

Proposed responses to the “consultation on implementation of plan-making reforms”.

Government Question	Proposed Response
<p>Chapter 1: Plan content</p>	
<p>Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?</p>	<p>Yes, broadly we agree with the “additional core principles” referred to at paragraphs 19-24.</p> <p>(It would be helpful to clarify the relationship between the “key diagram” (paragraph 23) and the “policies map” (paragraph 24); and to clarify the relationship between the policies map and the plan itself (paragraph 15 seems to indicate that the map is separate from (“in addition” to) the plan).</p> <p>The term “golden thread” (paragraph 21), as in the NPPF, is perhaps rather unclear and not particularly helpful.)</p>
<p>Question 2: Do you agree that plans should contain a vision, and with our proposed principles [for] preparing the vision? Do you think there are other principles that could be included?</p>	<p>The proposals regarding “visions” could potentially be valuable, and the “principles” referred to at paragraph 25 are appropriate.</p> <p>Further clarification of the proposals and principles would be helpful, including via the “template” referred to at paragraph 28.</p> <p>Clarification might include whether the reference at paragraph 26 to visions being “able to respond” suggests that they might be amended after the plan has been adopted.</p> <p>Clarification might also include the relationship between the “key diagram” (paragraph 26) and policies map.</p> <p>(With regard to paragraph 25, it may be helpful for forthcoming guidance to</p>

	<p>recognise the difficulties with ensuring that plans “sufficiently capture” the “views of the communities”, unless the plans propose very little development; and the difficulties of reflecting the views of various “communities” with different interests.)</p>
<p>Question 3: Do you agree with the proposed framework for local development management policies?</p>	<p>Broadly yes.</p>
<p>Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?</p>	<p>Yes, the use of “templates” could be valuable. Helping users to “navigate and engage with” plans (paragraph 33) is important and all parts of the local plan might benefit from consistency.</p> <p>However, a lot will depend on the details of these “templates”. ‘Suggestions’ (paragraph 35) would be welcome and “flexibility” (paragraph 36) would be important; however, there appears to be a risk of over-emphasis on ‘standardisation’ (paragraph 34), as local variations could well be appropriate.</p>
<p>Question 5: Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?</p>	<p>Broxtowe is not a minerals or waste planning authority and we do not have any comments on this question.</p>
<p>Chapter 2: The new 30 month plan timeframe</p>	
<p>Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?</p>	<p>Other things being equal, quicker plan preparation benefits everyone. However, the 30-month period does not appear to make sufficient allowance for factors which are mainly out of the control of authorities, such as changes to government policy, or the examination taking longer than expected.</p> <p>As suggested at paragraph 45, it would not be helpful if timings were to be rigidly imposed. For example, it would be very counter-productive if the plan-making process was required to ‘start again’ if the 30-month (or 34-month) period expired</p>

	<p>when a plan was about to be submitted, or when an inspector was preparing a report.</p> <p>Consistency of approach at government level would help in avoiding delays, as would the removal of, arguably, excessive requirements for evidence. (The use of the term “proportionate evidence” in Figure 1, as also used in NPPF paragraph 35, does not in itself help in this regard.)</p>
<p>Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?</p>	<p>This approach could be valuable, depending on the subsequent details.</p> <p>It would be helpful if subsequent policy and guidance made government expectations clear, minimising the use of terms such as “might” (as in paragraph 51 of the consultation document).</p>
<p>Chapter 3: Digital plans</p>	
<p>Question 8: What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?</p>	<p>Relevant information includes the policies map, site allocations, SHLAA/SHELAA and monitoring.</p> <p>Data standardisation is a long overdue requirement but will need to include schemas and capture scale to produce data that can be aggregated between systems and planning authorities easily.</p> <p>Open data released should adhere to international formats for structure and metadata and only be data that isn’t available from other open data sources.</p> <p>Not all data on plans is from the Local Planning Authority, so guidelines will need to include information for these circumstances and how to handle licences / memorandums of understanding.</p> <p>Any data that would aid evidence</p>

	<p>gathering and monitoring within the minimum requirements mandated for planning authorities should also be considered, even if not held by planning authorities.</p>
<p>Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?</p>	<p>With regards to plans being static etc (paragraph 71), this is not a problem for plan preparation but, yes, they do go out of date quickly; yet the snapshot in time can be useful and some organisations and demographics want printed plans even if there is an interactive option available. ‘Digital first but not digital only’ is less likely to discriminate against certain demographics. If plans are more frequent some of the concern around currency has less of an impact.</p> <p>General lack of investment in data and system experts within planning departments may hinder adoption of digital first plans and the efficiencies that digital / machine readable formats could provide.</p> <p>National geospatial agreements and licences need to be considered when determining what data to release and, also, whether conflict between laws and licences will have an impact on release.</p> <p>We agree with the third bullet point of paragraph 71 regarding “fear of challenge at examination” driving “over production of evidence”; and with the sixth bullet point regarding the importance of monitoring and feedback.</p>
<p>Question 10: Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?</p>	<p>Broadly yes, we agree.</p> <p>The links between evidence, plan and monitoring should be part of the same system so that a continuous data loop is formed with everything kept in machine readable format, utilising the tools available – i.e. consultation responses could be in csv to be imported into a system that can then be searched. This</p>

	<p>sort of machine readable format should persist and be acceptable across the process – standardisation of schemas and data captured could then ensure that data is passed in those formats to other interested organisations for use within their processes – consultees, inspectorate etc.</p>
<p>Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?</p>	<p>Please see our response to question 10.</p> <p>We agree with the reference in Figure 2, part 7, to the potential for “automation tools to speed up labour intensive tasks such as processing feedback from consultations”. However, this would need to be done in a way that did not over-simplify important points made by consultees.</p>
<p>Chapter 4: The local plan timetable</p>	
<p>Question 12: Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?</p>	<p>Depending on the subsequent details, these appear to be helpful proposals.</p>
<p>Question 13: Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable?</p>	<p>The three “gateways” (as referred to at paragraph 79) would probably be the most relevant “milestones”.</p>
<p>Chapter 5: Evidence and the tests of soundness</p>	
<p>Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?</p>	<p>Potentially yes, this could be helpful.</p> <p>It is unclear how the removal of the ‘justified’ soundness test (referred to at paragraph 87) would help, as it is this test that already expects evidence to be “proportionate”. However, clarification of the term “proportionate” (referred to at paragraph 89), could be helpful. This could include guidance on the extent to which transport modelling is needed and</p>

	<p>the extent to which consultants' advice on retail / town centre issues is needed.</p>
<p>Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?</p>	<p>We agree that some standardisation could be helpful. This could include (as mentioned at paragraph 95) economic development needs assessments, HELAAs and transport assessments. Housing need assessments and Environmental Outcome Reports would also benefit from standardisation.</p>
<p>Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?</p>	<p>It would certainly be helpful to 'freeze' the evidence at the point of publication of the plan (paragraph 97, third bullet point).</p> <p>The other two approaches referred to at paragraph 97 may also be helpful, depending on what the government has in mind regarding "certain evidence topics or documents".</p>
<p>Question 17: Do you support this proposal to require local planning authorities to submit only supporting documents that are related to the soundness of the plan?</p>	<p>Yes, this is a helpful proposal, particularly as regards the move from evidence that is "relevant" to that which is "necessary" (paragraph 99).</p>
<p>Chapter 6: Gateway assessments during plan-making</p>	
<p>Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?</p>	<p>Yes, these purposes could result in the "gateways" being a valuable part of the plan-making process.</p> <p>We have no suggestions for other purposes.</p>
<p>Question 19: Do you agree with these proposals around the frequency and timing of gateways and who is responsible?</p>	<p>It would seem to be helpful if the first "gateway", as well as the second and third, definitely involved planning inspectors (from PINS).</p> <p>Otherwise, the proposals seem likely to be helpful.</p> <p>(Incidentally, there appears to be some inconsistency between Figure 4 and</p>

	paragraph 111 regarding whether inspectors would “always” conduct “Gateway 2” assessments.)
Question 20: Do you agree with our proposals for the gateway assessment process, and the scope of the key topics? Are there any other topics we should consider?	Yes, we agree with the proposals and no, we do not think that there are other topics that should be considered.
Question 21: Do you agree with our proposal to charge planning authorities for gateway assessments?	No, we do not agree. As this would appear to be an ‘additional burden’, it would seem to be appropriate for the costs to PINS of the “gateways” to be funded by the government (or for the government to refund LPAs for the costs).
Chapter 7: Plan examination	
Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?	Yes, we agree with the proposals and no, we do not propose additional changes.
Question 23: Do you agree that six months is an adequate time for the pause period, and with the government’s expectations around how this would operate?	Yes, six months seems reasonable, provided it is made clear that this would add 6 months on to the 30-month period. However, a required recommendation to withdraw a plan after that time (paragraph 124) seems bound to slow down, rather than speed up, the plan-making process.
Chapter 8: Community engagement and consultation	
Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?	Yes, we agree with this proposal. The contents suggested at paragraph 139 seem appropriate.
Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process?	Yes, the proposals are likely to be an improvement on the current Regulation 18 requirements. (It is nevertheless, unfortunately, unlikely that ‘notification’ and ‘invitation’ will

	<p>generate a great deal of useful input at the earliest stages of plan preparation.</p> <p>It may be helpful to amend references to the “30 month process” (paragraph 143) and the “30 month timeframe” (paragraph 148), as the “early participation” is in addition to the 30 months.)</p>
<p>Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?</p>	<p>Yes, if constructive early responses are received, these could inform the Project Initiation Document.</p> <p>(Experience at Broxtowe unfortunately suggests that any arrangements may struggle to generate “positive early participation” before draft policies and proposals emerge.)</p> <p>There could be a section in the Project Initiation Document on the sorts of responses received and how the authority has considered these, although this could be a lengthy exercise.</p> <p>A number of approaches could be used (all with varying degrees of resources needed in terms of both time and finances, which will need to be considered) – such as in person workshops, online workshops, leaflets, social media, letters to residents.</p>
<p>Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?</p>	<p>Yes, we agree that the role and purpose should be clearly defined.</p> <p>(Although it may be doubtful whether many helpful responses will be received at the first “window” (paragraph 153) regarding the “vision” and “broad options”.)</p>
<p>Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?</p>	<p>Yes, we agree with this proposal, as it may streamline the process and make it easier to collate and evaluate responses, saving a lot of time.</p> <p>However, it would be essential that the ‘machine reading’ used (paragraph 155)</p>

	<p>were able to genuinely pick up the key points made in representations (rather than, for example, simply recording ‘votes’ for or against a particular policy or proposal).</p>
<p>Chapter 9: Requirement to assist with certain plan-making</p>	
<p>Question 29: Do you have any comments on the proposed list of prescribed public bodies?</p>	<p>The most important bodies of those listed in Table 2 would include the Environment Agency, “Heritage England” (should this read ‘Historic England’?), Natural England, “Homes and Communities Agency” (now ‘Homes England’?), Integrated Care Boards, Highway Authority, Local Nature Recovery Strategy responsible authorities, Lead Local Flood Authority, Sport England, Energy Undertakers, Water and Sewerage Undertakers, County Councils and the Coal Authority.</p>
<p>Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.</p>	<p>Yes.</p>
<p>Chapter 10: Monitoring of plans</p>	
<p>Question 31: Do you agree with the proposed requirements for monitoring?</p>	<p>Yes.</p>
<p>Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?</p>	<p>Generally, the proposed metrics in Table 3 are reasonable. However: monitoring “net change in employment floorspace” has been made difficult or impossible as a result of the introduction of Use Class E, which combines some ‘employment’ uses (former Class B1) with a wide range of other uses; “net change in designated open space” is largely beyond the influence of local plans; and, as noted in the Table, further thought will be needed regarding “progress toward net zero emissions from buildings”.</p> <p>We do not think there are other metrics</p>

	<p>which authorities should be required to report on.</p>
<p>Chapter 11: Supplementary plans</p>	
<p>Question 33: Do you agree with the suggested factors which could be taken into consideration when assessing whether two or more sites are ‘nearby’ to each other? Are there any other factors that would indicate whether two or more sites are ‘nearby’ to each other?</p>	<p>The suggested factors, in themselves, seem reasonable.</p> <p>However, the concept that supplementary plans should be “site specific or relate to two or more sites which an authority consider nearby to each other” (paragraph 188) is unclear and potentially problematic. Supplementary plans could be valuable with regard to “unforeseen circumstances” (paragraph 175) which relate to a part of the authority’s area which is limited in extent but which might not be readily described as being one or more “sites”. This might apply, for example, to emerging issues with HMOs.</p> <p>It will be important that forthcoming regulations, policy and guidance allow authorities flexibility, with regard to location and subject matter, to introduce supplementary plans in such circumstances.</p>
<p>Question 34: What preparation procedures would be helpful, or unhelpful, to prescribe for supplementary plans? e.g. Design: design review and engagement event; large sites: masterplan engagement, etc.</p>	<p>The appropriate types of preparation procedures are likely to vary with the particular plan (as mentioned at paragraph 191), so it seems unlikely to be helpful for fixed procedures to be prescribed. Examples could however be provided in practice guidance, including those referred to in the question.</p>
<p>Question 35: Do you agree that a single formal stage of consultation is considered sufficient for a supplementary plan? If not, in what circumstances would more formal consultation stages be required?</p>	<p>Yes, a single formal stage of consultation would be appropriate. No further consultations would be necessary.</p>
<p>Question 36: Should government set thresholds to guide the decision that authorities make about the choice of</p>	<p>Yes. Although thresholds are likely to be difficult to define, it would be helpful for guidance or policy to try to do so, at least</p>

<p>supplementary plan examination routes? If so, what thresholds would be most helpful? For example, minimum size of development planned for, which could be quantitative both in terms of land use and spatial coverage; level of interaction of proposal with sensitive designations, such as environmental or heritage.</p>	<p>in broad terms. Some less complex and/or less controversial supplementary plans, such as those with low “level of interaction of proposal with sensitive designations” (question 36), would be likely to be suitable for examination by “an examiner of the authority’s choosing” (paragraph 197), rather than by the Planning Inspectorate.</p>
<p>Question 37: Do you agree that the approach set out above provides a proportionate basis for the independent examination of supplementary plans? If not, what policy or regulatory measures would ensure this?</p>	<p>Yes, the approach set out is broadly appropriate (subject to the points made regarding questions 33 and 36).</p> <p>However, it is likely that the proposed approach will have significant time and resource implications for preparing supplementary plans. There is a need to ensure that the requirements do not result in a level of burden on local authorities which would prevent them coming forward.</p>
<p>Chapter 12: Minerals and waste plans</p>	
<p>Question 38: Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?</p>	<p>Broxtowe is not a minerals or waste planning authority and we do not have any comments on this question.</p>
<p>Chapter 13: Community Land Auctions</p>	
<p>Question 39: Do you have any views on how we envisage the Community Land Auctions process would operate?</p>	<p>The principle of “Community Land Auctions” is fundamentally wrong.</p> <p>They will provide a strong, perverse, financial incentive, to both landowners and authorities, for land to be allocated for development in the least appropriate locations, where ‘hope value’ is very low (because, for example, the land concerned is relatively remote from services and facilities, and/or because it is in a location that is particularly valuable for landscape or wildlife, etc) and</p>

	<p>therefore where financial benefits, for landowners and authorities, are potentially very high.</p> <p>Although paragraph 221 refers to the continuing requirement to “prepare local plans with the objective of contributing to the achievement of sustainable development”, in the context of “Community Land Auctions” the concept of “sustainable development” will have become all but meaningless.</p>
<p>Question 40: To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?</p>	<p>To no extent at all.</p> <p>Please see our response to question 39.</p>
<p>Chapter 14: Approach to roll out and transition</p>	
<p>Question 41: Which of these options should be implemented, and why? Are there any alternative options that we should be considering?</p>	<p>The ‘proposed approach’ (paragraphs 243-246) seems preferable.</p> <p>However, it should be made clear how current two-part plans will be addressed.</p> <p>Two-part plans work well, as in Greater Nottingham. Mechanisms must be in place, through forthcoming regulations, policy and guidance, to ensure that two-part plans can continue. Without them, cross-boundary planning and genuinely strategic planning are likely to be made much more difficult, or impossible.</p>
<p>Chapter 15: Saving existing plans and planning documents</p>	
<p>Question 42: Do you agree with our proposals for saving existing plans and planning documents? If not, why?</p>	<p>Yes.</p> <p>However, it should be made clear how current two-part plans will be addressed.</p>

Equalities impacts	
Question 43: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?	We are not aware of any potential adverse impacts.

APPENDIX 2

Proposed responses to the “consultation on additional flexibilities”.

The Government, at paragraph 13 of this consultation document, refers to the importance of the planning system in providing “local influence to local authorities” and providing “local communities with more confidence”. Similarly, the Government’s ‘Building planning capacity and capability’ document of July 2023 refers to the role of the planning system as being “essential” “for the benefit of all our communities”. However, the current proposals for the further expansion of permitted development rights (including new rights, amended rights and revised ‘prior approval’ arrangements) would accelerate the continued erosion of the development management aspect of the planning system. The proposals would therefore result in the opposite of the Government’s stated intentions, reducing the influence of local authorities and reducing the confidence of local communities in their ability to influence development in their localities, as the proposals would further reduce the ability of local authorities and local communities to take account of all relevant issues associated with development proposals.

The Government’s proposals would also add to the complexity of the ‘prior approval’ elements of the development management system, to the detriment of both applicants and local authorities.

The proposals are unlikely to have a significant impact on overall housing delivery. They would cause significant harm, with few benefits.

It would therefore be preferable for the permitted development rights which are referred to in the consultation document to be removed, rather than amended or relaxed.

Government Question	Proposed Response (The options are generally ‘Yes’ / ‘No’ / ‘Don’t know’)	Proposed Reasons
Design codes		
Q.1 Do you agree that prior approvals for design or external appearance in existing permitted development rights should be replaced by consideration of design codes where they are in place locally?	Yes.	Yes, design codes should carry significant weight, although it would be difficult to incorporate them into ‘prior approval’ arrangements. However, for the reasons given

		previously, it would be preferable for the rights to be removed.
<p>Q.2 Do you think that any of the proposed changes to permitted development rights in relation to design codes could impact on: a) businesses b) local planning authorities c) communities?</p> <p>Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.</p>	Yes.	<p>The question seems rather unclear: the proposed changes are clearly intended to “impact on” businesses, authorities and communities.</p> <p>Some impacts could be positive, as mentioned in response to Q.1.</p> <p>However, for the reasons given previously, it would be preferable for the rights to be removed.</p>
<p>Supporting housing delivery through change of use permitted development rights</p>		
<p>Q.3 Do you agree that the permitted development right for the change of use from the Commercial, Business and Service use class (Use Class E) to residential (Class MA of Part 3), should be amended to either:</p> <p>a) Double the floorspace that can change use to 3,000 square metres b) Remove the limit on the amount of floorspace that can change use c) No change d) Don't know</p>	No change.	<p>However, for the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.4 Do you agree that the permitted development right (Class MA of Part 3) should be amended to remove the requirement that the premises must be vacant for at least three continuous months immediately prior to the date of the application for prior approval?</p>	No.	<p>The proposal would be likely, in some cases, to displace important local businesses.</p> <p>For the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.5 Do you think that the permitted development right</p>	No.	<p>However, this change would not relate to land in Broxtowe.</p>

<p>(Class MA of Part 3) should apply in other excluded article 2(3) land?</p>		
<p>Q.6 Do you think the prior approval that allows for the local consideration of the impacts of the change of use of the ground floor in conservation areas on the character or sustainability of the conservation [area] is working well in practice?</p> <p>If no, please explain why you don't think the prior approval works in practice?</p>	<p>No.</p>	<p>The meaning, in this context, of the current reference in Class MA to the “sustainability” of conservation areas is very unclear (it presumably implies merely economic “sustainability” considerations) and it may therefore be helpful to remove this term.</p> <p>The “character” of conservation areas should remain an important consideration.</p> <p>However, for the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.7 Do you agree that permitted development rights should support the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses?</p>	<p>No.</p>	<p>As noted at paragraph 32 of the consultation document, such changes of use “may” better serve their local communities: however, depending on local circumstances, they may not. As with many other proposals in this consultation, the issues should be assessed by local communities and local authorities through the planning application process.</p>
<p>Q.8 Are there any safeguards or specific matters that should be considered if the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses was supported through permitted development rights?</p>	<p>Yes.</p>	<p>Those matters referred to at paragraph 34 of the consultation document should be considered.</p> <p>However, for the reasons given previously, it would be preferable if such a right were not introduced.</p>
<p>Q.9 Do you think that any of the proposed changes in relation to the Class MA permitted development right could impact on: a) businesses b) local planning authorities c)</p>	<p>Yes.</p>	<p>The question seems rather unclear: the proposed changes are clearly intended to “impact on” businesses, authorities and communities.</p>

<p>communities?</p> <p>Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.</p>		<p>However, for the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.10 Do you think that changes to Class MA will lead to the delivery of new homes that would not have been brought forward under a planning application?</p>	<p>Yes.</p>	<p>The changes would probably result in the delivery of a limited number of new homes, many of which would be delivered in circumstances where, having regard to all the relevant considerations (of which the number of new homes should not be the only one), it would be preferable that they were not delivered.</p> <p>However, the need to submit a planning application (or to submit an application for prior approval under the current arrangements) is unlikely to be a significant deterrent to owners or developers who have well-thought-out proposals for new homes.</p>
<p>Q. 11 Do you agree that the right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderettes (Class M of Part 3) is amended to:</p> <p>a) Double the floorspace that can change use to 300 square metres b) Remove the limit on the amount of floorspace that can change use c) No change d) Don't know</p>	<p>No change.</p>	<p>The proposed amendments would be very unlikely to have a significant impact on overall housing delivery.</p> <p>However, for the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.12 Do you agree that the</p>	<p>Yes.</p>	<p>We agree with the important</p>

<p>existing right (Class M of Part 3) is amended to no longer apply to launderettes?</p>		<p>principle that, as set out at paragraph 39 of the consultation document, there should be “local consideration of any proposed change of use through a full planning application”.</p> <p>The same principle applies to all the changes of use that are referred to in the consultation document.</p>
<p>Q. 13 Do you agree that the right for the change of use from amusement arcades and centres, and casinos (Class N of Part 3) is amended to:</p> <p>a) Double the floorspace that can change use to 300 square metres b) Remove the limit on the amount of floorspace that can change use c) No change d) Don't know</p>	<p>No change.</p>	<p>The proposed amendments would be very unlikely to have a significant impact on overall housing delivery.</p> <p>However, for the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.14 Do you agree that the right (Class M of Part 3) should be amended to replace the existing date on which the building must have been in use as a hot food takeaway, betting office, pay day loan shop or launderette instead to a two-year rolling requirement?</p>	<p>Yes.</p>	<p>A ‘rolling’ date would be more appropriate than a fixed one.</p> <p>However, for the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.15 Do you agree that the right (Class N of Part 3) should be amended to replace the existing date on which the building must have been in use as an amusement arcade or centre, or casino instead to two-year rolling requirement?</p>	<p>Yes.</p>	<p>A ‘rolling’ date would be more appropriate than a fixed one.</p> <p>However, for the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.16 Do you think that the permitted development right for the change of use from hot food</p>	<p>No.</p>	<p>Control over this form of development should be retained in conservation areas.</p>

<p>takeaways, betting offices, pay day loan shops and launderette (Class M of Part 3) should apply in other article 2(3) land?</p>		<p>However, for the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.17 Do you think that the permitted development right for the change of use of amusement arcade or centre, or casino (Class N of Part 3) should apply in other excluded article 2(3) land?</p>	<p>No.</p>	<p>However, this change would not relate to land in Broxtowe.</p>
<p>Q.18 Do you think that any of the proposed changes in relation to the Class M and N permitted development rights could impact on: a) businesses b) local planning authorities c) communities?</p> <p>Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.</p>	<p>Yes.</p>	<p>The question seems rather unclear: the proposed changes are clearly intended to “impact on” businesses, authorities and communities.</p> <p>However, for the reasons given previously, it would be preferable for the rights to be removed.</p>
<p>Q.19 Do you think that changes to Class M and N will lead to the delivery of new homes that would not have been brought forward under a planning application?</p>	<p>Yes.</p>	<p>The changes would probably result in the delivery of a limited number of new homes, many of which would be delivered in circumstances where, having regard to all the relevant considerations (of which the number of new homes should not be the only one), it would be preferable that they were not delivered.</p> <p>However, the need to submit a planning application (or to submit an application for prior approval under the current arrangements) is unlikely to be a significant deterrent to owners or developers who have well-thought-out proposals for new homes.</p>
<p>Q.20 Do you agree that the right</p>	<p>No.</p>	<p>It is unclear which “other existing</p>

<p>(Class G of Part 3) is expanded to allow for mixed use residential above other existing uses?</p>		<p>uses” the Government has in mind. It would be likely to be inappropriate to create flats above some uses (such as B2 and B8), at least without consideration of all relevant issues, via a planning application.</p> <p>However, for the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.21 Do you agree that the number of flats that may be delivered under the right (Class G of Part 3) is doubled from two to four?</p>	<p>No.</p>	<p>However, for the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.22 Do you agree that the permitted development right (Class H of Part 3) is amended to align with any changes made to the uses to which Class G of Part 3 applies?</p>	<p>Yes.</p>	<p>This seems to be a logical proposal, if changes were made to Class G.</p> <p>However, as noted at Q.21, the Council disagrees with the proposals regarding Class G.</p>
<p>Q.23 Do you think that any of the proposed changes in relation to the Class G and H permitted development rights could impact on: a) businesses b) local planning authorities c) communities?</p> <p>Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.</p>	<p>Yes.</p>	<p>The question seems rather unclear: the proposed changes are clearly intended to “impact on” businesses, authorities and communities.</p> <p>However, for the reasons given previously, it would be preferable for the rights to be removed.</p>
<p>Q.24 Do you think that changes to Class G will lead to the delivery of new homes that would not have been brought forward under a planning application?</p>	<p>Yes.</p>	<p>The changes would probably result in the delivery of a limited number of new homes, many of which would be delivered in circumstances where, having regard to all the relevant considerations (of which the number of new homes should not</p>

		<p>be the only one), it would be preferable that they were not delivered.</p> <p>However, the need to submit a planning application (or to submit an application for prior approval under the current arrangements) is unlikely to be a significant deterrent to owners or developers who have well-thought-out proposals for new homes.</p>
<p>Q.25 Do you agree that the smaller and larger home size limits within the agricultural buildings to dwellinghouses right (Class Q of Part 3) should be replaced with a single maximum floorspace limit of either:</p> <p>a) 100 square metres per dwellinghouse b) 150 square metres per dwellinghouse c) No change d) Don't know</p>	<p>100 square metres.</p>	<p>A single figure would probably somewhat simplify the current arrangements.</p> <p>However, for the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.26 Do you agree that an overall limit on the amount of floorspace that can change use, set at 1,000 square metres, should be introduced for the agricultural buildings to dwellinghouses right (Class Q of Part 3)?</p>	<p>Yes.</p>	<p>Yes, for consistency with Part 6, if the right is to be retained.</p> <p>However, for the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.27 Do you agree that the 5 home limit within the agricultural buildings to dwellinghouses right (Class Q of Part 3) should be increased to allow up to a total of 10 homes to be delivered within an agricultural unit?</p>	<p>No.</p>	<p>This would significantly increase the potential adverse impacts.</p> <p>For the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.28 Do you agree that the permitted development right for the change of use from agricultural buildings to</p>	<p>No.</p>	<p>This would increase the potential adverse impacts.</p> <p>For the reasons given previously,</p>

<p>residential use (Class Q of Part 3) should be amended to allow for an extension to be erected as part of the change of use on previously developed land?</p>		<p>it would be preferable for the right to be removed.</p>
<p>Q.29 Do you agree that a prior approval be introduced, allowing for the consideration of the impacts of an extension on the amenity of neighbouring premises, including overlooking, privacy and light?</p>	<p>Yes.</p>	<p>Yes, if the right were to be expanded as proposed. Amenity should be an important consideration.</p> <p>However, for the reasons given at Q.28, the Council disagrees with the expansion of the right.</p>
<p>Q.30 Do you agree that buildings should have an existing floorspace of at least 37 square metres to benefit from the right?</p>	<p>Yes.</p>	<p>Yes, if the right were to be expanded as proposed. As indicated at paragraph 71 of the consultation document, the impact of development “sited sporadically across the open countryside” could be seriously harmful.</p> <p>However, for the reasons given at Q.28, the Council disagrees with the expansion of the right.</p>
<p>Q.31 Do you think that the permitted development right for the change of use from agricultural buildings to residential use (Part 3 Class Q) should be amended to apply in other article 2(3) land?</p>	<p>No.</p>	<p>This amendment would not relate to land in Broxtowe, however it would seriously affect National Parks which are valued by Broxtowe residents.</p> <p>As indicated at paragraph 71 of the consultation document, the impact of development “sited sporadically across the open countryside” could be seriously harmful, and especially so in National Parks. There is little reason to think that, as suggested at paragraph 74 of the consultation document, conversion of barns in National Parks would be likely to provide homes “for local people” or “support local communities”.</p> <p>For the reasons given previously,</p>

		it would be preferable for the right to be removed.
<p>Q.32 Do you agree that the right be amended to apply to other buildings on agricultural units that may not have been solely used for agricultural purposes?</p>	No.	<p>This would enlarge the existing 'loophole' which enables dwellings to be created in unsuitable locations.</p> <p>For the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.33 Are there any specific uses that you think should benefit from the right?</p> <p>If yes, please give examples of the types of uses that the right should apply to.</p>	No.	n/a
<p>Q.34 Are there any specific uses that you think should not benefit from the right?</p> <p>If yes, please give examples of the types of uses that the right should not apply to.</p>	Yes.	All uses, for the reason given at Q.32.
<p>Q.35 Do you agree that the right be amended to apply to agricultural buildings that are no longer part of an agricultural unit?</p>	No.	<p>This would enlarge the existing 'loophole' which enables dwellings to be created in unsuitable locations.</p> <p>For the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.36 Do you agree that any existing building must already have an existing suitable access to a public highway to benefit from the right?</p>	Yes.	<p>Yes, if the right if the right were to be retained or expanded. Otherwise, the adverse impacts on the countryside / Green Belt would be further increased.</p>

		However, for the reasons given previously, it would be preferable for the right to be removed.
<p>Q.37 Do you have a view on whether any changes are required to the scope of the building operations permitted by the right?</p> <p>If yes, please provide details.</p>	No.	n/a
<p>Q.38 Do you have a view on whether the current planning practice guidance in respect of the change of use of agricultural buildings to residential use should be amended?</p> <p>If yes, please provide details of suggested changes.</p>	No.	n/a
<p>Q.39 Do you agree that permitted development rights should support the change of use of buildings in other predominantly rural uses to residential?</p> <p>If yes, please specify which uses.</p>	No.	<p>This would enlarge the existing 'loophole' which enables dwellings to be created in unsuitable locations.</p> <p>For the reasons given previously, it would be preferable for these rights to be removed.</p>
<p>Q.40 Are there any safeguards or specific matters that should be considered if the right is extended to apply to buildings in other predominantly rural uses?</p>	No.	We consider that the right should not be extended.

<p>If yes, please specify.</p>		
<p>Q.41 Do you think that any of the proposed changes in relation to the Class Q permitted development right could impact on: a) businesses b) local planning authorities c) communities?</p> <p>Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.</p>	<p>Yes.</p>	<p>The question seems rather unclear: the proposed changes are clearly intended to “impact on” businesses, authorities and communities.</p> <p>However, for the reasons given previously, it would be preferable for the rights to be removed.</p>
<p>Q.42 Do you think that changes to Class Q will lead to the delivery of new homes that would not have been brought forward under a planning application?</p>	<p>Yes.</p>	<p>The changes would probably result in the delivery of a limited number of new homes, many of which would be delivered in circumstances where, having regard to all the relevant considerations (of which the number of new homes should not be the only one), it would be preferable that they were not delivered.</p> <p>However, the need to submit a planning application (or to submit an application for prior approval under the current arrangements) is unlikely to be a significant deterrent to owners or developers who have well-thought-out proposals for new homes.</p>
<p>Supporting the agricultural sector through additional flexibilities</p>		
<p>Q.43 Do you agree that permitted development rights should support the change of use of other buildings in a</p>	<p>No.</p>	<p>Such changes of use should continue to be assessed via planning applications, so that all relevant issues can be taken into</p>

<p>predominantly rural land use to a flexible commercial use?</p> <p>If yes, please specify which uses.</p>		<p>account.</p> <p>For the reasons given previously, it would be preferable for the rights to be removed.</p>
<p>Q.44 Do you agree that the right be amended to allow for buildings and land within its curtilage to be used for outdoor sports, recreation or fitness?</p>	<p>No.</p>	<p>Such changes of use should continue to be assessed via planning applications, so that all relevant issues can be taken into account.</p> <p>For the reasons given previously, it would be preferable for the right to be removed.</p> <p>With regard to paragraph 104 of the consultation document, Class E already allows a very great deal of 'flexibility', with many potentially harmful consequences.</p>
<p>Q.45 Do you agree that the right be amended to allow buildings to change use to general industrial, limited to only allow the processing of raw goods produced on the site and which are to be sold on the site, excluding livestock?</p>	<p>No.</p>	<p>Such changes of use should continue to be assessed via planning applications, so that all relevant issues can be taken into account.</p> <p>For the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.46 Should the right allow for the change of uses to any other flexible commercial uses?</p> <p>If yes, please specify which uses.</p>	<p>No.</p>	<p>Such changes of use should continue to be assessed via planning applications, so that all relevant issues can be taken into account.</p> <p>For the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.47 Do you agree that the right be amended to allow for a mix of the permitted uses?</p>	<p>Yes.</p>	<p>Yes, only if the right is to be retained, as this may slightly simplify the arrangements.</p> <p>However, for the reasons given previously, it would be preferable</p>

		for the right to be removed.
Q.48 Do you agree that the right be amended to increase the total amount of floorspace that can change use to 1,000 square metres?	No.	This would further increase the likelihood of adverse impacts. For the reasons given previously, it would be preferable for the right to be removed.
Q.49 Is the trigger as to whether prior approval is for required set at the right level (150 square metres)? If not, please say what it should be, and give your reasons.	No.	For the reasons given previously, it would be preferable for the right to be removed, so there would be no ‘trigger’, and for a planning application to be required in all cases.
Q.50 Do you think that any of the proposed changes in relation to the Class R permitted development right could impact on: a) businesses b) local planning authorities c) communities? Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.	Yes.	The question seems rather unclear: the proposed changes are clearly intended to “impact on” businesses, authorities and communities. However, for the reasons given previously, it would be preferable for the right to be removed.
Q.51 Do you agree that the ground area limit of new buildings or extensions erected under the right be increased from 1,000 to 1,500 square metres?	No.	This would further increase the likelihood of adverse impacts. For the reasons given previously, it would be preferable for the right to be removed.
Q.52 Do you agree that we remove the flexibility for extensions and the erection of new buildings where there is a designated scheduled monument?	Yes.	The current arrangements enable significant harm to important heritage assets.
Q.53 Do you agree that the right be amended to allow extensions of up to 25% above the original building cubic content?	No.	This would further increase the likelihood of adverse impacts. For the reasons given previously,

		it would be preferable for the right to be removed.
Q.54 Do you agree that the right be amended to allow the ground area of any building extended to reach 1,250 square metres?	No.	This would further increase the likelihood of adverse impacts. For the reasons given previously, it would be preferable for the right to be removed.
Q.55 Do you agree that we remove the flexibility for extensions where there is a designated scheduled monument?	Yes.	The current arrangements enable significant harm to important heritage assets.
Q.56 Do you think that any of the proposed changes in relation to the Part 6 permitted development rights could impact on: a) businesses b) local planning authorities c) communities? Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.	Yes.	The question seems rather unclear: the proposed changes are clearly intended to “impact on” businesses, authorities and communities. However, for the reasons given previously, it would be preferable for the right to be removed.
Supporting businesses and high streets through greater flexibilities		
Q.57 Do you agree that the maximum floorspace limit for the extension or alteration to a Commercial, Business and Service establishment on non-protected land is increased to either 200 square metres or a 100% increase over the original building, whichever is lesser?	No.	This would further increase the likelihood of adverse impacts. For the reasons given previously, it would be preferable for the right to be removed.
Q.58 Do you agree that the maximum floorspace of a new industrial and/or warehousing building on non-protected land permitted under the Part 7 Class H permitted development right	No.	This would further increase the likelihood of adverse impacts. For the reasons given previously, it would be preferable for the right to be removed.

<p>be amended to 400 square metres?</p>		
<p>Q.59 Do you agree that the maximum floorspace of a new industrial and/or warehousing extension on non-protected land be increased to either 1,500 square metres or a 75% increase over the original building, whichever is lesser.</p>	<p>No.</p>	<p>This would further increase the likelihood of adverse impacts.</p> <p>For the reasons given previously, it would be preferable for the right to be removed.</p>
<p>Q.60 Do you think that any of the proposed changes in relation to the Part 7 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?</p> <p>Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.</p>	<p>Yes.</p>	<p>The question seems rather unclear: the proposed changes are clearly intended to “impact on” businesses, authorities and communities.</p> <p>However, for the reasons given previously, it would be preferable for the rights to be removed.</p>
<p>Q.61 Do you agree that the permitted development right for the temporary use of land should be amended so that markets can operate either:</p> <p>a) 28 days per calendar year (in line with other uses permitted under the right) b) A different number of days per calendar year c) No change d) Don't know</p> <p>Please give your reasons. If you have chosen a different number of days per calendar year, please specify what number of days the right should provide for?</p>	<p>No change.</p>	<p>A larger number of days would increase the likelihood of adverse impacts; however, the current number seems appropriate.</p>
<p>Q.62 Do you think that any of the proposed changes in relation to the Part 4 permitted</p>	<p>Yes.</p>	<p>The question seems rather unclear: the proposed changes are clearly intended to “impact</p>

<p>development rights could impact on: a) businesses b) local planning authorities c) communities?</p> <p>Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.</p>		<p>on” businesses, authorities and communities.</p> <p>However, for the reasons given previously, it would be preferable for the rights to be removed.</p>
<p>Ensuring the sufficient capacity of open prisons</p>		
<p>Q.63 Do you agree that the existing Class M of Part 7 permitted development right is amended to additionally apply to open prisons?</p>	<p>Don't know.</p>	<p>The Council has no prisons within its area and no opinion on this issue.</p>
<p>Q.64 Do you agree that there should be a prior notification process where the development under the Class M of Part 7 right is being used for open prisons?</p>	<p>Don't know.</p>	<p>The Council has no prisons within its area and no opinion on this issue.</p>
<p>Q.65 Do you think that the proposed changes to the Class M of Part 7 permitted development right in relation to open prisons could impact on: a) businesses b) local planning authorities c) communities?</p> <p>Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.</p>	<p>Yes.</p>	<p>The question seems rather unclear: the proposed changes are clearly intended to “impact on” authorities and communities.</p> <p>However, this is not a relevant issue for Broxtowe.</p>
<p>Public Sector Equality Duty</p>		
<p>Q.66 Do you think that the changes proposed in this consultation could give rise to any impacts on people who</p>	<p>No.</p>	<p>It seems clear that the proposals would have no impacts of this kind.</p>

share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).		
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1. Financial Implications: None
2. Legal Implications: None
3. Human Resources Implications: None
4. Union Comments: Not applicable
5. Climate Change Implications: None
6. Data Protection Compliance Implications: None
7. Equality Impact Assessment: Not applicable
8. Background Papers: None

Recommendation

The Committee is asked to RESOLVE that the consultation responses in Appendices 1 and 2 are sent to the Government.