

Housing White Paper Consultation Questions and JCS Responses

Making Plans Easier to Produce

Question 1

Do you agree with the proposals to:

a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?

We agree with this clarification, and this is the process we have followed in developing the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. (the JCS)

b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?

We are confused about the meaning of this question. If the question above is asking if the sites need to have the unanimous agreement by each of all of the **elected** members of a combined planning authority then we think a majority vote is all that is required. However if the question asks if there should be a unanimous agreement between each of the **authorities** within the combined authority – then yes we agree this should be unanimous, as the strategy should be the will of all of the councils involved.

c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?

This would be a very helpful step to clarify the extent of evidence base required for a Local Plan to be found sound. We agree with the Local Plans Expert's group findings on this topic.

Question 2

What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?

Spatial Development Strategies (SDS) will be a valuable tool in providing the context for the development of more localised plans and neighbourhood plans. This is a welcome step and mirrors the work we have been doing through our three authority's work on the JCS.

However in evaluating these strategic and higher tier documents it is vital that regulations, examinations and decisions accept that not all of the answers on how lower tier plans and applications will deal with issues regarding sites will be resolved at this higher tier.

The regulations need to be clear that it will need to be enough that SDS' should demonstrate a strategic evidence base that shows **options** to deliver the strategy and the sites **are viable and realistic**, rather than adopting a particular solution. This is especially the case when an SDS could allocate a site to come forward in 10 or 15 years' time.

This will ensure that examinations don't grind to a halt over the specifics of schemes which have not yet been worked out at that level of detail – but also help to reinforce the principle that a sound plan should set out 'an' appropriate strategy for the area rather than the 'most' appropriate strategy.

Looking ahead to further reforms, once the SDS is in place, it may be possible to reduce the scope of examinations for lower tier plans to only those issues not already covered.

Question 3

Do you agree with the proposals to:

a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?

Yes we agree that it is appropriate to plan for groups with specialist housing needs as an integral part of plan making, however planning for this provision should remain flexible, especially in later parts of the plan period. This will help to ensure that the plan remains flexible to new approaches to specialist housing and market trends which may change the best way to address these needs. Changes in the way older people and those with disabilities wish to be housed have occurred rapidly since the 1990s and continue to evolve with the development of technology. The market is also constantly changing, for example in regard to the popularity of extra care housing models.

b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?

Yes we agree that a standardised approach to assessing housing requirements would be a useful step forward to help simplify and speed up plan making. This should include a standardised approach to assessing the housing requirements of groups with particular needs, such as older and disabled people. However, transitional arrangements should be put in place to protect the five year supplies of authorities which have recently adopted plans based on the current methodology- for a period of up to two years. This will protect recently made plans against opportunist, non-plan led development and give time for the authorities to apply the new approach, adapting allocations and policies if necessary.

Question 4

Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;

This appears to be more clarification of policy rather than a change as such, but we agree with the clearer formulation of this. It may also be helpful to link this with a requirement to maximise the use of available previously developed land (taking into account protection of heritage, biodiversity, amenity and other land uses including employment) before looking to green field development.

b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;

This appears to be more clarification of policy rather than a change – we agree with the clarification however

c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?

We agree that Footnote 9 should be elevated into the policy text, to remove uncertainty as to its status as a footnote.

d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

We have no objections to these changes

Question 5

Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?

We agree that local planning authorities should be able to dispose of land with the benefit of planning permission which they have granted themselves.

Question 6

How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?

It would be helpful to extend the range of CPO powers to better deal with ransom strips where they unreasonably hold up development in the public interest. However these powers would need to be used consistently across the country and detailed guidance would need to be published to avoid unjustly benefiting private interests. The rules on compensation for CPO should also be reviewed, to ensure that such measures are affordable for local authorities to undertake (including the risk of litigation). We would welcome a government consultation on the efficacy and potential for introducing a land pooling regime – but this would have to be done thoughtfully given the differences in land ownership and assembly between the UK and much of continental Europe.

Question 7

Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?

We agree with this change as it would reflect the current reality that social and economic benefits are considered as part of the local plan process or planning application currently as part of the social role of sustainability. It would be helpful if the government could build on the estate regeneration strategy to introduce new planning practice guidance on social sustainability. This would give guidance on mitigating harm and getting the most benefit out of large new development near to existing estates, particularly those in need of regeneration.

In addition, regeneration has extensive benefits to not only the local, existing community but also to the wider area. Advances in building techniques and materials means that developers are able to provide improved quality of accommodation and also more appropriate house types.

Question 8

Do you agree with the proposals to amend the National Planning Policy Framework to:

a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?;

Highlighting the role neighbourhood plans offer in identifying small housing sites is helpful. Often the positive role that neighbourhood plans can play is overlooked in this regard. Neighbourhood Plans are still slow in coming forward in city and town areas in comparison with rural areas. Many small sites come through as windfall, or will have constraints which have prevented their unlocking to date.

Despite this, supporting multiple neighbourhood plans will take planning resources which are currently much stretched in councils across the South West. Neighbourhood planning groups often require a lot support and guidance from local authorities to help them through the process and ensure that they meet the basic legal conditions. Furthermore, the amount of funding local authorities are able to claim has been reduced by up £10,000 per neighbourhood plan. In addition, the receipt of some funding is dependent on a neighbourhood plan reaching a referendum which adds further risk to local authority resources in support of this process. Therefore a greater investment in neighbourhood planning would need to come with more investment in planning professionals as part of local authorities to assist communities in developing successful strategies.

b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?;

We agree that there is an important role for new development in villages to help them thrive, support services, and contribute towards the wider housing needs of the area. Further emphasis in plan making on how this should be considered through plan making would be welcome. However, new development potential has to be seen in the context of the individual village and its overall sustainability and availability of suitable sites.

To enable villages to thrive there is also needs to be a suitable mix of housing to improve affordability and help local people to access housing.

c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?;

Rural exception sites can make a valuable contribution towards meeting identified local housing needs, particularly in areas which would otherwise be sensitive and constrained, and should be promoted. However, in the JCS area this would often mean building in areas where development should be sensitively managed, such as in the AONB and Green Belt. The opening up of such sites to market or starter housing could erode Green Belt boundaries which would mean subsequent development would be difficult to refuse. Therefore exception schemes need to be consistent with all other policy provisions and be of a scale that it is appropriate for their context. Changes to national policy in this area to provide a blanket approach therefore need to be considered carefully and this may be a matter which would be better considered locally.

d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?;

We are not clear exactly how this policy stipulation would work. Would this apply to the development plan as a whole, or to each Development Plan Document? If the latter, this would not work well with SDS type plans which operate at a much more strategic level. As a whole this requirement doesn't reflect the differing nature of allocations, including what sites are actually available, in different authorities and is therefore too arbitrary to be valuable. A 10% requirement could lead to unnecessary pressure on small sites that would otherwise be considered to be unsustainable. If for example an authority was very land constrained and had only a few allocation

sites this 10% requirement could pose a significant threat of unsoundness at examination. As a whole this requirement should in our view be rejected as not in keeping with Local Plan Experts group's advice to encourage flexibility in plan making.

e) expect local planning authorities to work with developers to encourage the sub-division of large sites?;

The sub-division of large sites is contrary to our approach in the JCS area and does not reflect the best gains in onsite infrastructure provision with large sites. The value in master planning for strategic scale allocations is that the needs of the new and existing communities can be planned for as a whole and not in a piecemeal way. It is difficult to address issues such as green infrastructure provision and other areas of land use where a particular developer will get a lower return once a site has been subdivided.

Also in relation to planning for significant new roads and schools infrastructure, allocating large scale sites and resisting their subdivision allows for the burden of this provision to be adequately addressed.

The need to look to subdivide sites may also mean the loss of affordable housing on sites where policies set a threshold of dwellings. Even where affordable housing is not lost, a subdivision of sites is more likely to lead to an increase in the number of Registered Providers in an area. This can pose challenges in terms of: (1) sharing intelligence on common housing management issues, (2) having an effective officer presence on the ground, and (3) the potential for poorer community engagement and community involvement.

Overall this provision would amount to a significant disbenefit to the provision of infrastructure and joined up spatial planning, as well as impacting negatively on our ability to deliver sustainable communities. The requirement to seek to artificially subdivide sites would also put a significant drain on the existing stretched resource of local planning officers – and would often be resisted by land owners in cases where it was not to their benefit..

f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?.

We have no objection to encouraging the use of LDO's and area wide design codes but this is about more than bringing forward sites quickly. It can be for reasons of certainty and design quality also, amongst other issues. LDOs have shown benefits in relation to securing high quality employment development by offering certainty which can be useful to a site promoter to help a scheme gain investment.

Question 9

How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?

This is a significant issue on its own, but the key issue here is land assembly and making sure that the land value increase from development is fully utilised for the provision of quality strategic infrastructure such as parks, roads, schools, core central facilities etc.

Question 10

Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:

a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?

This is a sensible and important protection for the Green Belt and mirrors our approach in undertaking the JCS.

b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?

The NPPF lacks a definition of existing brownfield land in the Green Belt. This would be a helpful inclusion as often airports, and other commercial sites already exist in the Green Belt, and it may be more appropriate to develop here than in greenfield greenbelt. The principle of major sites in the greenbelt should be reintroduced if compensatory improvements are to be part of the NPPF is being considered.

The idea of making compensatory improvements to environmental quality of remaining Green Belt Land would be difficult to implement other than as part of green space which would exist within development made as part of the part of the Green Belt to be removed. Perhaps all green field land should benefit from such a policy where resources for such improvement are available, as this would allow better targeting of more accessible locations. Ultimately to make the best improvements new powers would be needed to increase access to private land.

c) appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt?

Agreed

d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?

This would seem sensible to bring the regime in line with Community Right to Build Orders. However guidance should be published on how to ensure that this does not lead to development occurring which would fragment a strong Green Belt Boundary – particularly on the periphery of settlements. It should also be reinforced that both NDOs and CRBOs should be in line with the spatial strategy and green belt policies in the adopted or emerging development plan.

e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?

This is not considered necessary as the detailed boundary of the Green Belt is an important strategic issue to be considered at the same time as the strategic plan making. Nevertheless there may be cases where the lower tier plan may also want to refine Green Belt boundaries as a result of smaller scale development, but always making such revisions to create a strong Green Belt boundary. The role of safeguarded land in paragraph 85 of the NPPF should be emphasised, so that changes to the green belt to meet longer term needs are planned well in advance. There is a considerable danger of the reforms in this chapter being used together to nibble away at the Green Belt, in a way that harms its permanence and consistency. Once ‘holes’ are created in the Green Belt, or its clear physical boundaries are undermined, the value of the designation is lost. This is why changes must be furthered through strategic planning, and discussed fully through examination.

f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?

We agree that these Green Belt types and locations, where available, should be considered carefully as a high priority before other Green Belt land, but this depends on the nature of previous development. Some PDL green belt land (such as, cemeteries, waste sites, WW2 airfields etc.) will be of more of an open quality than others. Similarly some PDL land will be in a more sensitive location for the purposes of green belt than others. Therefore it would be better to reintroduce the PPG2 definition of major existing developed sites in the Green Belt, rather than a simple sequential test.

Question 11

Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?

Urban land availability and appropriate urban densities should be fully considered before the release of Green Belt land, but this has been the case in the JCS area and is probably already done in most authorities. However, when comparing the relative merits of greenfield sites, there may be cases where there are site opportunities in the Green Belt which may, in the overall context of sustainability, present more suitable options for development, for example where they comprise elements of previously developed land.

Question 12

Do you agree with the proposals to amend the National Planning Policy Framework to:

a) Indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?;

While we agree that it would be useful to provide a neighbourhood planning group with a housing figure, there is concern about the practicalities and effectiveness of achieving this. The objectively assessed needs (OAN) for housing are calculated for the local planning authority's area as a whole. Breaking this need down for a neighbourhood plan area would need to be a policy decision to distribute the OAN across the area. This would need to be in conformity with the Development Plan's spatial strategy. Providing a set requirement for an area may remove flexibility for the wider area to deliver against the overall housing need. This could be a particular issue where a neighbourhood plan area is given a requirement, but is then unable to achieve this.

At the moment, neighbourhood plans are not required to identify sites for housing. Therefore, if plan has a requirement but does not identify sites, does this raise issues with the plan meeting its basic conditions? This seems at odds with current requirements of what a neighbourhood plan has to do.

b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?;

We agree that an increased emphasis on design expectations and codes would be a positive change

c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?;

We agree that this would be a beneficial change, however it would also be helpful to introduce mandatory developer consultation with the community on emerging large schemes – such as is already the case with national infrastructure schemes. This would make it easier in the early stages of planning development for the community to know of and engage with the planning process.

d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?

Design is often a matter of judgement, fact and degree. It is also individual to the circumstances of each case. Therefore such a statement would not be a beneficial addition in our view

e) recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?

We agree with the proposed reference to design standards such as Building for Life, however this should not be used to reduce the individuality of settlements and design freedom; because this would lead to a loss of a sense of place.

Question 13

Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?;

We do not agree with this as density is sometimes appropriate to be lower than the average density for the purposes of urban design, landscape character and reflecting the nature of the area being developed. Shortage of available land is not supported as a reason to promote development of higher densities on land that is available which may otherwise have been considered unsustainable in design terms.

Flexibility in density should also be retained to take account of how affordable housing can best be managed in that area, having regard to existing community issues. High density affordable housing may serve to exacerbate any existing challenges there might be in tackling community-based issues in that area. Consideration should also be given to the local needs of particular groups. An area may be suitable to support the needs of older people and/or households with physical disabilities. These homes will require more generous space standards.

b) address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?;

We agree that there will be urban areas that can be redeveloped at higher density particularly around transport hubs and other commercial areas that are in high demand. However this is a policy that should be applied carefully by each location, and what works, particularly in major urban centres such as London and Birmingham is unlikely to be appropriate in all towns and cities. There is a significant threat that this policy change could lead to a loss of valuable and well used employment land, as land prices for high density housing will always outstrip this. The loss of such employment land would harm small businesses and lead to increasing pressure on the transport network.

c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?;

We agree with this, it is important that supporting text reflects that increasing density could mean terraced housing as well as, or in preference to building upwards which is unsuitable in many locations and has previously led to social and health problems. There are also factors of design, landscape, heritage and character of the urban environment that need to be considered. The lessons of previous large high density high rise housing development in Birmingham and Manchester in the 50s, 60s and 70s need to be very carefully considered, as many of these schemes are now being pulled down.

It is therefore vital that wider social/community issues are also considered in order that new developments can thrive and remain desirable places to live.

d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?

This would need to be applied very carefully, and would be a decision best taken at local level on a case by case basis. Individual amenity space can be just as important as communal space. It is important that open space provision be considered both in terms of visual amenity and mental and physical wellbeing. There is also likely to be biodiversity impacts on any loss of open space, as gardens can provide important habitats.

Question 14

In what types of location would indicative minimum density standards be helpful, and what should those standards be?

The standards should be defined locally, and should be suggested within defined locations inside the principal urban areas of cities and towns. This should be guidance rather than policy, to be sensitive to the needs of specific schemes. Overreliance on national guidance on design and density could create further homogeneity of the urban landscape and loss of a sense of place.

Question 15

What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?

Local Development Orders and Action Area Plans could be useful in this regard. In most cases the impediment to development of public sector sites isn't planning, as planning permissions are rarely refused, especially on PDL sites. However, additional resources to enhance knowledge and experience of the market and delivering development within local authorities are important to achieving delivery. This would need to be combined with measures to reduce the regulatory burden

constraining innovation in using these assets effectively. Task forces should be created to catalogue assets and use agents to advise officers of what the private sector would do with these sites.

Regulations restricting Local authorities creating housing development and becoming private landlords should be relaxed. Often local authorities have seen disposal of land assets as the only way of achieving best value – whereas more homes could be created and revenue to provide services generated if local authorities were to build homes to rent. In certain circumstances local authorities should be allowed to make a profit as long as these profits were recycled back into service delivery.

Delivering new homes on public owned sites can present challenges, often in the way of overcoming rights of way issues. This can lead to delays in development, and will also impact on the design/layout and density. Pressures to spend Right to Buy receipts within 3 years can be difficult on complex sites, with the result that this can act as a disincentive to work on public-owned sites that are known to be highly complex. Freedoms over the speed with which Right to Buy receipts can be spent will overcome this issue. Greater financial freedoms – i.e. being able to spend a greater proportion of Right to Buy receipts, along with a removal of the HRA debt cap, would provide greater opportunities to deliver more affordable housing in areas that would otherwise have to rely mainly on 106 sites that are often financially unviable for affordable housing. A reversal of the current rent policy (-1%) back to CPI +1% would enable local authorities with housing stock to invest more in providing new affordable homes on public owned sites.

Providing Greater Certainty

Question 16

Do you agree that:

a) where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?;

There is confusion over whether this 10% buffer would be added on top of any 5% or 20% under delivery buffer already present?

Overall we think that a revision to the current system of establishing 5 year supply should be brought in, with clearer rules on how supply should be worked out with a clear methodology, rather than drafting, consulting and then passing to the inspectorate for individual years.

This is because the process itself will likely take more than a month and the agreement is only for one year. The consultation element will take time and it will be difficult to ensure that all potential developers are represented. Developers whose sites are not part of the supply would have an interest in blocking any agreement. Developers may also continue to contest elements such as the OAN. Also even if an agreement were to be put in place and the loss of delivery on any site could invalidate the agreement, or at least weaken it. This would be likely to result in the authority 'having another go' on a varied agreement, further constraining the resources in the system.

b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?

This would be too cumbersome an approach and would add to the burden of plan making, it would also likely stretch the resources of the inspectorate, which is already suffering delays due to lack of inspectors/ funding. It would be better to set out some clear guidelines as to how the assessment should be calculated and then let local authorities do this.

c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?

As above, the focus of the guidance should be on ensuring that authorities follow a specific formula to achieve robustness (with acceptable alternatives where evidence isn't available/ forthcoming etc.). If this system were to be put in place, and properly resourced the agreements should last for at least 2 years.

Question 17

In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

a) a requirement for the neighbourhood plan to meet its share of local housing need?;

We agree that a neighbourhood plan should endorse the meeting of objectively assessed housing need for the area of the neighbourhood in question, and not take any measures which would block this delivery or are contrary to an in date or emerging development plan document. This needs to be emphasised in a revision to the NPPF. However it should be recognised that making neighbourhood plans is difficult for many communities, and completion rates are poor, particularly for urban authorities. Therefore there should be no insistence that neighbourhood plans meet housing need through their own allocations. Neighbourhood Plans should continue to be able to provide for more development than that which is needed in the local area, but the principle duty of meeting housing needs should remain the role of the local plan, unless the planning authority specifically delegates this. This protects local communities and ensures that LPAs are doing their job.

The protections of the ministerial statement on the 12th of December 2016 of neighbourhood plans not being out of date if they are less than 2 years made and the authority can show at least 3 years of housing land supply are welcomed.

b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?

We do not think this test is necessary, is rather arbitrary and adds unnecessarily to complexity. The principle of the local authority being able to show three years of supply is enough.

c) should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?

It is not absolutely necessary to have site allocations in the plan as neighbourhood plans can perform a number of roles. Reinforced with a stronger commitment to the need for neighbourhood plans to be in conformity with an adopted or submitted local plan document where present, they should not be deemed out of date simply because they don't allocate housing.

Question 18

What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:

a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;

A scale of fees that is proportionate to the size of the proposed development would be appropriate. The fee should be proportionate to the procedure chosen (higher for informal hearings and inquiries.) Householder appeals, or where permitted development has been removed, LBC and adverts should be exempt (since the majority of these are written reps). Coupled with this would need to be more capacity within PINS to process and determine appeals in a timely manner if introducing fees.

b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and

This would need to be dependent on the reasons for upholding/dismissing the appeal i.e. misconduct of Council and where costs are awarded against the Council, unavoidable technical reasons for appeal dismissal. A 'triage' system should be introduced which identifies whether it would be reasonable to refund fees – set out in national guidance.

A broad category of exceptions and qualifying appeal decisions would need to be provided to avoid all appeal fees being challenged. Requests for a fee refund considered on a case by case basis and subject to an application made to PINS, similar to costs awards.

c) whether there could be lower fees for less complex cases.

A scale of fees that is proportionate to the size of the proposed development would be appropriate.

Question 19

Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers?

We agree with this; however it is often difficult to enforce these policies at a local level. The government should make broadband rollout and delivery a key requirement in National Planning Policy for all new houses and businesses with exceptions for only the most remote locations where this is not physically possible. The need for high quality infrastructure can also be applied to the full range of infrastructure not just digital infrastructure in new development.

Question 20

Do you agree with the proposals to amend national policy so that:

the status of endorsed recommendations of the National Infrastructure Commission is made clear?;

Agreed

authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?

Authorities should address the issue of whether there are any additional development opportunities but there may be sound strategic planning reasons why there may be none, few or many additional opportunities arising

Question 21

Do you agree that:

a) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?

Agreed this would be useful

b) that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?

Agreed this would be a useful additional piece of information to the information provided

c) the basic information (above) should be published as part of Authority Monitoring Reports?

This should be optional for AMRs but should be encouraged, and the information provided by applicants will feed into the housing trajectory

d) that large housebuilders should be required to provide aggregate information on build out rates?

We agree that this would be useful information

Question 22

Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?

There is concern that such a consideration could lead to permissions being granted in high-demand areas only. This could lead to disproportionate patterns of growth across an area. Furthermore, this could impact on more complex developments (viability, remediation challenges etc.). Therefore the application of such a measure would need to be done carefully with all deliverability factors taken into account.

Such a policy would also need to consider the reasons for previous non-implementation which would need to be investigated thoroughly. If there are identified long-term implications for delivery (costly site constraints/flood issues/viability/legal issues) then this may be an acceptable approach. If it's simply a land ownership issue or change of mind/developer interest in the land then this would not be reasonable. Set thresholds for triggering this principle based on the size of development proposal might be relevant also. Sometimes it is reasonable for planning permission, especially outline consent, to be granted for more difficult schemes, where they would bring strong regeneration benefits – even if they are more uncertain. Therefore overall we would not normally support this approach.

Question 23

We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.

As per question 22, the picture of deliverability can often be quite complex so any measure such as this would have to be carefully considered. There is concern that this approach could favour a small number of developers who have good recent track records. In addition to this, there is uncertainty about how such decisions on track record would be made and what it would be based on, leaving much scope for challenge. This approach could disproportionately impact the small and medium housebuilder which the government is trying to encourage coming forward.

Question 24

If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?

The answer given to question 23 applies. A new entrant wouldn't have a track record regardless of scale of site. This might conflict with the government's desire to promote the small/medium size house builder

Question 25

What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.

It is agreed that this could be a useful tool to be applied on certain developments. However, viability and complexity of delivering a site must be taken into account when making any decisions on timescales. Without careful consideration at the point of determination that a scheme could be implemented within a two year period (and any corresponding reserved matters dealt with), this initiative could lead to revised/renewal applications being submitted which has costs implications for local authorities, particularly if a 'free go' applies. These repeat applications could cause frustration and be resource intensive for both the Councils and the community.

Question 26

Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?

We are very keen to improve the implementation of permissions however we do not regularly use completion notices in planning. Therefore reducing the red tape around the system and promoting its use would be welcomed. However any appeal mechanism would need to be looked into carefully –as authority resources could be tied up with complex appeals. There could also be legitimate reasons such as unexpected costs or housebuilder liquidity which would mean that even if a completion notice were served, this might not get the development built.

Question 27

What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?

This would seem reasonable – but subject to our answers in Q26. There is a danger that if permission was lost part way through a development, and then for some reason became difficult to re-secure it could lead to estates being half completed or a protected period of living on a building site for early residents. However on balance increasing the value and normalising the use of this procedure is likely to be beneficial.

Question 28

Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?

Agreed

b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?

Agreed, except where detailed evidence already exists on this topic – for example where a plan is at an advanced stage of production and at examination and the inspector has given views on the annual housing requirement.

c) Net annual housing additions should be used to measure housing delivery?

Agreed

d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17?

Agreed

Question 29

Do you agree that the consequences for under-delivery should be:

a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?;

b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?;

c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?;

d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and

e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

This is a very mathematic approach to under delivery, and is not sensitive to the individual circumstances of the cases in question. It is also not clear exactly how it will work. Over what period will the under delivery be measured? Will this replace the Sedgefield and Liverpool methods which are already dealing with under delivery in adopted and emerging local plans? This will mean that existing housing requirement figures will need to be revised in many authorities. Under delivery has always been more than merely the planning system not delivering. For example in the JCS area, year on year we grant many more planning permissions than those which are built out.

Therefore we suggest, as the Local Plan Experts group did, that under delivery should consider not only the amount of housing that is built, but the proportion of applications which are granted permission, and those in the system with permission but not being built out.

It would be better to stick with the current definition of under delivery than to move to this new tiered penalty system which will make the monitoring system much more complex and tie up examinations with exactly which years penalty should be used, and whether or not the precise percentages have been met.

It would be simpler for the current system on under-delivery to carry on, but with the addition of requiring an action plan if delivery falls below 75% after November 2019. Guidance should be given on these action plans, and PINS could inspect them. If PINS found the action plan insufficient to meet the ongoing housing need – then the presumption would apply.

Question 30

What support would be most helpful to local planning authorities in increasing housing delivery in their areas?

A significant increase in funding to meet the changes in regulations and the increase in pressure on housing delivery is sorely needed. Government must commit ring fenced money to planning – in a form similar to the Planning Delivery Grant of the late 2000s to make sure local authorities have the resources to carry out the ambitions in the white paper, particularly in regard to long range and strategic planning. Where authorities are performing well and attracting investment this should be rewarded, as well as penalising underperformance. There should be an increasing reliance on the resources and knowhow of the public sector in planning matters, slowing the transfer of functions and skills to the private sector who are often ill equipped and inefficient in the exercise of public functions.

There should also be greater flexibility over how local authorities are able to use the retained Right to Buy receipts for delivering new affordable housing, for example, by being able to use it to supplement affordable housing provision on 106 sites that are unable to provide policy compliant affordable housing because of financial viability issues. Removal of the HRA debt cap would offer up greater borrowing opportunities which can then be used to support housing growth. In addition, the reversal of the government's current 1% rent reduction policy, back to CPI +1% would place local authorities and RPs on a much stronger footing to support housing growth and to enable 106 sites to become more financially viable in terms of developers being able to meet their affordable housing obligations.

Affordable Housing

Question 31

Do you agree with our proposals to:

a) amend national policy to revise the definition of affordable housing as set out in Box 4?;

Key issues are covered in paragraphs b and c below. It felt that the wording provided in Box 4 could be amended to read:

Affordable housing: housing that is provided for sale or rent to those whose needs are not met by the market (this can include housing that provides a subsidised route to home ownership) *with regards to local incomes and house prices*, and which meets the criteria for one of the models set out below."

b) introduce an income cap for starter homes?;

Eligibility should be determined with regard to local incomes and local house prices, rather than on an arbitrary national household income limit imposed by central government. It is important that starter homes are accessible only to those who need it. If the upper limit is set too high for local markets then this will have the undesirable effect of widening eligibility to households who can afford to purchase like for like properties on the open market. This would dilute the government's intention of supporting households whose housing needs cannot currently be met on the open market alone.

Clearly, any provision of starter homes as an alternative to social/affordable rent and/or shared ownership accommodation will reduce the opportunities for those with even lower incomes, by providing fewer housing choices for them to access affordable housing.

The Starter Homes model reads:

***Starter homes** is housing as defined in Sections 2 and 3 of the Housing and Planning Act 2016 and any subsequent secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute at the time of plan-preparation or decision-taking.*

There is concern over this wording as it doesn't give certainty for the future. The model needs to be agreed and used almost indefinitely so that we don't have developments with different Starter Home models.

c) incorporate a definition of affordable private rent housing?;

The rationale for introducing the proposed affordable private rented product is to improve viability/profitability on sites that might be suitable for Build to Rent Schemes – the government's thinking being that investors are currently unable to compete with landowners/developers providing homes for sale. However, the proposed definition is written in a way that would allow the traditional landowner/developer to provide an affordable private rent product as an alternative to social/affordable rent, thereby defeating the government's intended purpose. If affordable private rent is to be classed as affordable housing at all, then it must be limited to sites that are strictly for Build to Rent Schemes. Safeguards would also be necessary to prevent the developer from selling off the affordable private rents, with the result that the affordable housing is lost. At present the definition makes no reference to ensuring the produce remains at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.

It is questionable how affordable this affordable private rent housing will be. The definition sets the discount at least 20 per cent below local market value, but no consideration is given to service charges. Welfare reforms, such as those limiting affordable rents to no more than Local Housing Allowance levels, means that households on means-tested benefits will be less likely to be able to afford this product, if at all, when service charges are also factored in. The result is that this provision of accommodation as an alternative to social/affordable rent will serve only to reduce the opportunities for those households on lower incomes, by providing fewer housing choices for them to access affordable housing. Furthermore, house prices and rents vary so much across areas and the JCS. A universal discount is not really appropriate. This product will remain out of reach for many especially in rural areas. It is acknowledged that it could increase the possibilities of smaller scale developments by small to medium size private landlords.

Current wording makes it clear that any organisation will be able to manage the affordable private rent – not just Registered Providers or Local Authorities. In the absence of regulation by the HCA or accountability through local government, there are concerns over how these homes will be allocated and managed. 106 agreements could be used to stipulate criteria, but the ongoing monitoring of such agreements will require additional resources from the local authority in a climate of reduced funding. Our recommendation is for these homes to be managed by local authorities or registered providers – as with the social and affordable rented products.

d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

The transitional period should take account of the need for local authorities to review local housing needs based upon the standardised methodology, as proposed in the white paper. If the standard methodology is not available until April 2018, there will need to follow a period of time (a year) to allow local authorities to undertake this piece of work in order that an evidence base of need is available, which can then inform local plans and discussions with landowners/developers.

Question 32

Do you agree that:

a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?

We agree with this minimum national guidance for affordable housing, but this should not become a default policy irrespective of viability issues. Viability issues would still need to be addressed at the local level, which will result in providing either more than or less than 10%.

Flexibility should also be retained on small public-owned land. It would be impractical, for instance, to have a single affordable home ownership product in a block of flats where the remainder are rented, if simply from the point of view of trying to market the product. In addition, small sites may be large enough only to produce 1 or 2 dwellings. A minimum criterion would force local authorities to provide an affordable home ownership product in these circumstances, when a rented product is more suitable and best supports local needs. At the very least, if a minimum criterion is to be introduced, it should apply only to sites of 10 units or more.

Ultimately it is important that local authorities are able to determine the most appropriate affordable home ownership product for particular areas.

b) that this policy should only apply to developments of over 10 units or 0.5ha?

This approach would reflect the provisions of Planning Practice Guidance. However developments with particularly large internal floor space should be captured (over 1000m) and those in designated rural areas. Depending on viability, local authorities should be encouraged to gain as much affordable housing as possible, taking into account infrastructure delivery and amenity.

Question 33

Should any particular types of residential development be excluded from this policy?

Some sites have significant viability challenges and so there should always be a viability clause that would be for the applicant to prove the need for a deviation from policy. The government should make it clear that a viability assessment should always accompany any submission contrary to the development plan policy on affordable housing, and that this should be published in full to allow third party scrutiny.

Sustainable Development and the Environment

Question 34

Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?

We agree with this approach as it helps to give weight to the whole of the NPPF

Question 35

Do you agree with the proposals to amend national policy to:

a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?

We agree this is a valuable inclusion

b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?

We agree this is a valuable inclusion