy projects to be approved through either the national planning system or the local planning system can, in some cases, give developers a useful choice about how they apply for consent.

However, in practice, uncertainty remains around threshold triggers, regime selection between NSIP and TCPA, and the lack of a definition of "co-located" infrastructure. There is also a need to ensure that flexibility does not result in strategic "regime shopping", whereby projects are structured primarily to avoid scrutiny rather than to reflect their genuine scale and impact. Greater clarity around thresholds and definitions would help maintain confidence in the integrity of the system.

Uncertainty on the aforementioned issues can lead to delays, increased professional costs, and inconsistent decision-making. Modern data centres increasingly depend on nearby or on-site low-carbon

energy to function reliably, support the electricity network and reduce emissions. Because this energy infrastructure is essential to how data centres operate, planning policy needs to be clearer and more predictable so that the consenting route used (local or national) properly reflects the real scale and impacts of the development, rather than pushing schemes into an overly complex process that is not justified by their effects.

RICS therefore considers that while the direction of travel is positive, further refinement is needed to ensure the system operates efficiently and consistently in practice.

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

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

Yes. RICS supports raising the thresholds for renewable energy generation projects where they are co-located with data centres. However, any revised threshold should be carefully calibrated to avoid unintentionally capturing projects whose impacts are of national significance in their own right. The key test should remain proportionality between the consenting route and the likely environmental, grid and infrastructure impacts.

An increased threshold, potentially in the range of 100–150 MW for renewable generation where clearly ancillary to a data centre use, would better reflect the scale of modern data centre operations and their energy demands.

Raising the thresholds would:

- Avoid putting projects through an overly complex national approval process when their effects are mainly local and can be dealt with by local planning authorities.
- Allow low-carbon energy projects to be built more quickly, helping meet net zero targets and support the growing need for digital infrastructure.
- Give investors more confidence and clearer costs, by removing the risk of long, expensive approval processes that are out of proportion to the project.
- Make planning rules better match how modern large and small data centres actually operate, especially those with high power demands.

Any increase in thresholds should still come with clear rules to protect the environment, make sure the combined impact of multiple projects is considered, and ensure the electricity grid can cope safely and effectively.

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

RICS believes it is important to have a clear and practical definition of "co-located energy infrastructure" so planning policies are applied consistently, and disagreements are reduced during the approval process.

The definition should focus on how the energy infrastructure actually works with the data centre; not just how physically close it is. Key criteria could include:

- The energy infrastructure is on the same site as the data centre, or directly next to it.
- The main purpose of the energy generation is to power the data centre, either directly or through a private connection.
- The size of the energy system matches the expected power needs of the data centre, even if extra power is sometimes sent to the grid.
- The energy infrastructure and the data centre are planned and approved together as part of one coordinated development.

In addition, it should be clear that "co-location" does not apply where the energy infrastructure is capable of operating as a commercially independent generating project with only incidental linkage to a data centre. The primary functional purpose test should be determinative.

This approach reflects how modern data centres and energy systems actually operate, while preventing the term "co-location" from being misused to justify large energy projects that are not genuinely linked to a data centre.

198) Do you think the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for other use types of projects should be increased, or should this be limited to projects co-located with data centres? *Yes/No*

a. Please provide your reasons.

Although data centres are a strong example because they use so much energy and are strategically important, RICS believes the same reasoning can apply to other types of development where on-site or nearby renewable energy is essential to how the development works.

This could include large industrial sites, logistics centres, or major mixed-use developments that clearly help cut carbon emissions and support the electricity grid.

Limiting any changes to planning thresholds only to data centres could lead to inconsistent policy and unfair differences between similar types of development.

For this reason, RICS supports a principles-based approach, where flexibility in thresholds is based on clear evidence that the energy infrastructure:

- is genuinely part of how the development functions,
- is the right size for the development, and
- delivers real sustainability benefits,

rather than being limited to one specific type of development. That said, the criteria for flexibility should be tightly defined to ensure consistency across sectors and to prevent incremental erosion of nationally significant infrastructure thresholds.

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

Benefits

- Faster delivery of renewable energy, helping meet national clean power and net zero goals.
- A more efficient planning process, cutting unnecessary delays and costs caused by overly complex approval routes.
- A more reliable and flexible electricity system, especially where on-site power helps manage demand.
- Greater confidence for investors, helping the UK stay competitive in digital growth and major infrastructure investment.
- Better coordination between how land is used and how infrastructure is planned, in line with how modern developments actually operate.

Risks

- Environmental impacts could build up if several nearby projects go ahead without enough overall planning or coordination.
- Local power networks or landscapes could be put under pressure if impacts are not properly assessed at the right level.
- Some developers may stretch the meaning of “co-location” to justify projects that are not genuinely linked to the main development.
- A gradual shift of larger generation projects into the local regime could, over time, reduce the strategic oversight that the NSIP framework is designed to provide.

RICS believes these risks can be managed through clear definitions, proportional thresholds, cumulative impact assessment and transparent monitoring of outcomes.

Annex B - Viability: Standardised inputs in viability assessment

RICS fully supports the desire to achieve greater certainty in the planning/development process. However, any move to prescribe the specific development return at the planning stage would be misguided and could undermine the business case for development. We advocate improving certainty for all stakeholders in the process, but we consider a sound plan led system should be grounded in the realities of market conditions through which the benefits of the plan led system are to be delivered.

In principle we are concerned about the increasing departure from reliance on market metrics in planning to inform decisions which are critically dependent on market metrics for delivery. These metrics take account of fundamental considerations: cost and value; risk and return; time value of money; all of which inform investment decisions. Failure to ensure public policy decision making takes account of these will give rise to unrealisable expectations. The need for an Emergency Housing Package for the GLA area may reflect a de-coupling of planning policy and its application from market conditions at a time when delivery of both market and affordable housing is highly dependent on market conditions.

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

Testing scenarios for future growth is a normal part of the risk assessment of a project but they should not be relied upon to impose fixed obligations at decision making stage when the scenario outcomes may not be realised many years into the future (or at all). Growth modelling is fraught with uncertainty relating to multiple parameters which are difficult to predict. Required returns in growth scenarios would need to increase to reflect the greater risk. It is nevertheless useful to understand the potential ranges of outturns and the variables having a material impact over the life of the project.

Recent planning appeal decisions (Cuba Street, Stag Brewery) have rejected the inclusion of growth testing in the assessment of affordable housing and instead opted for a late stage review. The rationale accepted was because of the unreliability of such growth modelling.

Scenario testing of this type may help understand whether there is an expectation of future uplift which may contribute to meeting planning obligations. In this context combining growth testing with late stage reviews may offer a way for development to proceed even if full policy compliance cannot be achieved at the outset. This is the approach followed by the Planning Inspectorate in Cuba Street and the Stage Brewery sites.

If the alternative of a late stage review is not available to decision makers then the only option open to them may be to refuse consent is for decision makers to refuse consent, this is likely to undermine potential delivery of dwellings.

But late stage reviews are also subject to criticism from certain parts of the sector:

- One criticism is that a late stage review can reduce access to funding because of the extended period of planning risk and the uncertainty on potential future liabilities.
- A second criticism is that the development risk is not evenly shared between the developer and the planning authority, in the event that the out-turn is less than the target return. Even where the outturn is positive the risk borne by the developer to achieve a positive outcome is not fully accounted for.

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

Regeneration schemes tend to be multi-phased and extend over a long period of time. Because of the length and complexity of large regeneration sites which could be delivering through multiple economic cycles, there will understandably be a need for scenario testing to assess risk. But growth assumptions are a weak basis on which to seek funding. In funding evaluations where growth assumptions underpin the project the risk for the funder increases and the cost of borrowing increases thereby impacting on viability.

In regeneration schemes if the model were based on a risk sharing between the developer and the local authority this could be more acceptable. If for example the local authority and the developer share the full project risk of either upward or downward returns this would be more equitable. In other words, if the outturn does not meet required targets then the level of obligations would reduce. If the outturn exceeds required targets then the level of obligations would increase.

As stated above growth testing was rejected on two significant recent planning appeals (Cuba Street, Stag Brewery) as a basis for imposing obligations at decision making stage, Instead the inspector did impose a late stage review in both cases.

A matrix approach where the critical metrics like sales prices, rents, build costs can be assessed for their vulnerabilities over a number of cycles can also contribute an enhanced understanding of risk. But it is better understood as a tool for analysing risk rather than determining present day obligations.

Developer returns: Expectations

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

- a. Please explain your answer. If you agree, the government welcomes views on the appropriate figure – for example, whether 17.5% would be an appropriate reflection of the industry standard for most market-led development.

We do not consider prescribing a specific developer return is appropriate. The matter of risk and return in development is addressed in RICS 'Valuation of development property'- PS 2019, Ch7 Risk analysis and residual profit.

[Valuation of development property ready for approvals.pdf](#)

While we understand that in planning administrative terms having a fixed number for development returns may result in speed and certainty in the production of local plan and decision making, it won't necessarily result in more development on the ground. Developer returns are reflective of site-specific and market risk which both fluctuate constantly, and fixed returns cannot account for this variation.

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

- a. Please explain your answer. The government is particularly interested in views on whether clarifying an appropriate profit of 6% on Gross Development Value for affordable housing tenures would make viability assessments more transparent and speed up decision-making.

The figure of 6 - 8% is a typical return being used for affordable housing development as part of a S106 agreement. Recent difficulties in securing deals with RPs for packages of S106 Affordable Housing has increased the risk associated with such packages of affordable housing.

We emphasise that each development will be accompanied by its own levels of risk. Specifying the return may be appropriate for the convenience of planning policy but in a risk environment such as development it is inappropriate and we refer you to our Professional Standard referenced in Q 202.

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

- a. Please explain your answer.

Property development requires large amounts of capital in an increasingly risky market environment where costs of development have been increasing, returns on investment have been shrinking and access to capital is reducing.

We consider the desire to impose such prescriptive profit expectations runs contrary to the market context in which entrepreneurial development takes place. We do not think it is the role of the planning system to impose such requirements. We also do not think the planning system is equipped with the data or expertise to understand the relation between risk and return at the various stages from the allocation of land to the completion of development as well as the great variation in risk at different scales and in different socio-economic conditions.

We caution against introducing such prescriptive measures negatively impacting on the business environment for development and the desire to attract investment. At a time when government is signalling the desire to build housing faster by removing barriers in the planning system this now seems to be a move to introduce restrictive planning driven measures into the business environment for development. Government's objective was to reduce planning risk. This will increase it.

Our members who advise in different sectors and at different scales have carried out work on the preparatory costs and returns associated with taking development proposals through the various stages. Below are examples which demonstrate the increased risk of introducing such measures based on planning data which is not sufficiently informed by market metrics. These reflect scale (large strategic sites - C Dugdale) and socio-economic variations (Regional variation - P Barnes).

The viability assessment process for large strategic sites needs to acknowledge the role of the land promoter/master developer as identified in the blog below (C Dugdale) [Benchmark Land Value - fine margins](#)

[DIFFERENT PLACES, DIFFERENT HOUSING HOUSING CRISES – A TALE OF TWO CITIES | Philip Barnes - Blog](#)

Developer returns: Alternative metrics

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

RICS supports the use of standardised development return methodologies appropriate to development proposals being evaluated. Factors which influence the choice of methodology relates to (a) the business model of the enterprise undertaking the work; (b) the scale of the project; (c) the complexity of the project and (d) the expected time frame for completion.

To be aligned with market condition and investor incentives the data used in these methodologies are market derived and any intervention through government prescription of percentage of gross development value allowable, will have an adverse effect on the functioning of the market.

We advocate a clear understanding of the application of the different methodologies so that comparisons between the different measures of returns are meaningful.

Attached also is a paper by Professor Peter Wyatt, entitled 'Developer Return Metrics'.

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

a. Please explain your answer.

We understand government's concern that different ways of measuring development returns may give misleading outcomes and developers may use the most expedient to meet their interests. There are circumstances where metrics other than profit on gross development value may be more appropriate.

The different metrics in use: profit on costs; profit on value; Internal Rate of Return; Return on Capital Employed all have their strengths and weaknesses relating to different scales of development.

Profit on gross development value (GDV) for many types of development and developer provides a reliable measure of return. It is well understood and straight forward to calculate and reflects the business model being employed to finance and develop the project.

Large multi-phased developments are different. The Internal Rate of Return may be more appropriate than profit on gross development value given its ability to capture the different cash flows over time. It may be helpful to consider a housing scale threshold for the use of such approaches and distinguish between houses and apartments. The IRR measure is complex with multiple variables. For decision makers it may present a level complexity which gives rise to contentious and time consuming dispute.

The major house builders use Return on Capital Employed (ROCE) which provides a measure of how efficiently capital is being used. It reflects the fact that many of these companies are public companies reporting quarterly to the stock exchange where such metrics enable comparability with other stocks. Although it is primarily a corporate finance metric, it can also provide an important insight into rates of sale of dwelling units. In addition, property based appraisal models/returns are used by the major housebuilders at site development level.

Benchmark evidence for IRR and ROCE is much less available than return on GDV.

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

a. Please explain your answer.

We refer you to the content at Qs 204 and 205 above. Strategic sites where there are large outflows of capital at the initial stages (Promotion – serviced site stages) and where there is a lengthy period where serviced site sales take place and housing is built out – such patterns of costs and revenues are more reliably captured through an Internal Rate of Return model.

Establishing thresholds above which an IRR model is applied as is currently operating informally in some areas of London where 1,000 units apply may be a positive approach. The IRR based model is complex and subject to many changing variables. Assessing how risky is a project is often contentious, and we refer you to RICS 'Valuation of development property' Professional Standard. In the context of planning appeals the parameters of the IRR model could be subjected to protracted cross examination without resolving the bigger issues.

Developments which are based on investment models such as Build to Rent projects are likely to be funded based on models relying on an IRR and but typically developed based on profit on cost.

Large Infrastructure projects such as those underpinning the New Towns programme will be appropriate for IRR measures.

In principle we advocate the use of a less complex approach in the majority of planning applications. It is important to understand the purpose of such IRR models. What may be important to a fund manager assessing the elements of risk in a scheme may be less important in assessing planning obligations which ultimately may be decided on a political vote.

We would caution against introducing overly complex measures, but whatever metrics are being used should be appropriate to the type of scheme being developed and should not generate confusion about what the metrics mean.

Benchmark land values: Landowner premiums

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

- a. In what circumstances might a premium, or the usual premium, not be required?
- b. What impact (if any) would you foresee if this change were made?

Although the BLV does not specify a premium, outside of a public sector landowner context, it is difficult to conceive of a landowner premium not being required. Even within the public sector land owning organisations, there is the opportunity cost of not achieving best consideration. Many public landowners may have these assets on their balance sheet at levels well above existing use value. They may intend funding their services from the sale of these assets at 'market value'. Government has provision for local authorities to sell their land at 'less than best' consideration where it is achieving an equivalent public aim. This is a potentially problematic area and tends to attract attention from local authority auditors where implemented.

For a private landowner there will be taxation considerations in addition to the expectation of normal commercial returns which will influence the decision to bring land forward.

Benchmark Land Values: Alternative use value

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

a. Please explain your answer.

An extant planning consent is confirmation of a site which is at an advanced stage of readiness for development within the planning regulatory system. There has already been a lot of investment to take it to that stage and there may be significant borrowing secured on it based on its extant permission. These are all decisions by market actors based on the sites status as a consented development proposal. Market evidence should be the determining factor here.

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

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

See 209.

Benchmark land values: Market evidence

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

This depends on what is defined as non-policy compliant. Affordable housing objectives are stated as targets. Many local authorities may have a target of 50% affordable housing. If on the basis of a viability assessment or a 'fast track' GLA decision, 35% affordable housing is consented, this is policy compliant on the basis that all the balancing exercises have been completed and a planning consent has been granted.

Greater rigour in being able to interrogate such 'policy complaint' planning consents to better understand the level at which policy objectives are deliverable is required. Ignoring a change in market conditions and persisting with undeliverable objectives runs the risk of disregarding critical market feedback essential to maintaining a pipeline deliverable planning consents.

Data

Better access to the data relied upon should be available. More up to date transaction data in the Land Registry would support this.

Residual land value cross-check

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

a. Please explain your answer.

Being able to sense check the Benchmark Land Value against market conditions is an important exercise to carry out so that the BLV is informed by market value but not determined by it. However, carrying out a residual land value appraisal on other schemes is not practicable, given the lack of relevant data and the lack of access to the underlying assumptions. Practitioners will not have access to key site information, in particular the site abnormal costs, to be able to accurately undertake residual appraisals of “comparable schemes” and therefore the entire approach would be predicated on a series of subjective assumptions which could create circularity issues and would undermine the entire purpose of the exercise.

It is important to distinguish between Market Value (RICS definition see Professional Standard above) and Benchmark Land Value (BLV PPG). The first is market determined the second is a metric used to determine the extent to which planning policy can be fulfilled. These are not completely disconnected but they have different bases and different purposes. But one is based on market transaction evidence the other is based on planning policy. As explained in the RICS Professional Standard Market Value can result in a significant difference from BLV for valid reasons.

There is a contradiction here where if the residual land value shows a limited amount of planning obligations available through the scheme, this could be reviewed in the context of market values to top up the obligations. This would seem to run counter to the policy direction of moving away from market metrics.

The feedback we get from the sector is that the current PPG provides the framework for assessing BLV and, whilst still open to subjectivity, interpretation and differences of opinion, has generally been working reasonably well in practice. Any changes should be limited to ensure the benefits of operating a familiar system both for planning officers, elected members and applicants are retained and the sector doesn't enter a cycle of testing a new system through appeals and legal action.

Annex C - Reforming Site Thresholds Introduction

Implementation of new medium category in the Framework

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

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

Yes, we agree with this area threshold.

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

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

Yes, we agree with the unit threshold.

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

No

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

Implementation of new medium category in regulations

Building Safety Levy

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

a. Please provide your reasons.

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

a. Please provide your reasons.

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

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

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

Uplifting the Permission in Principle threshold

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

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

Yes, we agree.

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

We agree there should be a short planning statement.

Public Sector Equality Duty

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

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

In general, where viability is threatened in the commercial sector there is a risk of impact on delivering social and affordable housing. This in turn will potentially impact on vulnerable members of the local community.

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

There is a need to reduce dependency on the private sector for delivering key housing provision for disadvantaged groups. Government's recent boost to the funds available for social and affordable housing will help to address this.