

APPENDIX A

Bracknell Forest Council’s response to:

Proposed reforms to the National Planning Policy Framework and other changes to the planning system (MHCLG)

Consultation question no.	Bracknell Forest Council’s response
Chapter 3 – Planning for the homes we need	
Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?	<p>Yes</p> <p>The need to calculate a Local Housing Need Assessment provides consistency of approach. However, the sources of data to be used, must be appropriate. There needs to be some form of local contextualisation.</p> <p>The proposed data sources and multipliers lack justification – seem to be orientated towards reaching an overall figure that is higher than that suggested by the last government. It would be preferable to opt for a credible and deliverable figure.</p> <p>In the event of an Authority arguing unmet need, it is important to define what is meant by ‘neighbouring areas’. This has never been defined and has resulted in requests from Authorities with tenuous relationships.</p>
Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?	<p>Yes</p> <p>Alternative approaches do not aid consistency.</p>
Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?	<p>Yes</p> <p>No justification has ever been given for the 35% uplift – it appears to be an arbitrary figure, unrelated to projected population growth and the needs of an area.</p> <p>The urban uplift fails to take into account the many constraints within urban areas, such as the limited amount of land available for development, viability (particularly where brownfield sites are involved) and the requirement to meet all development needs (such as housing and employment).</p>

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Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?	<p>No</p> <p>It is considered that there is a need to consider the character of the local area where smaller sites are being proposed for development. The position is slightly different for strategic sites where it is possible to create an appropriate character through the use of design codes.</p>
Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?	<p>Yes</p> <p>Consider that Design Codes should be focused on specific areas where change is likely through site allocations.</p>
Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?	<p>Yes</p> <p>Clarifying that the 'presumption' is triggered by policies relating to the supply of land being out of date would help as this has been subject to long debates at appeal. However, further clarification of the term 'supply of land' is required as at appeal it has been argued that countryside policies which reflect settlement boundaries defined to accommodate required growth are rendered out of date. If accepted, this point removes all protection to countryside areas.</p> <p>Some developers have used the presumption to promote poor development and the addition of the issues needing to be considered is welcomed.</p> <p>Para 16 of Chpt 3 highlights the fact that the presumption is intended to help address inadequate land supply. There have been instances in Bracknell Forest where developers have used this argument and claimed that sites promoted will be delivered quickly and help short term supply issues. However, once permission has been gained such promises have not always been put into practice. Some form of penalty needs to be imposed on developers who fail to build out permissions.</p> <p>The retention of the caveat in paragraph 188 clarifying the circumstance where that the presumption in favour of sustainable development does not apply, is welcomed as it is important to ensure that the integrity of habitat sites are protected as part of sustainable development.</p>
Question 7: Do you agree that all local planning authorities should be required to continually	<p>No</p>

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demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?	<p>Chapter 12 states that the Government's objective is to have complete coverage of up to date plans as soon as possible to help contribute positively to the ambition of delivering homes.</p> <p>The deliverability of sites is scrutinised by Inspectors through the examination process. However, there may be factors outside the planning process e.g. the financial markets that mean that projected dates of delivery change and have an adverse impact on 5 year Housing Land Supply (HLS). There needs to be an incentive to progress a Local Plan and move to a plan led approach. It would seem inequitable that an Authority with an up to date Local Plan could be pushed into a position where its spatial strategy could be almost immediately undermined by such an approach. This proposal would devalue the plan led system.</p>
Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?	<p>No</p> <p>After many years of preparation, Bracknell Forest Council adopted its Local Plan on 19th March this year, providing certainty and clarity to all.</p> <p>In addition to the comments on 5 year HLS made in Q.7, Bracknell Forest Council wishes to make a further strong objection to the deletion of current para 77. Currently, paragraph 77 of the NPPF allows us to take account of past oversupply since the base date of the Local Plan.</p> <p>This is the approach that we are using following the adoption of our Local Plan in March 2024, and was advocated by the Local Plan Inspector (see para. 178 of the Inspector's report: https://www.bracknell-forest.gov.uk/sites/default/files/2024-03/inspectors-report-bracknell-forest-local-plan.pdf).</p> <p>The deletion of this provision would mean that we would no longer have a 5 year supply. The proposed change would therefore mean that this Council is being penalised for having built homes too quickly which seems perverse. Although our site selection process included liaising with developers, infrastructure providers and other stakeholders involved in the development process, build out rates are to a large degree out of our control. This Council is committed to delivering its housing requirement set out in the adopted Local Plan across the plan period.</p> <p>The consequences of being unable to demonstrate a 5 year HLS, undermine the confidence of the public and stakeholders in terms of the robustness of the 'plan led system' (which remains as text in para. 15 of the consultation NPPF text). It leads to continually having to respond to speculative proposals outside defined settlement, and 'planning by appeal', which is often at great cost.</p>
Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing	<p>No</p> <p>This should not apply where the requirement in an adopted Local Plan is being used.</p>

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land supply calculations?	Flexibility is normally built into the land supply through the local plan process. Inclusion of a buffer within the 5 year HLS calculation is in effect adding a 'double' buffer and penalising authorities with recently adopted and up to date local plans.
Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?	See response above. In other situations, 5% is considered sufficient.
Question 11: Do you agree with the removal of policy on Annual Position Statements?	Yes The process was too arduous to be useful, especially as there was also a need to add a 10% buffer.
Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?	Yes The emphasis on working together and cooperating at a strategic level is supported. Suggested para 27a) refers to the need for consistency of approach on the provision of a range of infrastructure including health and utilities. Experience has shown that difficulties are encountered with engaging with the providers of such infrastructure. A reluctance to discuss long term proposals has been encountered. In terms of longer term proposals, there needs to be an effective national framework that provides clarity on the roles and expectations of each region. Appropriate models need to be developed for all areas (including those with two tier and unitary systems). Guidance needs to be produced on appropriate geographies e.g. 'housing market areas' / 'functional economic market areas'. The development of 'Spatial Development Strategies' are likely to involve some difficult decisions and it is envisaged that there may need to be some sort of intervention at a national level to ensure consistency and progress.
Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?	Yes Strategic developments can take many years to be built out and often straddle more than one plan period. At the point of allocation, it is difficult to gather the detailed evidence that is required especially on uses, deliverability and viability. The tests need to be modified to cover such situations, especially where new settlements are proposed.
Question 14: Do you have any other suggestions relating to the proposals in this chapter?	Yes Section 111 and 113 of the Levelling up and Regeneration Act 2023 relate to the requirement for 'development commencement notices' and 'development progress reports'. Enabling legislation should be published as soon as possible to enable decision makers to attach a condition requiring this information as on the grant of permission for housing sites.

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	<p>Authorities need the information to inform the housing trajectory which informs the HLS calculation. This may help avoid lengthy debates at planning appeals about delivery rates etc for sites forming part of the supply.</p> <p>Site promoters should also be required to provide delivery information as part of the local plan process.</p> <p>Bracknell Forest Council seeks this information annually for sites which have planning permission. The response rate is poor, there currently being no formal requirement for developers to provide this information.</p> <p>Ultimately the system also needs to address the issue of developers achieving allocations or permissions for developments and then failing to deliver them in accordance with the timescales given.</p>
Chapter 4: A new Standard Method for assessing housing needs	
<p>Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?</p>	<p>Yes</p> <p>This is likely to provide a more consistent baseline for this element of the standard method calculation.</p> <p>If household projections were to remain as the starting point within the standard method calculation, this should be based on more up to date projections than the 2014-based projections which are now very outdated.</p>
<p>Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?</p>	<p>Yes</p> <p>An average figure over three years compared to a single year figure would result in less variation in this aspect of the standard method.</p>
<p>Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?</p>	<p>No</p> <p>Affordability is over emphasised within the calculation. An increase in the need figure will not result in increased delivery and a reduction in house prices/improved affordability in the South East.</p> <p>Increasing supply does not always improve affordability. House builders will delay build out rather than over saturate the market and compete with other sites.</p>

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	Under the proposed standard method, there would be an increase of around 2,000 homes per annum across Berkshire compared to the current standard method approach (43% increase compared to the current requirement). It is queried as to whether this increase is realistic and deliverable. It may also result in an unbalanced distribution of homes across England. Aside from Green Belt, Berkshire is constrained by factors such as Areas of Outstanding National Beauty, Special Areas of Conservation, Special Protection Areas, and areas of flood risk.
Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?	No Rental affordability is better dealt with in Housing Needs Assessments. It is not considered that this should have an impact on the overall housing requirement figure.
Question 19: Do you have any additional comments on the proposed method for assessing housing needs?	Yes It is not clear what evidence the Government's aspiration of delivering 300,000 homes a year (ambition to deliver 1.5 million homes over the next five years) is based upon. This seems to be a carry-over of the ambitions of the previous government. Since the figure of 300,000 was not fully achieved, it is considered that efforts should be directed at delivering this figure. The proposed changes to the standard method would result in 371,541 new homes per annum which is in excess of the target. Experience shows that increasing the supply of housing land does not necessarily lead to more homes being built. The housing market is complex and other factors beyond planning, such as the cost and availability of finance impact on the supply of housing.
Chapter 5 – Brownfield, grey belt and Green Belt	
Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?	No Current para 124c already states that planning policies and decisions should give substantial weight to using suitable brownfield land within settlements. This proposal appears to make little difference to the current situation. 'Brownfield passport' is not defined so it is unclear what it is referring to. See also response to Q31.
Question 21: Do you agree with the proposed change to	Yes

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paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?	Agree in principle to change however suggest that the wording requires an element of comparison with existing development i.e. 'would not cause substantially greater harm to the openness of the Green Belt'.
Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?	<p>Yes</p> <p>Expansion of the definition of PDL to include hardstanding would be helpful as the current definition refers only to land occupied by a permanent structure.</p> <p>However, object to the inclusion of glasshouses for horticultural production as these fall within the current definition of agricultural development. The inclusion of such land within the definition of PDL could lead to large scale, development in unsustainable locations.</p>
Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?	<p>No</p> <p>PDL should be excluded from the definition for clarity. Para. 151(g) allows development of PDL without the Golden Rules applying. However, para. 152 which relates to grey belt, is subject to para. 155 which applies the Golden Rules. Developers of PDL will always argue that they are not inappropriate development under para. 151 and not 152.</p>
Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?	<p>Yes</p> <p>There is concern that land owners will be encouraged to despoil land and let it degrade. Suggest that a mechanism such as that introduced for BNG be used, setting an appropriate historic base date to be used for the judgement of the state of the land.</p>
Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?	<p>Yes</p> <p>Additional guidance would be better placed in the PPG where greater detail can be set out than the NPPF.</p>
Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether	<p>Yes</p> <p>Confirmation is required as to whether grey belt land is that not strongly performing against any <u>one</u> of the Green Belt purposes or <u>all</u> of them.</p>

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land makes a limited contribution to Green Belt purposes?	<p>The definition set out in para. 10 b) of the consultation document doesn't make sense. Points ii) and iv) replicate the purposes of the Green Belt and do not provide any additional guidance in relation to the identification of grey belt land.</p> <p>Point b) requires only one of the listed features i) – iv) to apply. There will be many authorities with Green Belt which serves no purpose in preserving the setting of a historic town and where point iv) can be used to argue land is grey belt.</p>
Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?	<p>Yes</p> <p>Local Nature Recovery Strategies are welcomed, however, Green Belt is not an ecological designation and there is nothing in the Green Belt chapter of the tracked change version of the NPPF which encourages nature recovery e.g. as part of the Golden Rules.</p>
Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?	<p>No</p> <p>In allocating sites through the local plan process, for authorities with countryside and Green Belt, it is unclear whether countryside land making a significant contribution to the character of the area should always be allocated before considering poorer sites within the Green Belt.</p> <p>Therefore, it is considered that a clear development hierarchy/sequential test should be set out within the NPPF covering all types of sites whatever policy notation. Within para. 144, there is also currently a lack of clarity about pdl and grey belt in locations which are not currently sustainable but could be made so and if they should be considered before other sustainable Green Belt locations.</p> <p>Within this chapter there is also inconsistent references as to whether pdl or grey belt land needs to be in sustainable locations at the time of release/application.</p>
Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?	<p>No</p> <p>Consider that an 'in combination' assessment of the impact of Green Belt release should be required. This should not be dictated by the plan area as such areas vary often being based on administrative boundaries rather than the character of the land.</p>
Question 30: Do you agree with our approach to allowing development on Green Belt land through	<p>No</p> <p>Para 152 sets out that housing, commercial or other development can all be considered not inappropriate, where any circumstances set out in para. b applies irrespective as to whether it relates to the equivalent type of</p>

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<p>decision making? If not, what changes would you recommend?</p>	<p>development e.g. commercial development could be considered not inappropriate where the authority cannot demonstrate a 5 year HLS.</p> <p>Each of the circumstances need to be related to the specific need. Clarity could be added by stating : For the purposes of housing,where the local planning authority cannot demonstrate a 5 year HLS ...</p> <p>Furthermore, any development being considered not inappropriate under para. 152 is required to apply para. 155 by virtue of criteria c. However, para. 155 only applies to major development which is inconsistent with the first sentence of para. 152.</p>
<p>Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?</p>	<p>Yes</p> <p><u>Plan Making</u> The proposals set out in para. 144 do not make it clear how you would deal with potentially sustainable locations. (See response to Qu. 28).</p> <p><u>Decision Making</u> See response to Qu. 30. Also how is 'other development' defined. Is this the forms of development listed in para. 155 (new para. 153?) or something different?</p> <p><u>Triggers</u> See response to Qu. 30.</p>
<p>Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?</p>	<p>No</p> <p>Require greater clarity on how the sequential approach to the release of land from the Green Belt should be applied in LPAs where there are urban areas, countryside and the Green Belt (see response to Qu.28) and how it impacts on the current Duty to Cooperate in relation to unmet need for traveller sites.</p> <p>The PPTS needs to be integrated into the NPPF so that the process is clearer.</p>
<p>Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?</p>	<p>Yes</p> <p>The question conflates 2 separate issues: the needs assessment should be separate to any consideration of how these needs should be met.</p> <p>The assessment of need should remain as currently required, based on evidence. Options for meeting identified need should be explored through the local plan process based on a sequential approach which needs to be clarified as set out in response to Qu. 32.</p>
<p>Question 34: Do you agree with our proposed approach to</p>	<p>Yes</p>

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the affordable housing tenure mix?	Support should be given to the provision of Social Rent however ultimately there is a requirement for flexibility to ensure that local priority needs are met and that balanced communities are developed.
Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?	The 50% target remains subject to viability which allows individual site characteristics to be taken into consideration. Therefore, the 50 percent target should remain as the starting point.
Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?	<p>No</p> <p>At present, the Golden Rules do not refer to benefits for nature and given the increase in value of these sites, ambitious targets for nature recovery/gain should be included. These could include a requirement for BNG in excess of 10%.</p> <p>In respect of access to green space, the provision of Open Space of Public Value (OSPV) will be a standard requirement for all residential schemes. The Golden Rules should be requiring standards of OSPV above and beyond current development plan policies.</p> <p>The Golden Rules as they apply to commercial development are not sufficiently specific over what improvements to publicly accessible green space should be secured and this should be clarified including with reference to the role of Local Nature Recovery Strategies.</p>
Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?	<p>Yes</p> <p>Support the Government setting indicative benchmark values in principle, however, consider there are fundamental issues with setting these figures given the significant variables across a wide area.</p>
Question 38: How and at what level should Government set benchmark land values?	See response to Qu. 37. It is considered that the Government should undertake a full consultation with industry professionals in order to provide evidence-based benchmark land values.
Question 39: To support the delivery of the golden rules, the	Landowners and developers are free to transact land at any value they want, however in instances where this is at above benchmark value, there should be

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<p>Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?</p>	<p>no scope for a viability negotiation. This will support the delivery of affordable housing.</p>
<p>Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?</p>	<p>Yes</p> <p>Although in some instances the uplift in land values might support greater contributions, in practical terms this is going to be hard for the LPA to evidence and so the proposed policy compliant system as a maximum seems the most workable.</p>
<p>Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?</p>	<p>Yes</p> <p>A late stage review is essential and should be at the cost of the developer.</p>
<p>Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered</p>	<p>Yes</p> <p>In the case of commercial development, land released or developed within the Green Belt benefits from a significant increase in value, some of which should be transferred to the public. The application of the 'Golden Rules' as set out in para. 155 as they apply to commercial development, require a lesser level of public benefit than that achieved with housing i.e. necessary improvements to local or national infrastructure suggests only mitigating the impact of the development and the provision of new or improved accessibility to green space may be unfeasible with commercial sites or unsustainable in terms of attracting people to sites not well served by public transport.</p>

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'not inappropriate' in the Green Belt?	The Golden Rules should be extended to require additional public benefits for example contributions towards skills and training, authority wide travel planning measures or other public benefits.
Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?	No Bracknell Forest has a recently adopted Local Plan in which no Green Belt releases were required.
Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?	Yes Considered likely to be difficult to specify benchmark land value appropriate to all types of Green Belt site i.e. PDL, grey belt and Green Belt (see response to Qu.37).
Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?	Support the concept of a potentially strengthened role for local authorities in assembling land to bring forward policy-compliant development.
Question 46: Do you have any other suggestions relating to the proposals in this chapter?	No
Chapter 6 – Delivering affordable, well-designed homes and places	
Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?	Yes Housing Needs Assessments should consider as a component of affordable housing need, the level/proportion of low cost rented accommodation that should be provided as social rented housing. This would help address the particular needs of low-income working households for whom affordable rented housing at 80% of market rents is unaffordable. These estimates should inform affordable housing policies set out in the Local Plan. This approach has already been taken in Bracknell Forest in terms of the evidence base and policy approach set out in the recently adopted Bracknell Forest Local Plan.

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Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?	<p>Yes.</p> <p>The 10% affordable home ownership requirement appears to be an arbitrary national minimum requirement that does not necessarily reflect the proportion of need identified at a local level.</p>
Question 49: Do you agree with removing the minimum 25% First Homes requirement?	<p>Yes.</p> <p>The 25% requirement undermines the objective of allowing local plan policies to be based on locally identified need, informed by evidence provided through Housing Needs Assessments and other data sources. It also prevents the LPA from determining an appropriate split of AHO products (e.g. First Homes, shared ownership housing, etc.) based on local house prices, local incomes and so on.</p>
Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?	<p>No</p>
Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?	<p>Yes</p> <p>Promoting developments that provide a mix of tenures and types of housing is generally supported. This approach is already adopted by most LPAs, including Bracknell Forest, in their local plans so the need for national policy is unclear.</p> <p>If national policy is to be introduced on this, it is important that it is not overly restrictive or prescriptive and does not constrain an LPA from exercising discretion, where it considers that a deviation from such an approach is beneficial or otherwise justified. For example, single tenure provision may be appropriate on smaller sites, or on developments where 100% affordable housing schemes are proposed, or where a provider wishes to bring forward a specialist form of provision.</p> <p>Similarly, we would generally support policies that promote a mix of house types and sizes. Too often, developers seek to provide affordable housing as smaller flatted dwellings even on sites where most of the provision of market sale housing is as larger family dwellings. However, some sites are less capable of providing a mix of housing types, such as high-density flatted developments in urban centres. Policies should promote the principle that the type and size of affordable housing provided on individual sites should reflect the type and size of market dwellings on the site.</p>
Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable	<p>Any opportunity to bring forward a scheme with a high percentage of rented units should be supported in view of the critical shortage of social rented and affordable rented housing.</p> <p>In our experience, this is most commonly achieved through registered provider-led proposals for 100% affordable housing schemes.</p>

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housing developments?	<p>Our experience is that the delivery of certain forms of affordable housing which are in high demand, such as social rented housing and larger affordable homes for rent is constrained by viability arguments raised by developers. In practice, higher levels of affordable housing for rent, require an additional form of subsidy, in the form of grant funding.</p> <p>Current affordable housing funding rules do not permit the use of grant funding to support affordable housing provided to meet a planning requirement. Only additional affordable housing provided outside a s106 agreement can therefore be grant funded. Authorities that do not own stock, and are not registered providers, have little scope to promote developments providing higher levels of affordable housing. Instead, they are dependent on registered providers bringing forward additional affordable housing proposals – which may or may not happen.</p> <p>This means that these Authorities have no effective means of promoting additional affordable housing, and no ability to draw grant funding to their areas. Nationally, this can result in a mismatch between those areas where there exists a high need for additional affordable rented housing and areas where registered providers are able to bring forward grant-funded schemes.</p> <p>Ways of overcoming this are to consider allocating grant funding to registered providers by area or region, or to return to the principle of allocating an element of grant funding to each Authority to spend in their local area in line with their own housing investment policies and priorities.</p>
Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?	<p>Developments proposing high levels of social rented housing, including 100% social rented proposals need to be assessed in terms of the objective of delivering balanced and sustainable communities. There is not considered to be a set maximum size above which such developments would be inappropriate. This would depend on many other factors, such as the nature and tenure of other housing in the neighbourhood, the type and size of housing being provided, and the effectiveness of housing letting and management plans.</p>
Question 54: What measures should we consider to better support and increase rural affordable housing?	<p>No comment.</p>
Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?	<p>Yes.</p> <p>It is reasonable to consider the housing needs of looked after children within Housing Needs Assessments, alongside other groups such as families, older people, people with disabilities, etc.</p>
Question 56: Do you agree with these changes?	<p>Yes</p> <p>However, we do have some concerns (see response to Qu. 57).</p>

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<p>Question 57: Do you have views on whether the definition of 'affordable housing for rent' in the Framework glossary should be amended? If so, what changes would you recommend?</p>	<p>Yes</p> <p>The question asks specifically about amending the definition of affordable rented housing (must currently be owned and managed by registered providers and Local Authorities), to allow other potential providers, such as community-led developers and almshouses, to develop and manage affordable rented housing.</p> <p>The Council's main concern is whether affordable rented housing provided by other non-registered provider bodies would be subject to the same local authority nomination arrangements. Non-stock owning authorities, in particular, depend on access to registered provider homes to meet the needs of households on the housing register. The housing allocation policies developed by Local Authorities aim to ensure fairness in how these homes are allocated. If other bodies were able to compete with registered providers to deliver s106 requirements for affordable housing, and were able to allocate the homes according to their own policies, without being required to provide nominations to the local authority, then this would reduce the availability of homes for households on the housing register and lengthen housing waiting times.</p> <p>A second concern is how the quality of housing management, maintenance, financial governance and so on would be guaranteed if such organisations do not come under the scrutiny of the Regulator of Social Housing (RSH). Some form of regulation and redress for tenants is needed either through the existing RSH or another body. We would suggest that the RSH should have some sort of regulatory role in relation to these organisations, although applying the same regulatory framework as for registered providers may not be appropriate, given the smaller size of these organisations.</p>
<p>Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?</p>	<p>Yes</p> <p>Few small sites are allocated through the local plan due to the time that it takes to progress a site through that route. They tend to come forward as windfall sites as it is quicker to use the development management process, particularly where a site lies within the settlement where development is acceptable in principle. Furthermore, if there are periods when a LPA does not have a 5 year HLS, the opportunity is often taken to submit a speculative application on the edge of, but, outside the settlement boundary. Such sites are frequently won on appeal as it is argued that they can fill a short term gap in supply.</p> <p>The consultation refers to a small-site strategy however it is not clear what this would involve or what measures would encourage land owners/developers to prioritise the development plan process over the development management process.</p>
<p>Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to</p>	<p>Yes</p> <p>Whether a place is 'beautiful' is a matter of opinion. There is a need to achieve a higher quality of design of buildings and places but this requires looking beyond appearance and the detailing of buildings. For example, there is also a need to consider issues around the character of the area, layout, form and scale of buildings proposed together with landscaping and materials.</p>

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'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework?	
Question 60: Do you agree with proposed changes to policy for upwards extensions?	<p>Yes</p> <p>It was never clear why mansard roofs were singled out. Supporting upward extensions in the interests of maximising the use of space is considered to be a more appropriate broader approach.</p> <p>Agree with the removal of the word 'height' as reference to the 'prevailing form of neighbouring properties and the overall street scene' retains sufficient protection.</p>
Question 61: Do you have any other suggestions relating to the proposals in this chapter?	No
Chapter 7 – Building infrastructure to grow the economy	
Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?	<p>No</p> <ul style="list-style-type: none"> • The need for large strategic sites for these uses needs to be considered at a regional/sub-regional level and possibly dealt with through the NSIP process. • For smaller sites, it is more appropriate to include criteria based policies rather than specific allocations as they often have specific requirements e.g. proximity to freight network or other infrastructure which an LPA may not be aware of. • The most suitable sites are generally within existing designated employment areas. However, these are currently being fragmented by the exercise of PD rights – some form of national protection is needed. • Some of these 'modern economy' uses do not generate many jobs. It is therefore important that a mix of employment uses is secured, providing a range of employment opportunities to support the local workforce.
Question 63: Are there other sectors you think need particular support via these changes? What are they and why?	<p>Yes</p> <p>Traditional employment uses and retail due to the need to retain a range of employment opportunities for the local workforce and address post pandemic impacts (see Qu. 62).</p>
Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being	<p>Yes</p> <p>Subject to appropriate thresholds.</p>

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directed into the NSIP consenting regime?	
Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?	<p>Yes</p> <p>No specific suggestion but the direction power should relate to developments of regional or national importance.</p>
Question 66: Do you have any other suggestions relating to the proposals in this chapter?	<p>Yes</p> <p>Designated Employment Areas should be protected and exempt from permitted development rights that result in the introduction of residential uses and other uses that fragment such areas and which are detrimental to symbiotic clusters of similar business types.</p> <p>National guidance needs to be produced on carrying out Employment Land Reviews to encompass modern economic uses so that a consistent approach is taken.</p>
Chapter 8 – Delivering community needs	
Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?	<p>Yes</p> <p>It is considered appropriate to afford significant weight to the provision of new, expanded or enhanced public service infrastructure when such development proposals are considered.</p>
Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?	<p>Yes</p> <p>However, the suggested text would benefit from the addition of reference to Special Education Needs and Disabilities (SEND).</p>
Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?	<p>Yes</p> <p>However, query how the Government intends to test the 'vision' set out in para. 114. a) & d). Will it require Local Transport Plans to go through some form of Examination by the Planning Inspectorate?</p> <p>Within paragraph 115, the word "only" needs to be removed, as its presence makes the rest of the sustainable transport paragraphs in the chapter impossible to enforce through the planning process. This leads to developments that are not sustainably located and that are car-dominated in terms of trips, resulting in an increase in sedentary lifestyles and obesity.</p>
Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b)	<p>The NPPF should explicitly state that the locational aspects of development should take into account health considerations including the availability of healthy food choices. Clarity is requested on what evidence is required to justify a local policy which encourages healthy living. It would seem perverse to require evidence of an unhealthy population (e.g. high levels of obesity in an area) before positive policies can be justified. Surely, a preventative approach should be taken.</p>

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tackling childhood obesity?	
Question 71: Do you have any other suggestions relating to the proposals in this chapter?	No
Chapter 9 – Supporting green energy and the environment	
Question 72: Do you agree that large onshore wind projects should be reintegrated into the s NSIP regime?	<p>Yes.</p> <p>Given the scale and nature of such projects, it is considered appropriate that they are dealt with under the NSIP regime.</p>
Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?	<p>No.</p> <p>Disagree with the requirement to “<u>identify</u> suitable areas for renewable and low carbon energy sources...” in para 161(b) rather than “consider identifying...” This proposed change is not considered necessary due to the deletion of footnote 59 which removed the requirement that, to be acceptable, onshore wind turbines should be located in identified areas. The current wording provides more flexibility as the evidence base might demonstrate that an Authority does not have areas suitable for all technologies.</p>
Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?	<p>Yes</p> <p>An additional criteria should be added to the re-numbered paragraph 161 to ensure that in plan-making, LPAs take account of any such sensitivities in seeking to increase the supply and use of renewable and low carbon energy and heat. Paragraph 164 (decision-taking) should be amended in the same way.</p>
Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50	<p>Yes.</p> <p>Increasing the threshold for onshore wind is supported.</p>

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megawatts (MW) to 100MW?	
Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?	<p>Yes</p> <p>Increasing the threshold for solar projects is supported.</p>
Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?	N/A
Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?	<p>It is necessary to provide clarity on whether policies on the energy efficiency of new dwellings can be included in Local Plans. Current national policy is very complex and contradictory as provision under the Planning and Energy Act 2008 enables Authorities to include policies on energy efficiency in Local Plans. However, the Written Ministerial Statement Planning: Local Energy Efficiency Standards (December 2023) seeks to curtail Local Plans including policies concerned with emission reductions for new dwellings.</p> <p>In addition, it would be helpful if the NPPF included policies supporting the reduction of emissions from embodied carbon and operational carbon not covered by the Building Regulations.</p> <p>The NPPF should also be updated to clarify that LPAs can introduce more stringent water efficiency standards beyond the current optional Building Regulations as set out in the Planning Guidance: letters to chief planning officers of 30th January 2024.</p>
Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?	<p>Not aware of any tools or guidance which are recommended by the Government for carbon accounting in plan or decision making. There is also a lack of technical expertise and resources in planning departments to assess the carbon impacts of plans and decision making.</p> <p>There also needs to be an objective for undertaking a carbon assessment e.g. a carbon emissions target/will any emissions need to be off-set? Otherwise, the assessment will not add much value to plan-making or decision making other than an understanding of its carbon impacts.</p>

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Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?	<p>Yes</p> <p>Para. 169 - The exception test is only applicable to developments with a certain flood risk vulnerability classification within a flood zone as defined by the Table 2 of the PPG Flood risk and coastal change</p> <p>As all sources of flooding are now considered in the sequential test, Table 2 should be amended to include surface water and other forms of flood risk. As Table 2 stands, where a development is to be located in areas at risk of surface water or other flood risk, the exception test is not required to be applied.</p> <p>Para. 174 - consideration should be given to the need for a sequential test where part of the site is in a flood risk area, however the layout of the site is such that vulnerable infrastructure like buildings/access roads are located in areas at no risk of flooding.</p> <p>Para. 175 - apart from for major developments, there should be a paragraph and criteria for identifying where minor and non-major development should incorporate SuDS. Criteria should include sites at risk of any source of flooding.</p>
Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?	<p>Yes</p> <p>The Local Plan Inspectors for the Bracknell Forest Local Plan required evidence of 'local circumstances' to justify policies aimed at securing higher energy efficiency standards beyond those set out in the Building Regulations. This is considered unnecessary due to the general acceptance of the issue of climate change (see para. 194 of Inspector's Report: Inspectors report - Bracknell Forest local plan (bracknell-forest.gov.uk)) A Main Modification was sought to Criterion 1i of Policy LP49 and paragraph 19.4 to make it clear that the standards set would be encouraged rather than required. As a result, developers dismiss the content of this element of the policy.</p> <p>There appears to be an inconsistent approach being taken on this issue by Local Plan Inspectors.</p>
Question 82: Do you agree with removal of this text from the footnote?	<p>Yes</p> <p>The removal of the text from the footnote retains a requirement to focus development on poorer quality agricultural land. It removes the uncertainty as to what tests should apply in assessing the availability of agricultural land for food production.</p>
Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?	<p>Bracknell Forest has only limited land dedicated to food production. As part of the local plan process, it became evident that there is no guidance on how to measure food production and to take account of the outcome.</p> <p>Footnote 63, which seeks to focus new development on areas of poorer agricultural land and para. 180 i) which refers to 'the economic and other benefits of the best and most versatile agricultural land' appear to be appropriate starting points to ensure that the best quality agricultural land remains available for food production. However, in the absence of appropriate guidance, it is hard to take the issue of food production into account in either the plan-making or decision-making process.</p>

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<p>Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?</p>	<p>The water infrastructure provisions in the Planning Act 2008 relate to the provision of large scale infrastructure such as dams, reservoirs or water treatment plants with a capacity to serve a population in excess of 0.5 million. Bracknell Forest does not have experience of the need for water infrastructure on this scale so has no specific suggestions but refers in response to Qu. 85 to provision of smaller scale water infrastructure.</p>
<p>Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?</p>	<p>Yes</p> <p>Bracknell Forest Council is extremely concerned about the adequacy of sewage infrastructure, its ability to serve existing development and the ability/willingness of utility providers to design and implement appropriate upgrades in a timely manner to facilitate the delivery of new housing development.</p> <p>There is a statutory duty under the Water Industries Act 1991, for a sewage company to provide, improve and extend a system of public sewers to ensure an area is effectively drained.</p> <p>However, experience within Bracknell Forest demonstrates that the water company (Thames Water) refuses to actively engage with the planning system in terms of the assessment and design of any necessary upgrades to the sewage system, until an outline planning permission has been granted for the development.</p> <p>This leads to uncertainty within the Authority as to the principles of the design of any drainage system that will be required e.g. the need to provide for a new pumping station on site etc. and to the timeframe of any upgrades that will be required prior to the occupation of any of the dwellings permitted.</p> <p>The NPPG indicates that the 'timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, LPAs will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to the public sewage system have been carried out'.</p> <p>However, the need to phase development in line with the timescales of the sewage company can be a significant bar to the delivery of much needed housing.</p> <p>Furthermore, the water companies do not engage with LPAs on their long term plans.</p> <p>Consequential changes are required to existing legislation/practice to ensure that the water and sewage undertakers engage fully within the development plan process and plan and design any necessary upgrades to sewage infrastructure in order to ensure these can be built out in a timely fashion in order to ensure that there is no delay to the delivery of housing.</p>

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Question 86: Do you have any other suggestions relating to the proposals in this chapter?	No
Chapter 10 – Changes to local plan intervention criteria	
Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?	Yes The revised criteria are succinct and clear, whilst providing flexibility and the ability for LPAs to put forward any exceptional circumstances.
Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?	No
Chapter 11 – Changes to planning application fees and cost recover for local authorities related to Nationally Significant Infrastructure Projects	
Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?	Yes
Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.	N/A
If Yes, please explain in the text box what you consider an appropriate fee increase would be.	Full cost recovery

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Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?	Yes
<p>Yes</p> <p>No – it should be higher than £528</p> <p>No – it should be lower than £528</p> <p>no - there should be no fee increase</p> <p>Don't know</p>	Yes
If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.	N/A
Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.	<p>Yes</p> <p>Higher fees should be charged for prior approvals, discharge of conditions, advertisement consents, agricultural buildings and non-material amendments for householder development as fees for these applications do not reflect the costs of processing them. It is suggested that these fees double.</p> <p>Given the range of issues that are now required to be considered as part of any application for new dwellings, current fees of £578 and £624 do not reflect cost recovery and these fees should also be increased. However, as a minimum, since there is no reduced cost associated with dealing with a more limited number of dwellings, the fee for 1-9 dwellings should be increased from £578 to £624 for each new dwelling (same fee per dwelling as for 10-50 units) and outline applications on sites of less than 0.5 ha should also be increased from £578 to £624 to better reflect the work involved in dealing with such applications.</p>
Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on	<p>Yes</p> <p>Confirmation of permitted development for telecom equipment e.g. telegraph pole and cabinets all of which need to be checked by the Highway Authority to ascertain if they affect visibility. The fee should be £100 per location to reflect officer time in providing a response.</p>

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what you consider the correct fee should be.	
<p>Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee? Please give your reasons in the text box below.</p>	<p>Yes</p> <p>Would give LPAs flexibility to vary fees within prescribed limits if could evidence higher level costs being incurred</p>
<p>Question 95: What would be your preferred model for localisation of planning fees?</p>	
<p>Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee. Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally. Neither Don't Know</p>	<p>Model 2 Local Variation (from default national fee)</p>
<p>Please give your reasons in the text box below.</p>	<p>Prefer Model 2 Local Variation (from default national fee) as this will give LPAs flexibility to vary fees within prescribed limits, reflecting local circumstances/inflation etc.</p>
<p>Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?</p>	<p>Yes</p>
<p>If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for</p>	<p>10% on major applications only</p> <p>50% increase in fees for retrospective applications</p>

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example, just applications for major development?	
Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?	Enforcement and monitoring Policy-making particularly preparation of additional planning documents such as Design Codes and Supplementary Plans Heritage and Design Services
Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?	Yes The Council has no experience of development consent orders but support the principle of cost recovery.
Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.	None known
Question 100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?	None. The basic principle of cost recovery should be supported.
Question 101: Please provide any further	Even under the current proposals, the increase in householder application fees, will not cover the cost of these applications being determined by a Planning

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<p>information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.</p>	<p>Committee. A Local Fee Setting project undertaken in 2013/14 showed the cost of such a committee application to be in excess of £1,000. It is noted that there are current proposals to consult on a national delegation agreement and this may address this issue.</p> <p>The fee increase, also does not cover the costs where such an application is required to be advertised in the local paper e.g. if the proposal affects the setting of a listed building or is within a conservation area (see Qu.101 response).</p>
<p>Question 102: Do you have any other suggestions relating to the proposals in this chapter?</p>	<p>Yes</p> <p>Reduce the costs of dealing with planning applications by:</p> <ul style="list-style-type: none"> • Removing requirement for publicity of applications within local newspapers as this is not an effective way of notifying interested parties. • Remove the planning guarantee so that the fees cannot be refunded if applications are not determined with set time frames as local authority resources have already been used to validate, process etc. the application. • Planning fees to be ring fenced. • Increase fees submitted directly to LPA by £70 to match the fee charged by the Planning Portal in order that use of the Portal is not disincentivised.
<p>Chapter 12 – The future of planning policy and plan making</p>	
<p>Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?</p>	<p>No</p> <p>Chapter 12 urges local planning authorities to have up to date local plans.</p> <p>After many years of preparation, Bracknell Forest Council adopted its Local Plan on 19th March this year.</p> <p>The proposed changes to para 77 of the NPPF that allow us to take account of past oversupply since the base date of the Local Plan would mean that we would no longer have a 5 year supply so would be thrown back into a situation where planning for the future would be through the appeal process.</p> <p>Account is taken of oversupply accrued with the plan period as this was the approach that was endorsed by the Local Plan Inspectors (see para. 178 of the Inspectors' report: https://www.bracknell-forest.gov.uk/sites/default/files/2024-03/inspectors-report-bracknell-forest-local-plan.pdf).</p> <p>The proposed changes are totally contrary to the Council's view that growth should be plan led. Appeals are also costly for the Council, both financially and in terms of limited staff. Since the Bracknell Forest Local Plan was adopted there has been a distinct fall in the number of significant appeals being lodged by developers. Planned growth is providing more certainty for all.</p>

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	<p>The proposed change would mean that this Council is being penalised for having built homes too quickly which seems perverse. Although our site selection process included liaising with developers, infrastructure providers and other stakeholders involved in the development process, build out rates are to a large degree out of our control. This Council is committed to delivering its housing requirement set out in the adopted Local Plan across the plan period.</p> <p>The proposed deletion of para 76 which gives protection for 5 years after adoption makes the situation even worse. Furthermore, new para 76 suggests that we will need to add a buffer of 5% on top of the flexibility in the supply already agreed by the Inspectors through the Examination process. This is double counting.</p> <p>Transitional arrangements are suggested for emerging plans in preparation but there is nothing that applies to plans that have been recently adopted or that are less than 5 years old. Such plans should be protected, especially where the new LHN is less than 200 dwellings higher than the requirement in the Local Plan.</p> <p>We urge you to rectify this omission following consultation. We have no issue with undertaking an early review of the plan, but our community have been supportive of a plan that provides certainty and the proposed changes would undermine the process.</p>
Question 104: Do you agree with the proposed transitional arrangements?	<p>No</p> <p>Further provisions need to be made for those with adopted local plans that are less than 5 years old. The provisions included in the December 2023 version of the NPPF should remain in place for such local plans.</p>
Question 105: Do you have any other suggestions relating to the proposals in this chapter?	<p>No</p>
Chapter 13 – Public Sector Equality Duty	
Question 106: 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? If so, please explain who, which groups, including those with protected characteristics, or which businesses may	<p>No</p>

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be impacted and how. Is there anything that could be done to mitigate any impact identified?	