

APPENDIX 2 – Tewkesbury Borough Council Response to the Draft Revised NPPF

Q7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

The Council are supportive of the expectation to make viability assessments publicly available. This approach has been taken in the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017).

Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Whilst the promotion of a mix of housing site sizes is supported, it is not considered appropriate to require 20% of sites identified for housing in plans to be of half a hectare or less (paragraph 69a). This is an arbitrary target that may be unachievable and unsuitable in some authority areas.

Sites can only be allocated if they are sustainable, available and deliverable. If an authority, for example, despite their best efforts, does not have sufficient small sites being promoted to them that are available for development then they will not be able to achieve this target. Similarly, not all sites promoted to the authority will be suitable or deliverable for development. The authority should not be pressured into allocating unsustainable small-sites to meet a target and in many authorities it will simply not be possible and it may have unintended consequences leading to unsustainable development patterns

The requirement, as worded, is for 20% of sites identified in a plan to be half a hectare or less. The number of smaller sites being delivered would therefore be dependent on the number of total sites being allocated in plan (e.g. 2 small sites in a plan allocating 10 sites in total would be 20%) – meaning the delivery of numbers from these sites does not necessarily equate to 20% of the overall housing requirement. It also means that plans allocating more sites would be expected to allocate more smaller sites as a result. It would also lead to a disproportionate effect as authorities allocating more of their housing on large strategic sites would need to allocate less small sites making this requirement ineffective.

Putting a set target could also mean that authorities, in attempting to meet their overall housing needs, do not allocate otherwise sustainable larger sites in favour of instead allocating more smaller sites to meet the 20%. The site selection process could therefore be skewed for the sole reason of trying to achieve a set number rather than sites being judged on sustainability or wider strategic objectives.

There could also be a heavy resource burden on authorities in trying to allocate sufficient small sites to meet both the 20% target and their housing needs overall. Many authorities, particularly rural authorities, often have a high number of larger sites to assess through their strategic assessment of land availability and consider for allocation in their development plans. Smaller sites are often discounted as they are typically brought forward through a windfall and of course development plans often include a small site windfall allowance. Bringing small sites into this would mean the need to potentially consider a significant number of additional sites and undertake the relevant evidence to inform plan-making.

It is not clear what would be the implications or sanctions there may be for a local authority if they were unable to meet this 20% target.

Q13 Do you agree with the new policy on exception sites for entry-level homes?

Paragraph 72 indicates that entry level homes are those that will be offered for discount sale or affordable rent. These are both affordable housing products as per the definition set out at Annex: Glossary. It is therefore unclear how this separate distinction for 'entry level exception sites' differs from the existing 'rural exception sites' which is already a policy tool for the delivery of affordable housing (with some market housing) on rural sites not allocated.

Q14 Do you have any other comments on the text of Chapter 5?

Paragraph 64 states that the provision of affordable housing should not be sought for developments that are not on major sites. There is no definition of 'major sites' provided and it is not clear whether this will follow the same definition of 'major development' set out in the Development Management Procedure Order. This includes whether the threshold will include the further criteria that the development has a floorspace of no more than 1,000 sqm as is part of the written ministerial statement of 24 November 2014

The guidance provided at paragraph 74 over what buffers should be applied to the five-year supply calculation is welcomed. In particular there is support for the clarification that a 20% buffer should be applied where there has been significant under delivery over the previous three years.

Paragraph 76 states that a five-year supply can be demonstrated where it has been established through a recently adopted plan or in an annual position statement. However, it should be clarified that these aren't the only circumstances where a five year supply can be demonstrated and that a sufficient supply can still be proved by a local planning authority (with a 5% or 20% buffer) on a case by case basis.

As regards the Housing Delivery Test Draft Measurement Rule Book that has been issued for information alongside the consultation, there appears to be a typo in the heading for the third column of its Table 2. It refers to "A housing requirement figure that is more than five years old and has not been revised". Surely if this is to fit with the heading of the second column of that table ("A housing requirement that is less than five years old or a plan this is more than 5 years old but the review has confirmed the housing figure does not need revising") the heading for the third column should instead be "*A housing requirement that is more than five years old and has not been reviewed*".

Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Paragraph 86d proposes that when identifying suitable sites and type of uses needed, local planning authorities should look at least ten years ahead. This is different to the current NPPF, which requires this to be undertaken for the entire plan period.

The proposal to reduce the period that policies need to cover is supported. This is because in practice it is impossible to plan for retail development over the whole of the plan period. The retail economy and town centres more generally is changing very rapidly in response to economic and social trends. For example, at the Joint Core Strategy examination, the comparison goods floorspace requirement for Gloucester City to 2031 reduced from 89,000 sq m net in the Pre-Submission version to 41, 542 sq m in the now adopted Plan. To a considerable extent this reflects the changing economic forecasts over the period of Plan preparation (2011 – 2016).

Likewise, the JCS authorities welcome to clarification that when considering sequentially preferable opportunities in decision-making, the site should be available within a reasonable period of time (not necessarily at the time the application is submitted). The ambiguity on this point has presented the authorities with considerable problems in applying the sequential test.

Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Paragraph 121 states that local planning authorities should support proposals to use retail and employment land for homes in areas of high housing demand provided it would not undermine key economic sectors or the vitality of town centres. However, it is considered that before supporting proposals to change retail/employment land it should be demonstrated that there is no reasonable prospect for employment retail/development on the site. This follows the current approach in the NPPF.

It is concerning that the test should only be, especially for employment land, that the proposal would not undermine 'key economic sectors'. All employment land can make an important contribution to the economy and we should be promoting its continued use where it is economically viable to do so and not losing it because the current use isn't deemed to be part of a 'key economic sector'. With housing development attracting much higher values than employment land there is great risk that we will lose good employment land under this approach, which is an issue that local authorities are already facing.

It should be no more important to do this in areas of high housing demand as this housing demand also means an increase demand for employment opportunities. There is real risk on unbalancing the proportion of homes and jobs in an area leading to unsustainable patterns of development with consequential impacts on communities

It is also not clear what will be considered to be an area of high housing demand.

Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Whilst the objective of seeking higher density development in appropriate locations, such as in town centres and at transport hubs, is supported we do not agree with the approach and statement at Paragraph 123. This states that development should avoid being built at low densities where there is a shortage of land. However, a shortage of land should not lead to unsustainable development and the creation of lower quality living environments by way of providing too dense development where it is inappropriate to do so. The appropriate mechanism for addressing a shortage of land in appropriate location is through the plan making process in providing a spatial strategy for growth, including working proactively with neighbouring authorities through the duty-to-cooperate.

Q31 Do you have any other comments on the text of Chapter 13? (Green Belt)

Paragraph 136 states that the plan-making authority should have examined fully all other reasonable options for meeting its identified for development before considering Green Belt releases. There may be circumstances where, although other options are 'reasonable', a Green Belt site is the more sustainable option for growth. Under this proposed guidance the more sustainable Green Belt site would be ruled out. This could therefore lead to less preferable development to ensure the wholesale protection of Green Belt at any cost.

The other consequence of this policy approach could be that settlements in an authority area, that are surrounded by Green Belt, could be restricted from growing if there are other settlements in the area that could meet the overall housing requirements. This may mean that the Green Belt settlement is stifled and its vitality is harmed, while other settlements may have to take a disproportionate amount of development. The use of green belt land should however be considered in the context of the strategy for the spatial development of an area.

Q40 Do you agree with the proposed transitional arrangements?

There are no details on the transitional arrangements for implementing the standard method for local housing need assessment in the consultation document or the associated draft planning practice guidance. As per the previous 'Planning for the right homes in the right places' consultation, it should be made clear that where a plan has been adopted in the last five years that the use of the standard method should be used when next reviewing the plan.

Q43 Do you have any comments on the glossary?

The definition of previously developed land set out in the glossary provides an exception for 'land in built-up areas such as residential gardens, parks, recreation grounds and allotments'. It is considered that this exception should also apply to residential gardens, parks, recreation grounds and allotments that are outside of built-up areas.