Appendix 2 – The Council’s proposed response to the consultation

General comments

Out of date housing policies or plan?

The White Paper says, “At present, where an authority cannot demonstrate a five-year supply of land to cater for its housing need, it is vulnerable to its plan being undermined. This is because in these circumstances their plan is deemed to be out of date and the presumption in favour of sustainable development applies.”

However, the NPPF says, “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

In the absence of a five-year supply of deliverable housing land, it has never been the case that the whole plan is out of date, just the housing supply policies. There is a great difference between the two. Is this an error in the White Paper, or an intended policy change? The consultation questions suggest it is an error, as there is no consultation question posed on this change. Either way, this needs to be clarified as the White Paper in its current form is a material planning consideration to be afforded weight.

Relationship between Planning Policy for Traveller Sites and the Housing White Paper

The White Paper makes no reference to Traveller provision. The Council queried this with CLG when the White Paper was published. CLG responded to say “The proposals set out in the White Paper will cover traveller provision for those that fall within the NPPF rather than the PPTS. The PPTS remains in place. We will be considering the need to make any consequential amendments to provisions in the PPTS.”

This should have been made clear in the White Paper, and needs to be made clear in the update to the NPPF. This does mean that the housing delivery test does not apply to the provision of Traveller accommodation (for those meeting the planning definition and being considered by PPTS), and the Council questions whether this has been subject to an Equalities Impact Assessment, and “is fair and equal treatment for travellers” as stated to be the Government’s overarching aim in Planning Policy for Traveller Sites (2015).

In addition, the proposed standardised methodology for assessing housing need needs to take account of the current CLG draft guidance ‘Review of housing needs for caravans and houseboats: draft guidance’. If, as CLG said, mobile home parks (C3 use) that are not conditioned for traveller occupation should be considered in accordance with NPPF and the White Paper, then the standardised methodology for assessing housing needs must include the methodology for assessing the need for caravans (with the exception of Travellers which has separate national planning policy and separate needs assessments).

Overall aim

Termed, “fixing the broken housing market”, the White Paper focusses on housing delivery as the way to achieve this. Proposals to increase housing delivery should be balanced, and not be disproportionately punitive towards local authorities. Local authorities should be given the tools to enable delivery, rather than simply making local authorities more accountable for lack of delivery. The question to ask of these proposals is – will they actually delivery more homes on the ground, or simply add to the decision making process (e.g. housing delivery test)? There is a real risk that some of these proposals will add to the burden on local
authorities, soaking up the additional capacity achieved in planning services through additional fee generation, therefore having an overall neutral impact.

Green Belt

There is a further option remaining to the Government to achieve its overall aim, one which it has failed to tackle in this White Paper. The Green Belt is a policy designation which greatly restricts development, often in the areas where new homes are most needed (e.g. the south east). The failure to tackle this and require a strategic review of the metropolitan Green Belt leaves the countryside in non Green Belt authorities increasingly vulnerable. It is perverse to say that Green Belt is highly valued by local communities (as the White Paper does), and not acknowledge that countryside land is equally important to communities. In landscape terms, there may be little difference between countryside and Green Belt land – the latter merely having the benefit of a policy designation that gives no regard to landscape or beauty. Yet countryside land is afforded less weight in planning decisions. As policy stands, there may be occurrences where more sensitive countryside land is developed, whilst Green Belt that is not performing its full purpose is blanket protected because some local authorities refuse to review their Green Belts, or are met with so much local opposition that such plans are challenged and delayed. If the Government required a strategic review of the metropolitan Green Belt, considerable potential development land could be identified in areas where new homes are greatly needed.

This is considered further in our response to Questions 10 and 11.

Credibility of planning

The White Paper proposes yet more changes to the planning system. Councils, such as EHDC, have followed the current guidance in that we have a post-NPPF adopted Local Plan and a five year land supply. Neighbourhood Plans within the district have allocated sites to meet local needs. To then be penalised due to housing not being delivered on the ground would bring into question the entire credibility of the planning regime. EH has a major development which will take time to deliver and our housing delivery has always been recognised as a 'Liverpool' trajectory. Penalising Councils by taking away the presumption undermines the permitted phased delivery of large developments and the agreements of those communities who have signed up to those developments. The allocation of additional sites would present credibility issues for Councils and Neighbourhood Plan Groups where that community has already agreed to a high level of housing, only for the landowners/developers to fail to deliver within a reasonable timescale.

The requirement to review every five years

Paragraph A12 of the White Paper says, “The Neighbourhood Planning Bill would also allow the Secretary of State to require local planning authorities to review local plans and other local development documents at prescribed intervals, so that they can be kept up-to-date. We will set out in regulations a requirement for these documents to be reviewed at least once every five years. An authority will need to update their plan if their existing housing target can no longer be justified against their objectively assessed housing requirement, unless they have agreed a departure from the standard methodology with the Planning Inspectorate.”

The Council is of the general understanding that this specifically applies to strategic plans, and not Neighbourhood Plans. However, this is not clarified, and the possibility that Neighbourhood Plans could be caught by this requirement has concerned some neighbourhood planning groups who have spent considerable time and effort getting plans ‘made’. Even if not explicitly caught by this requirement, there is a knock on effect of a Local Plan review every 5 years on Neighbourhood Plans, lessening the likelihood that policies in Neighbourhood Plans remain up to date. Giving Neighbourhood Plans Development Plan
status and thus all the consideration that are associated with that, and asking volunteers to prepare them, are possibly irreconcilable.

**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?*

- **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?*

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

These proposals all relate to the topic of making plans easier to produce, and whilst they might not facilitate this aim (as flexibility in approach does not equate to ease in implementation), the increase in flexibility and local discretion in plan-making is broadly welcomed. In response to each part:

- **a)** Paragraph 156 of the NPPF lists a number of priorities for a local plan’s strategic policies, which are also listed in footnote 88 of the white paper. These priorities are broadly described and likely to relate comprehensively to the main planning issues facing many local planning authorities. The additional proposed requirement to plan for the allocations needed to deliver an area’s housing requirement is unlikely to alter current practice, as local planning authorities such as East Hampshire District Council are already likely to consider this a necessity, in order to prevent disjointed and incremental development that would undermine the coherent delivery of the existing priorities. Therefore, it is unlikely that the additional requirement would affect those authorities that are already pursuing plan-making in the most appropriate (sustainable) manner. However, it needs to be recognised that the Neighbourhood Planning Bill would enable groups of authorities to produce a spatial development strategy in lieu of individual local plans for their areas. In this context, it would be helpful for the NPPF to make clear that these new documents could allocate land for housing development. Given the wider variety of planning documents that a LPA may be engaged in producing, it is also appropriate to change paragraph 156 of the NPPF from singling out local plans, to merely identifying the policies that local planning authorities should maintain.

Whilst the focus of the White Paper is (understandably) future housing provision, the focus on amendments to the NPPF should be on sustainable development as a whole. The proposed amendments to the NPPF could therefore arguably go further and require LPAs to plan for allocations that are needed to deliver an area’s job requirements, along with identifying infrastructure projects that are needed to facilitate the delivery of new homes and business premises.

- **b)** From the wording of the White Paper, it is assumed that strategic development strategies would only be able to allocate sites in circumstances where unanimous agreement of combined authority members was necessary to take forward such a strategy. This is appropriate as local decision-making should be respected in circumstances where the location of development is being considered: the direct impacts of development are likely to affect its immediate surroundings to the greatest degree. It would therefore be inappropriate to enable authorities to impose
development on one authority area that forms part of the combined authority. Provided that unanimous agreement is necessary, the Council agrees with the principle of giving authorities the discretion to jointly propose the location of strategically-significant development. In this way, all authorities in an area could recognise and plan for any cross-boundary impacts in a co-ordinated fashion.

c) The Council agrees that disproportionate work on the evidence base to support a local plan should be avoided. However, the proposed change in wording from requiring that a development plan document represents ‘the most appropriate’ to ‘an appropriate strategy’ – a small though significant change – must be supported by sufficient clarity on what would and would not be appropriate. The existing sustainability appraisal process remains useful in this regard, as this should define and assess the reasonable alternatives for a plan’s strategy. In general, a tighter definition of what evidence is required to support a sound plan should be strongly related to what is considered necessary to identify ‘an appropriate’ strategy; tightening the definition should not only be about reducing the volume of information required to support a plan, but also about improving the clarity of what information will be required at examination. It would be useful to identify what studies are likely to be required to support the proposed mandatory plans (per Box 1 of the White Paper), in relation to each aspect of soundness: positive preparation, justification, effectiveness, consistency with national policy.

In addition to the above and in relation to making plans easier to produce, the Council agrees with the principle that the NPPF should make clear that plans and policies in different documents (spatial development strategies, local plans, neighbourhood plans) should not duplicate one another (paragraph A.18). The White Paper articulates this in terms of plans not covering the same strategic issues, which is somewhat unclear. A strategic development strategy could, for example, include a broad, over-arching policy to deal with a strategically-significant issue (e.g. the provision of new transport infrastructure), with neighbourhood plans or more focused development plan documents dealing with detailed issues in relation to the same topic. Any amendments to the NPPF should therefore be made to ensure that whilst duplication is avoided, consistent and complementary policies in development plan documents are not, in effect, proscribed.
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?

Balancing the relationship between community involvement/buy in and progression of a plan that aims to meet development needs can be challenging, and consultations can be ‘overwhelmed’ by a particularly locally unpopular proposal, or a campaign. This can affect cross boundary working, and progression of the plan making process.

The Council would welcome more proportionate consultation and examination procedures. Where consultation comments make similar points, the Council would recommend groups joining together to make representations at examination rather than individually. When a consultation starts, it is unknown how many representations will be received. In cases where an extraordinary number of responses are received (for example, thousands / tens of thousands), the Council would recommend being able to take a more proportionate approach in terms of the consultation statement, with a focus on key issues raised. Otherwise, such a volume of responses can significantly delay plan making, given the resources available in many councils to deal with such a volume of responses.

The Council would encourage further consideration to be given to this process, with a view to considering whether councils preparing Local Plans should be able to separate representations at pre-submission stage into those raising issues of soundness and those not. Whilst many representations on a response form select that they are raising issues of soundness, to ensure they are ‘heard’, often it is not an issue of soundness. It would ease the process, especially when large number of representations are involved, if councils could use their own judgement on whether a representation is raising an issue of soundness (in accordance with the tests of soundness in the NPPF).

Equally, the Council recognises that for many councils, consultations can be overtaken by ‘those who shout the loudest’, who may in fact be a minority view within the overall community. However, even with high volumes of responses, there often remains a ‘silent majority’ who have not engaged with the process, and often ‘less heard groups’ / ‘minority groups’ who can be significantly affected by proposals, but do not get involved. Whilst assumptions cannot be made about the views of the ‘silent majority’ or ‘minority groups’, the Council recommends that as much emphasis is placed on seeking these views wherever possible, as is placed on listening to the views that have been received.

With regards to different plans working together effectively, the key difference between plans is that the examination of neighbourhood plans is very different to that for local plans, yet once adopted/made, they carry the same weight (subject to other considerations, such as being out of date). With regards to neighbourhood plans, the examiner is only testing whether the plan meets the basic conditions and other relevant legal requirements – the examiner is not testing the soundness of the plan or looking at other material considerations. Whilst the Council acknowledges the importance of its advisory role to neighbourhood planning groups, there remains different tests for plans that carry the same weight, which can cause difficulties and complexities, particularly for development management.
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?

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?

These proposals relate to the Government’s intention to consult on options for a more standardised approach to assessing housing requirements, building upon some of the work of the Local Plans Expert Group. In general, a standardised approach is likely to have benefits, by saving time at Examination in Public and planning appeals and removing the uncertainty that could attach to a submitted local plan’s housing requirement prior to being supported through these processes.

a) The Council agrees with the principle of strengthening national policy to ensure that local planning authorities have clear policies for addressing the housing requirements of households with particular needs. To ensure that councils have sufficient evidence to underpin these policies, the new method for calculating housing requirements should also guide the assessment of specific housing requirements for older and disabled persons (amongst others). If the Government is serious about ensuring that the housing needs of particular groups are met, it should provide clear guidance for the assessment of their needs as part of its new, standardised approach.

b) The Council has significant concerns relating to the use of the results to a standardised assessment as a default baseline figure for five year supply calculations and the monitoring of housing delivery. Whilst it is appreciated that there would, in effect, be no agreed housing requirement in the absence of an up-to-date plan, it might be inappropriate to use a baseline that omits the broad range of important policy considerations from the NPPF, which may either act to restrict or increase the housing figures for an area. In areas where housing development would otherwise be restricted by policies to protect and conserve the natural environment, or to maintain the integrity of an area covered by Green Belt policy; the use of a baseline that only takes account of demographics, market signals and other economic and housing indicators could place undue pressure on planning authorities to accept unsustainable development. This is because the proposed baseline would be used by applicants on a case-by-case basis to justify development on the grounds of meeting housing needs. Although the NPPF provides a degree of protection in the form of paragraph 14 (requiring the consideration of the potential adverse impacts of development), a case-by-case approach is not the equivalent of a plan-led approach to development: important cumulative effects and strategic considerations cannot always be taken into account on a case-by-case basis. The Council considers that the outcome to a statistical exercise – which does not consider many spatial factors – should not necessarily be imposed on local authorities as a baseline, but should instead be advised as one option for five year supply calculations and the monitoring of housing delivery, to be used unless local authorities can justify an alternative.

In addition, note our general comments with regards to the consideration of mobile home parks and the CLG draft guidance ‘Review of housing needs for caravans and houseboats’. The C3 use element of this draft guidance (i.e. the non traveller) needs to be incorporated into the standardised methodology.
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?;

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?;

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?

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

These proposals all relate to the topic of making enough land available in the right places, with particular regard to the presumption of sustainable development and the obligation authorities have to plan positively. The Council welcomes the opportunity to make the practical consequences of this obligation more explicit and to make the presumption clearer.

a) Further clarity on the presumption in favour of sustainable development would be beneficial to local planning authorities, developers and other stakeholders. However, it is unclear what these specific changes will add to the presumption in favour of sustainable development. Local Plans should already have a clear strategy for maximising the use of suitable land in their areas; however, amending the NPPF could potentially reinforce this.

b) It is unclear the addition of ‘strong reason’ will enhance this part of the NPPF. The policies that could potentially restrict development in relation to accommodating objectively assessed need would stay the same and carry the same amount of weight in planning processes. These policies could continue to be subjective and debated at appeal. However, clarifying what exact policies provide reasons to restrict development is welcomed.

c) Stating the reasons to restrict development, instead of simply listing examples is supported as it provides greater transparency to both the plan making and decision making processes of the planning system.

d) The deletion of ‘Local Plans’ is welcomed as plan-making has become increasingly flexible and includes Neighbourhood Plans. Although numbering various considerations aids referencing, and re-ordering provides some logic to what decision-makers are likely to do in practice, it is considered it adds very little as all deliberations should be taken into account.
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?

Such is the pressure to develop suitable land for identified needs, particularly on brownfield sites in sustainable locations that the Council supports reasonable proposals that enable councils that own such land, to be able to sell it for development with the benefit of planning permission. This would assist with quicker delivery of development. The Council therefore agrees with this proposal.

The Council also agrees with the proposals regarding disposal of land at undervalue price, where appropriate, without specific consent from the Secretary of State. All councils are balancing financial solvency with meeting the needs of its community. A decision to sell land, or indeed develop land, under value, would not be taken lightly by a council, and would only ever be taken in the best interests of the overall community, given financial pressures. There are some types of developments that are sometimes not the most favourable in terms of the market, but need to be delivered (such as traveller accommodation). Or indeed, the location of a site could simply be such that it attracts higher offers from uses such as student accommodation, or a hotel, whereas the policy preference would be to provide housing (C3 use). In these cases, this proposal would be helpful.

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)?

Land pooling could have benefits for the assembling of land for housing, however, further clarity on how this could be achieved would be welcomed. Infrastructure delivery is a fundamental component of successful strategic planning and land pooling could promote a more cohesive approach being taken. However, in light of limited resources and the cost implications associated with compulsory purchasing, further clarity and what additional powers would entail would be beneficial.

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?

Actively encouraging local planning authorities to consider the social and economic benefits of estate regeneration when preparing plans and making planning decisions to deliver estate regeneration to a high standard is vital to planning. In particular, urban areas should make the best use of brownfield land, and estate regeneration can maximise both residential and community opportunities. Amending the NPPF in light of this provides greater weight and support to estate regeneration; resulting in wider redevelopment initiatives and potential to deliver many more homes. Estate regeneration would also potentially limit the use of greenfield sites for development, thus offering better protection of the countryside and decreasing the potential impacts on the countryside and Green Belt land.

However, as discussed further in question 11 in relation to Green Belt, whilst estate regeneration may be a physical possibility, there are many other factors involved, particularly viability and deliverability, which need to be taken account of. Whilst local authorities can be encouraged to consider this – it needs to be accepted that it may not always be the most
sustainable delivery mechanism for new homes, and it may require a judgement on what is a ‘reasonable’ in terms of the funding and input needed to achieve such outcomes.

**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?**

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?**

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?**

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?**

e) **expect local planning authorities to work with developers to encourage the subdivision of large sites?** and

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?**

These proposals stem from the Rural Planning Review (2016) and relate to supporting small and medium sized sites, and thriving local communities. Improving the availability and affordability of homes in rural areas is vital for sustaining rural communities, along with supporting jobs and services. This is particularly important in East Hampshire which is predominately rural in nature.

a) The Council supports the amendments in relation to promoting opportunities for small sites suitable for housing allocations in Neighbourhood Plans. Drawing on the knowledge of local communities is fundamental for identifying these small site housing opportunities that are not always known at a strategic level by local planning authorities.

b) Although already done by many authorities (including EHDC), encouraging local planning authorities to identify opportunities for villages to thrive will actively assist meeting housing needs and support local services. As a rural authority, East Hampshire finds the provision of affordable housing and the sustaining of local services an increasing challenge. Communication between local planning authorities and the relevant neighbourhood plan groups and/or rural settlements is key to achieving these objectives and further mechanisms within the NPPF to assist this is strongly welcomed.

c) Government changes restricting affordable housing on sites of 10 or less dwellings has had a major negative effect on affordable housing provision in rural areas. Therefore, the provision of affordable housing on rural exception sites has become increasingly important to meet needs. EHDC support any changes that give stronger support to rural exception sites. However, any provision of market housing to
facilitate the affordable housing should be limited and only allowed if viability issues are proven through robust evidence (an issue that should be reinforced in the NPPF).

d) EHDC do not support that on top of windfall allowance, at least 10% of sites allocated should be on sites of half a hectare or less. Actively increasing the number of small sites would drastically reduce affordable housing provision since no contributions can be made of 10 or less dwellings. This also would have an adverse effect on sustainability as other contributions cannot be sought to plan in a strategic way. Many rural areas have limited infrastructure and services, and delivery of higher amounts of small sites may hinder the possible provision and mitigation needed to plan in a sustainable manor. In addition, half a hectare or less is an arbitrary size, and 10% is an arbitrary amount. For areas looking to deliver large amounts of housing in response to need, this could fundamentally change the spatial approach, and as described, not be the most sustainable spatial distribution. If such an emphasis on small site allocations is taken forward, it needs to be generally proportionate to the area and housing need, rather than a specific quantum and size for all.

e) Further clarification is needed on what is meant by encouraging sub-division of large sites. For successful strategic planning, developers of large sites need to provide infrastructure and services to accompany development. Sub-division of sites at the planning stage could have an adverse effect on this provision. Where necessary, many large sites are already sub-divided amongst house builders and it is not considered amending the NPPF will add anything. Subdivision could also limit the possibility for provision of some uses, for example, some councils require provision of traveller accommodation on sites over a particular threshold (usually a relatively large number of homes, e.g. hundreds). Subdivision could be a mechanism for the developer to avoid this provision, and thus lesser opportunity to create sustainable, mixed and inclusive communities.

f) It is unclear how a greater use of Local Development Orders and area-wide design codes relate to localism and Neighbourhood Plans. Area-wide codes and LDO’s could deter from focusing on the aspirations of local communities. Although these mechanisms would go someway to speed up planning processes, EHDC are sceptical on their use for small site housing provision. They are often more useful in areas that have defined boundaries, such as master-planning areas, town centres or enterprise zones. More detailed information would be sought on what these LDOs and design-codes should entail, especially in rural areas.

Question 9

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

The Council has experience in master planning the development of housing, economic development and new green and social infrastructure on the scale of a new settlement, through its work with other public bodies and stakeholders on the growth and regeneration of Whitehill and Bordon (initially up to 4,000 new homes and around 5,500 new jobs). The Council set up a delivery board and a team in-house to take forward an “eco-town” concept and secured £150million in funding for the regeneration and growth of this settlement.
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?

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?

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

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?

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?

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?

There is a postcode lottery brought about by the extremely different approach taken in planning terms to Green Belt and countryside land. Local communities value the green fields and countryside surrounding their towns and villages, regardless of whether it has the benefit of being designated as Green Belt. The White Paper does not recognise this, seemingly only to acknowledge that, "The Green Belt is highly valued by communities, particularly those on the edge of urban areas". The Council would state that the countryside in general is highly valued by communities. The Government itself acknowledges that some parts of the Green Belt are "not the green fields we often picture, and public access can be limited, depending on ownership and rights of way." Some countryside may in fact better serve the community and be of higher value than some Green Belt.

Whilst the Council acknowledges the importance of Green Belt, and the purposes for which it was established, strengthening its protection, which these proposals do, has the knock on effect of increasing the pressure on non Green Belt councils, where the urgency to retain a five year housing land supply is known and understood, because of the experienced consequences. There are many sites in our district currently being built on countryside land on the edge of villages and towns, some of which were granted permission as a consequence of lack of supply. Whereas predominantly Green Belt councils can continue to have less than five year housing land supply, but remain ‘safe’ in the knowledge that Green Belt is protected. Those Green Belt councils that do attempt to review Green Belt boundaries often attract significant well resourced local opposition, which seemingly is supported by this White Paper, which provides criteria so “that local communities can hold their councils to account” when deciding whether exceptional circumstances exist.

Whilst at present, the housing being built in our district is meeting housing need, unless a more strategic review of Green Belt is taken (particularly in the south east, including London), there will come a point where the housing is not being provided where it is needed, with need continuously not being met in Green Belt councils, and that need being pushed out to the countryside districts through the duty to co-operate (particularly for ‘countryside’ councils that are within a housing market area or border a ‘Green Belt’ council). It is a
disproportionate approach, and unfair on communities that recognise the need for development, but equally value their countryside land and wish to see it appropriately protected.

The Council has not commented on the individual points, as it is not a Green Belt authority, however, the Council does wish to take this opportunity to advocate its support for a strategic review of the metropolitan Green Belt. The Council wishes to see the Government tackle the disproportionate approach taken to allowing councils to protect all Green Belt, whilst allowing, often sensitive, countryside land to be developed elsewhere.

**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?*

With regards to the criteria given, “exploring whether other authorities can help to meet some of the identified development requirement” is required anyhow through the duty to cooperate if a council cannot meet its developments needs and does not need to be referenced. It is however highly likely that if a council is saying it cannot meet its needs because of the quantum of Green Belt, then its neighbour will be in the same situation. This does not address that scenario.

With regards to the other criteria;

- making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;
- the potential offered by land which is currently underused, including surplus public sector land where appropriate;
- optimising the proposed density of development;

The White Paper does not offer any guidance on the extent to which these should be investigated as possibilities, or how the results of an investigation should be judged. For example, where estates exist, there will always be a physical possibility of estate regeneration and development of brownfield sites, but what is considered reasonable? – how much money should a council be willing to put into such a project to encourage development, what are reasonable timescales, what is a reasonable impact on the community involved? Those opposing Green Belt development will always say one or all of the above criteria is possible, and by providing these criteria, there is a danger that examination of a Local Plan for a Green Belt council is bogged down in detailed consideration of these criteria, including complex viability work. As such, as stated in response to Question 10, this continues to heap pressure on non Green Belt councils and widen the disparity of how greenfield land is considered in planning terms in different areas. As such, plans in predominantly Green Belt councils may get adopted, but will continue to fail to meet Objectively Assessed Housing Need, leaving non Green Belt councils to supply the unmet need.

**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?;
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?

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?

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?; and

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?

These questions related to amendments to the NPPF in relation to neighbourhood planning and (separately) the design of new development as a material consideration. Given the focus of the white paper on housing delivery, it is assumed that the proposals relating to design largely concern residential development; but this has not been made explicit. The Government should consider amendments to the NPPF holistically, and not just with regard to residential development. All of the proposals could affect the delivery of housing by providing greater clarity to communities and developers on the local requirements for new housing provision. The following responses deal with the individual proposals:

a) The Council supports the principle of providing neighbourhood planning groups with clarity on the strategic development requirements affecting their area, when such information can be provided on a sound basis. There is however a danger with the Government’s proposal in this instance. The Government’s assumption in the White Paper appears to be that the standard methodology for calculating housing need could be used to help inform neighbourhood planning, by offering calculations of housing need for a neighbourhood plan area. This could be helpful, but the Government should recall the distinction between objectively assessed housing needs on the one hand, and a housing requirement on the other. Case law has confirmed that a housing requirement includes “policy on” considerations, such as environmental and other policy constraints; it is not simply a matter of socio-economic calculation and as such the standard methodology will not automatically provide neighbourhood planning groups with a housing requirement for their areas. This invites the question: how would a housing requirement be defined for a neighbourhood planning area? The answer to this will involve local planning considerations (i.e. those specific to the neighbourhood planning area), but should also take account of constraints and policy considerations (such as the accessibility of transport infrastructure, services and facilities) affecting the housing market area (HMA) as a whole. It may be possible to assist neighbourhood planning groups by providing them with an area-specific housing requirement – in the context of up-to-date local plans across the HMA – but depending on the status of plan-making across the area, it may not be possible to do so, on a dependable basis. Indeed, in certain circumstances which may frequently obtain, there is a high risk of eroding the trust and disrupting hard-earned working relationships between neighbourhood planning groups and local planning authorities: it could prove disastrous if a local planning authority is impelled to offer a “housing requirement” that is later superseded, after a neighbourhood plan has gone to referendum/been made. The Government’s proposal should be amended, so that local planning authorities are advised to provide neighbourhood planning with a housing requirement for their area,
in circumstances whereby planning authorities across the HMA have up-to-date local plans in place, with up-to-date policies for the supply of housing.

b) The Council generally welcomes the proposal to strengthen the NPPF’s policies on design as a material consideration. At present, paragraph 59 of the NPPF undermines attempts to include detailed design policies within planning policy documents and this is likely to restrict the clarity that can be achieved. However, the Government needs to provide detail itself, in relation to the meaning of the phrase: “clear design expectations” in the White Paper. There is always a balance to be struck in policy-making, between clarity and flexibility, with the latter proving to be important at enabling the best possible solution to be found through the development management process, given unforeseen and individual site-specific circumstances. Detailed design policies need to be underpinned by evidence on the characteristics of the built and natural environment, and so it would also be helpful to spell out in guidance what is expected from local planning authorities and neighbourhood planning authorities to inform design codes/to signpost to good examples.

c) The Council agrees that pre-application discussions are very important for informing the design and layout of new development, and supports the proposal to emphasise their role in the development management process.

d) The proposal to make clear that design would not be a valid reason for objecting to a proposal that accords with a development plan document’s “clear design expectations” is not supported. It is inappropriate to discount an important material consideration as a matter of principle, given that the design of a new development would not necessarily be established by a planning document (although masterplans are sometimes this specific). Much, of course, depends on the meaning of “clear design expectations”; but the design of new development covers a multitude of aspects relating to how a place functions (design is also about accessibility, permeability, security and amenity in addition to the character and appearance of new buildings/areas). It would be wrong-headed to remove design as a material consideration in the development management process, except as a “tick box” exercise against policy requirements that may have been written to enable flexibility, taking account of the need to ensure project viability and respond to rapid change. If there is to remain flexibility in detailed design policies, this implies sufficient latitude for variation and innovation in design, and some of the possible variations/innovations may prove to be inappropriate for site-specific but design-related reasons (e.g. due to impacts on permeability or local amenity raised through the development management process).

e) The Council supports efforts to recognise the value of widely-accepted design standards, such as the Building for Life standards, and to ensure that they are recognised in plan-making and decision-taking processes.
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?;

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?;

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?;

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 question deals with a range of matters that are relevant for determining a future land use strategy, as part of a local plan. The Government’s proposed changes are also likely to affect the design and layout of new development, however it is difficult to be clear as to the impacts at this stage, given the lack of detail in the White Paper. The following responses consider each part of the question in turn:

a) The Council welcomes the additional emphasis on making an efficient use of land, as part of a sustainable approach to development. The conservation of land and resources is an important consideration, and this is already an established part of plan-making through the SA/SEA process. It is difficult to comment further in the absence of clear proposals for plan-making and decision-taking; however it will be important to provide local planning authorities with sufficient latitude to take account of local design considerations in determining the density of new development. Even in areas where there’s an identified shortage of land for meeting housing needs, proposals for new developments should still respond to the context, to ensure that new development takes the opportunity to promote or reinforce local distinctiveness (paragraph 60, NPPF). It will be important to bear in mind that low density development may still be appropriate (e.g. in edge of settlement, sub-urban locations), even when there are overriding planning constraints affecting the planning area as a whole.

b) The Council agrees with the principle of making an efficient use of land and of directing new homes to accessible (sustainable) locations. However, the additional clarity that is being proposed should not be at the expense of sustainable development: there is a need to ensure that businesses and commercial uses are not forced out of appropriate premises in (e.g.) town centre locations by large-scale redevelopment for housing use. Revisions to the NPPF should be made in the context of wider considerations, including the need to address the economic and environmental strands of sustainable development.

c) The Council agrees that high-density development should not be pursued without regard to wider design and planning considerations such as the character of the local built environment; access and permeability; and local infrastructure capacity. The nature of local housing needs – in terms of the size, type, tenure and specialist requirements (e.g. older persons housing) – is obviously a material planning consideration for new housing development, and should also be referenced in amended national policy.
d) A flexible approach to implementing the requirements of policy and guidance is generally advisable, given the variety of different site-specific circumstances that may affect this matter. However, the provision of sufficient infrastructure to meet the demands of new housing is a key consideration and also something that local communities are particularly interested in. Where new housing would serve to exacerbate or create deficiencies in local infrastructure, existing residents and/or users could become antagonistic towards a proposal. It will be important to ensure that a flexible approach to higher-density housing development does not undermine efforts to build sustainable communities, including through the provision of essential infrastructure. For example, access to nearby public open space will only be an appropriate alternative if that open space has sufficient available capacity and is equipped to meet the needs of new housing development.

Question 14

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

Minimum density standards may be appropriate in town centre and edge of centre locations, but because of the different age and built character of different towns across the UK, these standards should be developed locally and on the basis of character assessments. A national “one size fits all” approach is unlikely to be appropriate to cover places as diverse as historic market towns on the one hand, and post-war towns and emerging new settlements on the other. Even “indicative” standards could prove to be inappropriate as a starting point for some settlements; this approach is not endorsed but instead local planning authorities and neighbourhood planning groups could be encouraged to establish indicative standards (in particular locations) per a common methodology.

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)?

As stated in response to question 13, the Council welcomes the emphasis of making efficient use of land as part of a sustainable approach to development. Increasing housing densities in urban areas to increase housing opportunities is supported whereby new development responds to the local context. Higher density development would still need to have regard to wider design and planning considerations such as character of the local built environment; access and permeability; and local infrastructure capacity. Although more intensive use of land is often supported in urban areas (subject to the above), the Council considers it would not be appropriate to single out public sector sites. Not all public sector sites are in urban areas and the intensive use of these sites at higher densities could be inappropriate. In addition, planning decisions should be consistent no matter what the land ownership is. It would be inappropriate to use permitted development and local development orders to intensify development, as this would negate from the flexible approach taken in regards to varying site-specific circumstances.

The Housing White Paper states the intention is to deliver more homes for public sector workers. Relaxing planning controls and densities on these sites will not necessarily provide the dwellings for these employees unless occupancy restrictions are put in place.
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?

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

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?

These proposals offer to provide greater certainty on five-year housing land supply. Although the policy has been effective in increasing housing delivery, there are also negative effects on local planning. Rates of appeal have increased significantly, resulting in cost and time implications imposed on councils and developers increasing as the topic are debated. More importantly local plans and neighbourhood plans alike are undermined, becoming vulnerable to speculative housing allocations. Greater certainty regarding five-year housing land supply is welcomed as these potential negative outcomes could be reduced.

a) The concept of agreeing a five-year housing land supply position for a 12 month period is supported, however, it poses many questions and further clarification would be needed. The additional 10% buffer is not supported as local planning authorities would effectively be being punished for already having a minimum 5% buffer. Also, in most cases, calculations for 5YHLS are already done on an annual basis and there are currently no requirements to go above and beyond supplying housing land. The additional 10% buffer would only be considered positively by the authority, whereby 5YHLS was ‘set in stone’ by the annual agreement and could not be further debated during that time.

Having an agreed position for a 12 month period would offer some certainty for applicants and communities alike and save considerable time and cost at appeal discussing 5YHLS. It would also reduce Local Plans and Neighbourhood Plans being undermined and areas becoming vulnerable to speculative applications. However, it must be reinforced at appeals that 5YHLS cannot ever be debated over the 12 month period where this agreement is in place. The danger is that as the 12 months nears, debate emerges regarding its status (whether up to date), and accuracy, and weight attributed accordingly – as thus, the debate of 5YHLS is re-introduced and the whole purpose of introducing this procedure undermined.

b) The logistics behind agreeing a 5YHLS position needs to be clarified as the Planning Inspectorate is already under immense pressure to determine appeals. It is unclear how this agreement will be resourced if a considerable number of authorities submit an assessment. Agreement between authorities and development interests are notably difficult to conclude and more detail of the consultation and examination format would be needed to progress with this aspiration. It is unclear how long the agreement process will take, with many developers not agreeing calculations; therefore, further clarity is needed.

c) Both establishing robustness of the land supply position and the assessment of the supply figure go hand in hand. Therefore, both facets of the calculations should be considered when agreeing 5YHLS positions, removing any doubt at subsequent appeals.
There are also issues about when these agreements would be made. Although monitoring periods are April to March each year, the data behind the monitoring is often not collated and analysed until some months after this period. Would the year be fixed for a year in its entirety and carry full weight during this period? Will other material considerations be able to indicate that less weight should be given to it? For example, when 11 months old, and a large application has expired, could it be said to be ‘out-of-date’? There are also questions about the frequency these agreements can be made. If there has been a favourable change within a local planning authority area, then authorities may wish to update their 5YHLS position. This needs further clarification.

What is considered fundamental to any approaches to 5YHLS is clear and transparent guidance, which does not currently exist. Although the PPG advocates the use of the ‘Sedgefield’ methodology, there are many authorities where this is not appropriate and has been deemed so at Local Plan Examinations and Section 78 appeals. Therefore, any guidance to support 5YHLS should not determine one method of calculating 5YHLS over the other, and local circumstances should still be taken into consideration. There should also be caution when making allowances for small sites over larger sites. Although large sites take longer (once started) to be built out in their entirety, smaller sites often take time to get started due to the small/medium size of developer building them.

It is not clear if this agreed assessment only applies to those who have a 5YHLS. i.e. if a council has less than 5 years, can that still be confirmed by this process for the sake of saving time at appeals? It may be that the absence of 5YHLS is accepted without discussion of the actual quantum of supply; however, previously weight has been attributed accordingly in terms of how close supply is to five years worth. A council with 4.5 years supply would likely be keen to qualify this, otherwise supply could be assumed to be anywhere between 0-4.9 years. This needs further clarification.

**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?

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?

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?

**Links to Q12a**

a) It would be difficult to make these amendments until a standard methodology is put into place, which specifies how requirements are determined. At present, it is not considered appropriate that neighbourhood plans should be required to meet its share of local housing need. Many Housing Market Assessments are strategic in nature, either District-wide or even over housing market areas. Therefore, it would be problematic to ascertain the actual local housing need of neighbourhood plan areas, especially those that cover small areas.

b) There are no objections to Neighbourhood Plans not being deemed ‘out-of-date’ if local planning authorities meet housing delivery tests. However, it is would be a
concern where authorities have an exceptionally large number of ‘made’ Neighbourhood Plans, as it would be more and more difficult to address five year housing land supply issues as development is concentrated on non neighbourhood plan locations.

c) Many neighbourhood plans do not allocate housing sites and some plans do not have explicit housing land supply related policies. It would therefore be inappropriate to exempt these locations from future development. It should be further clarified what would be deemed a housing land supply policy before judgement can be made. Without this, it would be very subjective, and therefore it would only be appropriate to apply to neighbourhood plans that allocate sites for 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;

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

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

The White Paper acknowledges that, “unnecessary appeals can be a source of delay and waste taxpayers’ money.” The Council accepts this, and as a council, strive to avoid such situations. Our appeal rate is 2.2% of majors allowed over a 2 year period and 0.83% of minor and other appeals allowed over the same time. However, there are many reasons that cause unnecessary appeals, and in general, in some councils across the country, the developer may be justified in thinking the ‘unnecessary’ appeal is made due to the action of the council. In these situations, costs can be awarded to either side when unreasonable behaviour has taken place. It is therefore not clear, given the justification for this fee is noted as ‘unnecessary’ appeals, how this sits with the process of costs, where there has been unreasonable behaviour.

The council strives to ensure that councillors sitting on planning committee are knowledgeable and fully informed. To this end, our councillors have regular planning training and have to pass a test to take a seat on planning committee. The Council would recommend such an approach may be useful in other councils, if the overall aim is to prevent unnecessary appeals. The award of costs, if applied correctly, should address unreasonable behaviour on both sides. Perhaps if the Government feels this should change, it should consider the process for the award of costs.

The proposal does not state how the ‘fee’ should be used. Whereas the reference to increasing planning fees is made if the council agrees to reinvest the money raised in the planning service. Is the same required for appeal fees, or is that simply income generation for the council? Given the White Paper’s emphasis on supporting smaller developers, the introduction of appeal fees may in fact serve to deter them.
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?

Digital infrastructure and communications technology is developing rapidly, and it is sensible to make updates to NPPF in this regard, to keep pace with change. The NPPF does already state that, “In preparing Local Plans, local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband”, and in areas where reception is poor, councils are well aware of the problems this causes for local people and businesses.

If there are opportunities through new developments to improve mobile phone and internet reception for local areas, this should be required through policy. There is a considerable disparity in some areas, with some areas having little or no phone reception, and others having the fastest service possible. Again, this presents a postcode lottery and for the sake of the economy, needs to be prioritised and addressed. Such a situation can be a factor for the sale of houses, as people can be reluctant to purchase a house with limited mobile phone coverage.

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

The proposal to clarify the status of endorsed recommendations of the National Infrastructure Commission for local planning policies is endorsed. However, “making the most of new infrastructure investment” should only be one strategic consideration in the planning of sustainable development. It will therefore be important to recognise, through amendments to national policy, that capitalising on the opportunities afforded by the provision of new infrastructure is an important but not an overriding consideration. The text of paragraph A.93 in the Housing White Paper, relating to the suggested amendments to the NPPF, appears to emphasise the provision of new infrastructure as a strategic consideration to an excessive degree. For example, it may be inappropriate to maximise the potential from additional capacity from new strategic wastewater or digital infrastructure, due to unrelated strategic environmental considerations (e.g. the potential adverse impacts of development on SPAs and SACs). It should remain clear that when reviewing their plans, local planning authorities should seek to realise net gains across all three dimensions of sustainable development.
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?

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?

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

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

It is important to separate ‘the collection of data’ from any measures to ‘speed up delivery’. The measures proposed here are purely to inform the collection of data, and ensure that is presented in the monitoring report. This will potentially provide a greater understanding of any local blockages to development, or allow the Government to consider whether there are any regional/national scale blockages that are slowing down delivery. This in itself will not speed up development.

Therefore the Council has no objection to the inclusion of this information on planning application forms for monitoring purposes, and welcome it if it helps to identify blockages to delivery – however, the Council does not believe in itself it would speed up delivery other than if blockages can be identified, action plans may be able to be introduced and tailored accordingly.

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?

Non-implementation of planning permissions can be problematic and taking the realistic prospect that housing will be built could be beneficial to maintain housing delivery. Discouraging proposals where there is limited developer intention to build is already a requirement of the plan-making process, with SHLAAs and subsequent allocations assessing the deliverability of sites. This could be applied to planning applications, however, it would need to be weighed and balanced accordingly. The weight it could be given would be subjective and debated considerably if at appeal. It would be unlikely that this consideration could be given such significant weight that it would ever outweigh other considerations to result in a refusal. If anything, it could contribute a little weight towards reasons for refusal in the planning balance, but this would be limited. Nevertheless, it would be very challenging to set criteria for attaching weight, and to be consistent with evidence of non implementation for other developers. Non implementation could be justified for all manner of varying reasons, which would also make it increasingly difficult to impose. Further clarification would be required if it was to be applied to the decision making process.
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.

Similarly, to question 22, it could be of benefit, taking an applicants track record of delivery to maintain housing delivery. Equally, it would need to be weighed and balanced accordingly and potentially subjective. It would also be very challenging to set criteria for attaching weight, therefore clarification and further details would be needed. Non-delivery of schemes could be justified for a number of reasons, also making it difficult to apply delivery in the decision making process.

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?

Taking an applicant’s track record in housing delivery in to account during decision making would be complicated on all sized sites, but even more so on small scale sites. It would be inappropriate on smaller sites as it could hinder new entrants to the market and there could be justified reasoning for poor delivery rates.

However, establishing the timing and pace at which housing development will take place would be more beneficial at an application stage. Information on build out rates on large sites could aid the decision making process, however, it would be extremely difficult to enforce.

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.

Further clarification is needed on whether shortening the timescales for developers to implement a permission applies to the implementation of full planning permission or whether it applies to outline planning permissions, reducing the period for submission of all reserve matters, with development to begin within two years of the final reserved matters approval.

It is unclear how beneficial shortening the timescales would be, as two years for implementation could be considered a short period to prepare a site for development and discharge any relevant pre-commencement conditions imposed. It would depend on the varying circumstances that affect each site. Shortening the timescales could also create a burden on authority’s planning departments and the Government would need to increase its allocation of resources accordingly.

The caveat associated with viability and deliverability would require further evidence to support an application, which may have an adverse effect on the timescales of planning applications and subsequently decisions. Clarification on the evidence needed would be needed before these conditions could be implemented.

Reducing the life time of a permission could also devalue a site if permission expires, making it less likely to be developed, and reduce the outstanding capacity contributing towards housing land supply. An applicant can always apply to renew a permission to keep it live, and could potentially just clog up planning departments with more renewal applications.
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?**

Completion Notices are a rarely used tool. For deliverability, the taking away of planning permission after a specified time limit does not achieve the desired effect of delivering an entire site – the developer can abandon before the end, especially if S106 and other service deliverability is weighted towards the end of a development period.

Simplification and speeding up of processes would be welcomed.

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?**

Our experience is that institutions will not lend to builders if there is any possibility of a development being compromised in any way – one developer could not secure its funding before the potential JR period had elapsed.

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?

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?

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

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

a) There are reservations regarding a housing delivery test and it is fundamental that supporting guidance is clear as to what the test entails. It is agreed that the annual requirement established in an up-to-date plan should be the initial baseline on which the delivery test is based. Although it is unclear how this would apply in areas where more than one Local Plan is in place, such as National Parks. For example, in East Hampshire a Local Plan is adopted that covers the whole District, which is made up of two separate local planning authorities, and establishes a District wide housing requirement. The South Down National Park is currently working on a new emerging Local Plan that will set separate requirements. It is unclear how the housing delivery test will apply to the areas outside of the National Park.

The housing delivery test also fails to consider Local Plans that have a planned element of under-delivery, particularly those associated with large strategic sites. It would be wrong to penalise authorities who have an up-to-date plan that has been found sound at examination, which involves fewer completions at the start of the plan period to account for large growth in subsequent years. Based on objectively assessed needs, many local plans have housing targets above and beyond those established historically. Therefore, it would be inappropriate to measure housing delivery on targets that were not necessarily known prior to a local plans adoption.
b) Although the above points should be taken into consideration, it is acknowledged that the most logical approach for authorities without an up-to-date plan would be to use household projections until the new standard methodology is put into place.

c) It is also considered logical to use net housing additions to measure housing delivery.

d) Using a rolling three year period to measure housing delivery is a reasonable approach to take, as long as the circumstances regarding unknown targets in previous years is taken into account.

Further clarification is also needed as to when and how a housing deliver test would be tested. Would it be in the same annual format as that proposed for five year housing land supply or during appeal inquiries? Would it need to be consulted on?

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%?

Until a standard methodology is in place, it would be difficult to effectively appraise housing delivery and have resultant consequences. As mentioned in question 28, authorities may not be aware of previous targets until such time that objectively assessed need is determined. It would therefore be inappropriate to penalise these authorities that have justified reasoning for not meeting current targets in previous years.

The date at which the consequences for under-delivery apply needs to be clarified. Without justification, November is an arbitrary date to which apply any housing delivery penalties. Data collection is always conducted from 1st April to 31st March each year. It potentially takes a few months to analyse and publish data, therefore, does this imply historical housing delivery for the previous monitoring year be published by the following November?

If an authority’s annual housing requirement falls below 5%, more details are needed on the action plan that needs to be produced and the exact content it should include. Further clarification is also needed on what is done with the action plan. Does it need to be submitted to anyone or undergo any consultation?

The phased introduction of the housing delivery test consequences is welcomed to give authorities time to address under-delivery.
Question 30

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

In order to increase housing delivery more support is needed in regard to the successful engaging of infrastructure providers, particularly in locations that experience large amounts of growth. There is often a lack of communication between developers and the various infrastructure providers that can create delays to development. Mechanisms need to be put in place to aid this process and minimise any interruptions to housing delivery.

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?;

b) introduce an income cap for starter homes?;

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

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

Awaiting comments from housing.

These proposals relate to affordable housing and the provision of more homes for those currently priced out of the housing market to buy or rent their own home. The main changes are in regard to the definition of affordable housing and increasing the delivery of affordable home ownership products.

a) The Council has reservations regarding the amending of the definition of affordable housing. The addition of starter homes, discounted market sales housing and affordable private renting, as a component of affordable housing will have implications on meeting those in housing need. The majority of those in need of housing would be unable to afford these three forms of affordable housing. Developers would also prefer these forms as they are more likely to increase profit margins, adversely reducing other affordable housing stock, particularly social rented accommodation.

b) The introduction of an income cap for starter homes is welcomed. Starter homes should be limited to those who cannot normally get on the property ladder through traditional market housing and an income cap would limit the availability of starter homes to those who are in need.

c) Affordable private rent and build to rent schemes.

d) A transitional period is needed before the affordable housing definition is amended. Whether this should align with other proposals in the White Paper (April 2018) would depend on a number of factors. The consultation process for the White Paper as well as the various guidance that is needed to support many of the papers aspirations could be time consuming. The April 2018 deadline appears to be overly ambitious.
**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?

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

The two parts of this question both deal with amendments to the NPPF for affordable housing, regarding a proposed national minimum standard for the provision of affordable home ownership homes on individual development sites. The Council does not agree with the suggested minimum as it does not appear to be evidence-based and is therefore inconsistent with the general approach of seeking to meet the identified, objectively-assessed housing needs within a housing market area. The Government should not seek to impose national minimum standards unless there is evidence that would support this approach. It is however likely that the need for affordable home ownership products will vary considerably across the country, as the ability of households to access the home ownership market will depend on both local wages and local house prices. As such, a minimum standard is likely to be redundant. The Government’s efforts to improve and streamline the assessment of housing needs – by introducing a standardised approach – should mean that all areas will be able to identify their needs for affordable housing in a straight-forward and efficient manner. In that context, it isn’t clear why a national minimum standard is being proposed at this time. A better approach would be to require the provision of affordable housing in accordance with the estimated split between rented and home ownership housing needs (subject to other “policy on” considerations, such as local strategic housing priorities). A standardised approach to assessing housing needs should seek to ensure that the results will distinguish between the need for rented and the need for home ownership affordable housing.

**Question 33**

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

Paragraph A.128 lists types of housing for which the Government consider it may not be appropriate to request 10% of all homes as affordable home ownership products.

The White Paper says Build to Rent schemes are “purpose built for private and affordable rented accommodation”, and “through our consultation on proposals to develop the built to rent market we are proposing that developers can provide affordable private rent in place of other affordable housing products”. A proposed amendment to the definition of ‘affordable housing’ clarifies that private rented accommodation that is 20 percent below market rent would, in future, qualify as affordable housing. Whilst in theory an exclusion from providing home ownership options makes more sense than compelling these “build to rent” providers to develop a form of housing that is outside of their business model; and that may cause problems for building design and layout; this is not the only possible recourse. An alternative would be to request a commuted sum for affordable housing provision, which could be used by the local authority/a registered provider to deliver affordable housing of an appropriate tenure to meet identified needs. It is appreciated that such an approach could be less suitable for “build to rent” providers from a viability perspective (as the returns from rental income typically accrue more slowly and over a longer time period than from house sales); however, the Government should investigate this matter, as it would be more beneficial to give local authorities the ability to direct investment to meet identified needs, which may not be for discounted market rented housing.

The Government’s also suggests that specialist accommodation (such as housing for older persons), custom build schemes and rural exception sites could be excluded from the requirement to provide affordable home ownership products, for reasons of viability or simply “the particular characteristics of such schemes”. The Council supports the approach of excluding these forms of housing from such a national planning policy, largely because there is no evidence to suggest that a 10% minimum requirement would in fact be appropriate.
However, as mentioned previously, the Council does not support a national minimum standard for any form of new housing development, in light of the Government’s intention to provide a transparent and realistic standardised methodology for assessing an area’s housing requirement. The new methodology should instead be relied upon to provide locally-appropriate affordable housing requirements based on relevant evidence. Whether or not these requirements should apply to particular forms of housing such as those mentioned is a matter that should be considered through local plan viability assessments (once again, taking account of the local situation, as land values vary considerably across the country).

As regards other forms of residential development that could or should be exempt from the proposed national minimum standard: it is not clear from the White Paper or this section how mobile home parks should be dealt with. An evidence base would be needed to justify relinquishing mobile home parks of the need to provide affordable housing; however, it could be considered that they are a form of lower cost housing in themselves – although they are not officially classified as affordable housing. The Council does not advocate relinquishing such uses from the need to provide affordable housing.

**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?*

The White Paper does not make clear the planning reason for making this change, or how it envisages this change impacting on the determination of planning applications or preparation of Local Plans. It appears that the change would effectively define ‘sustainable development’ in terms of the contents of the NPPF, and therefore ensure that the core planning principles (paragraph 17, NPPF) and the three dimensions (paragraph 7, NPPF) are also given the same weight for plan-making. At present, paragraph 6 of the NPPF affirms that only paragraphs 18-219 constitute the Government’s view of sustainable development, which is unfortunate as this seems to imply a lower status for the core planning principles of paragraph 17, in the context of the presumption in favour of sustainable development being “the golden thread running through plan-making and decision-taking” (paragraph 14, NPPF).

By giving the same status to paragraph 17 and paragraph 7, greater certainty is provided as to the meaning of ‘sustainable development’ within the planning system, and therefore, the Council has no objection.

**Question 35**

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

- *Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?*
- *Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?*

The Council supports the proposal to add a reference to rising temperatures in the list of climate change factors in the NPPF. The risk of rising temperatures has a huge impact on water supply and demand. Adding this reference will also ensure consistency with the NPPF glossary.

The proposal for local planning policies to support measures for the future resilience of communities and infrastructure to climate change is supported. Resilience measures and
certain forms of infrastructure are an essential way forward in trying to adapt and mitigate against the effects of climate change both nationally and locally.

Question 36

Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?

The first proposed amendment to providing further clarity to the Exception Test is supported by the Council. The amendment will make it clearer that a development should only be allocated if it fully meets the Exception Test. Namely, although a higher risk site regarding flood risk, meeting the Exception Test provides evidence that the development can provide wider sustainability benefits to the community that outweigh flood risk and it can show it is safe for its lifetime from flood risk.

If implemented, the second proposed amendment will clearly show that a planning application for development must also meet the Exception Test, if required, irrespective of the site having been subject to a Sequential Test as part of its allocation. This amendment will strengthen advice given in paragraphs 103, 104 and 105 in the NPPF.

The Council supports the proposed amendment to clarify that planning applications for minor developments and changes of use are expected to meet the requirements of paragraph 103 of the NPPF and should be informed by a site-specific flood risk assessment.

The Council fully supports the proposal to ensure that all planning policies to manage flood risk should, where relevant, address cumulative flood risk. This will ensure that the combined impacts of a number of new but separate developments in (or affecting) areas identified as susceptible to flooding are considered in combination, as a whole.

Question 37

Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development?

Planning policies and decisions should already take account of existing businesses when locating development nearby as part of general development management considerations. Applications should already mitigate the impact of noise and other potential nuisances arising from existing development. Therefore, it is unclear how amending national policy will further enhance this issue.

Question 38

Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?

These updates risk a negative approach, and thus a negative policy in the NPPF towards wind energy (“should not be considered acceptable”). It singles out one form of renewable energy, and makes the opportunities for their implementation very limited. This is particularly the case due to the requirement that following consultation, it can be demonstrated that the proposal has the community’s backing. The White Paper says that the Government will issue further guidance to clarify what is meant by this (“community backing”). Community backing should be inferred by an allocation in an up to date Development Plan, as this will have been through due process; consultation, examination and adoption. Anything else introduces a ‘referendum’ to a planning decision, on which this will be the only singled out topic in planning for such an approach. This will likely result in no proposals coming forward
as the risk of refusal is too great and uncertain – no longer is a decision entirely based on material planning considerations. This approach appears to mean in practise that the Government no longer supports onshore wind energy.

The Council is currently preparing its evidence base to inform a renewable energy and low carbon policy in its Local Plan Part 3: Development Management Policies and Other Allocations. This will assist in identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, and opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems.