CONSULTATION RESPONSE

In respect of:

FIXING OUR BROKEN HOUSING MARKET – GOVERNMENT WHITE PAPER

By:

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1. INTRODUCTION

RCA Regeneration Ltd is a multi-disciplinary consultancy specialising in planning, transport and development advice. Although based in the West Midlands, we work on behalf of national, regional and local developers across the UK.

Staff at RCA Regeneration have a wide range of experience. In addition to current roles in private consultancy sector, staff have previously worked for Local Planning Authorities (both in development management and plan-making) as well as for developers, Regional and National Government Agencies (including Highways England).

The experience above, coupled with being in operation for over 8 years, with the majority of our projects being for housebuilders, we are ideally positioned to respond to the issues raised within the Government's White Paper: '*Fixing our broken housing market*'.

It is recognised; as set out within the foreword from the Prime Minister, that the starting point "*is to build more homes*". While it is considered that the ability to address this housing need stems far beyond just the planning system, this response outlines the current and historic issues encountered by RCA Regeneration.

Our response sets out the questions contained within the White Paper and provides a detailed response to each of the points raised.

2. QUESTIONS AND RESPONSES

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 allows 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.*

Response to Q1 part a):

RCA Regeneration support the principle that the strategic policies detailed within paragraph 156 of the Framework should be set out within development plan documents. Furthermore, we are supportive of the principle of requiring Local Planning Authorities to allocate sites needed to deliver their housing requirement.

However, there is a fundamental concern with such an approach that is linked to paragraph 157 of the Framework. This paragraph requires local planning authorities to draw up a plan over an appropriate time scale "*…preferably a 15-year time horizon*". From the outset of the plan, a 15-year time horizon is satisfactory. However, during that period, it may be the case that new evidence becomes available that should supersede the previous evidence base to the adopted plan. An example of such evidence is associated with housing need and household projections. Household projections are notoriously difficult to accurately predict over the longer-term. This is because there are a high number

of variables involved in the process. During the lifetime of a plan, updated evidence may demonstrate that housing need in a locality has increased or decreased following local and national changes in the economy, migration, affordability and population demographic changes (to name a few).

In order to ensure that plans are responsive to changes in the evidence base, paragraph 156 (or 157 as per the concern in the paragraph below) should introduce a mandatory review period for plans. This will ensure that plans are continually up-to-date.

Without the above review mechanism, local plans run the real risk of being out-of-date during their plan period. It is recognised that the Framework references the need for plans to "be kept up to date". However, without a specific timeframe for any review, there is no certainty that local plans will adequately reflect housing needs. This approach will also assist in planning the longer term work programme for policy teams allowing them to become more resilient and perhaps better resourced.

Alongside introducing the requirement to allocate sites to meet housing needs, it is also considered necessary to allocate 'reserve sites' to provide adequate flexibility. Reserve sites are considered necessary for two reasons. Firstly, allocations within local plans are made on the best available information at that time. However, further investigation at application may identify that the site is undeliverable or that the anticipated quantum of deliverable development cannot be achieved. An appropriate level of reserve sites would allow for this shortfall to be met in a timely manner. This could shorten the time needed to search for new sites with a 'reservoir' of tested sites subject to a 'development restraint policy'.

It is also partly considered that reserve sites are necessary where a local plan's housing delivery strategy is dependent on windfall sites. The quantum of housing deliverable from reserve sites should mirror the scale of anticipated growth from windfall sites. This will provide greater flexibility during (for instance) periods of structural economic change.

Response to Q1 part b):

While the rationale behind Spatial Development Strategies is noted, there remains a great deal of uncertainty surrounding such documents. As such, clarification is required on a number of matters.

First of all, it is uncertain as to whether such documents would form part of the statutory development plan; and therefore be afforded the requisite weight under s38(6) of the Planning and Compulsory Purchase Act 2004 in the determination of planning applications and appeals.

We consider that an effective Spatial Development Strategy must form part of the statutory development plan. If it were merely a material consideration, then the relevant local authorities would not be duty bound to follow such policy. If such documents were merely material considerations in the planning process then this would be a sizeable missed opportunity to ensure that appropriate levels of housing is delivered.

Importantly, clarification is required over what happens if there is not unanimous agreement between all members of combined authority (because currently a 'duty to cooperate in not a 'duty to agree'). An example of this is with the West Midlands combined authority. Birmingham City Council is currently unable to meet its substantial housing needs within its own administrative boundary. For logical and robust planning reasons, a significant proportion of the unmet housing need must be delivered in neighbouring authorities. However, largely for political reasons, the neighbouring authorities do not unanimously support this approach. The White Paper is silent on what the happens in such a scenario which is extremely unhelpful.

To overcome the above, Spatial Development Strategies should be advanced if there is majority support within the Combined Authority to do so. At this stage, the Spatial Development Strategy should proceed to independent Examination in Public; headed by a Senior Planning Inspector as is customary with a development plan.

To ensure that Spatial Development Strategies are appropriate, their scope should be limited to strategic matters that are not limited to arbitrarily drawn administrative boundaries namely issues around housing, employment and infrastructure. Issues relating to retail, leisure, green infrastructure and community facilities should be dealt with at the local level. The reason for this is that such types of development are largely dependent upon the agreed housing figures from the Spatial Development Strategy. In contrast, housing, employment and infrastructure provision are cross-boundary issues insofar as people travel to different areas in order to access employment opportunities. Focusing Spatial Development Strategies on strategic multi-authority issues will ensure that their production is not unduly time-consuming.

Speaking of which, timing is also a critical issue. In the West Midlands, a number of local planning authorities have adopted Local Plans / Core Strategies in place. However, should the West Midlands Combined Authority adopted a Spatial Development Strategy in the future, it may require neighbouring local planning authorities to revisit their adopted plans. As such, upon adoption of the Spatial Development Strategy, all local plan authorities within the combined authority must undertake a review of their plan. The reviews must incorporate the requirements and outputs arising from the Spatial Development Strategy. Currently, a number of adopted development plans merely state that a review of the plan will be undertaken in the future. However, no timeframes or indicators are contained within the documents. If the West Midlands Spatial Development Strategy identifies that various local planning authorities must meet unmet housing needs from elsewhere then there must be a mechanism for ensuring that these needs get met. As things stand, there is no requirement for this to happen. Instead, it would require examination during the application and, most likely, appeal process.

This above issue illustrates and reinforces our point regarding a mandatory review process for development plans.

Response to Q1 part C:

We do not support this change of wording to the Framework. This question is understood to focus on allowing Councils to promote 'an' appropriate strategy rather than 'the most' appropriate strategy (as currently required by paragraph 182 of the Framework). It is very easy for a local planning authority to contend that their plan is based on 'an' appropriate strategy. For example, a rural authority may contend that having no new homes over the plan period is 'an' appropriate strategy insofar as it will ensure no loss of green fields on the edge of settlements. While this is an extreme example, it would clearly not be 'the most' appropriate strategy.

The importance of securing 'the most' appropriate strategy ensures that the plan maximises its contribution to the achievement of sustainable development; which itself is the fundamental requirement of the planning system. Merely accepting 'an' appropriate would fail to achieve the fullest contribution to sustainable development, resulting in plans that do very little for those in housing need, employment generation or the coordination of community benefits.

The methodology for achieving 'the most' appropriate strategy is straightforward; albeit one that is repeatedly overlooked. It is the role of the Sustainability Appraisal to detail the key objectives and associated appraisal questions. Once these objectives and appraisal questions are fixed (after appropriate consultation), it is a relatively straightforward process to assess what is 'the most' appropriate strategy. If greater weight is given to Sustainability Appraisals in the plan making function (as well as at Examination stage), then this ensures that the 'most appropriate' strategy is ultimately adopted. Correct processes are already in place to ensure this. As such, in our view, it is not necessary to amend or alter the wording of the Framework.

Furthermore, paragraph 182 requires 'the most' appropriate strategy against reasonable alternatives. As such, if the Sustainability Appraisal process indicates that a strategy is not reasonable then it does not need to be considered further.

Alongside the above, the overall approach is assessing 'soundness' of plans is well-understood in the planning system. While paragraph 182 of the Framework details the most recent policies concerning soundness, they closely mirror those contained within Planning Policy Statement 12 (2008). The improvements to testing 'soundness' introduced by PPS12 and carried forward in the Framework have led to a more efficient and effective process. The process ensures that interested parties are adequately represented throughout the plan-making process. To alter this would create risks. Firstly, if there is risk about inadequate representation or a 'dumbing down' of work required to assess soundness then question marks arise over compliance with the Aarhus Convention. As this Convention is separate to the membership of the European Union, it is unaffected by 'Brexit'. Secondly, alterations to the tests of soundness run the risk of creating uncertainty by amending a well-understood practice. Increased uncertainty is not conducive for business planning and, parties feel aggrieved through a perceived lack of involvement, this can lead to increased legal challenge.

Based on the above we do not support the idea of revising the Framework to amend any aspect of the 'soundness' process.

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?

Response to Q2:

This question is dependent upon the different types of plan being examined. For Neighbourhood Development Plans, the level of consultation is sufficient. However, we consider the examination procedure is inadequate. In the majority of cases, this is done via written representations. However, for the examiner, it is a time-consuming exercise to collate and read high volumes of representations. Instead, the examination should be done by way of a one or two day hearing. Representations would still be submitted but with a word limit. Such representations would merely indicate what oral evidence will be given on the day of the hearing. Speakers would be given an allotted time in which to present their case. Such a process would allow for a more focused, transparent and open forum for determining significant planning issues.

For development plan documents, there should be no change to the consultation and examination procedures.

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 or 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?*

Response to Q3 part A:

We wholeheartedly agree with a robust and honest approach being taken to the calculation of housing needs for all groups in society. For far too long people have been living in inappropriate accommodation, often some distance from their families, because a severe lack of appropriate accommodation locally, particularly children and young people with conditions such as Autistic Spectrum Disorder (ASD) and Downs Syndrome. This has no doubt contributed to situations such as the abuse scandal at Winterbourne View[1]. We consider that there should be a presumption in favour of housing for severely disabled people or people with particular special needs which override very restrictive policies such as Green Belt. However, we recognise that this may require a specific amendment to the NPPF with guidelines to assist developers and planning authorities. Please see the appeal led by RCA Regeneration wherein a housing scheme for people with ASD was permitted in Green Belt: APP/H1840/W/15/3007970. The Inspector remarked:

"In this case, the totality of the other considerations outlined above clearly outweighs the harm to the Green Belt by reason of inappropriate development

[1] https://www.gov.uk/government/publications/winterbourne-view-2-years-on

and the harm to its openness. When looked at in the round, the acute and urgent need for such specialised and affordable accommodation for people with ASD, the linkages with the existing Upper Ford Lodge residential care home and the lack of any realistic alternatives mean that very special circumstances exist to justify allowing the development."

We consider that such cases should not have to be made at appeal – the delay and costs impact on the very people such proposals are made to assist. If properly evidenced, development plans should either contain specific allocations to meet need, or contain appropriately worded development management policies that support such proposals in appropriate locations, including Green Belt if the case is made.

Similarly, the considered provision of sufficiently varied housing options for older people is very much a 'lottery' and is dependent on the approach of individual planning authorities. Given the burgeoning need for housing to meet a very wide range of different needs, it is clear that a 'one size fits all' approach to older persons housing will not work. Some 'sheltered' schemes do not allow residents with dementia to live there, which splits up couples prematurely, even if they have bought their own property. Care villages are becoming more popular, offering a greater housing choice, but remain out of reach for many because care costs need to be subsidised or they 'avoid' triggering an affordable housing requirement. Again, a considered approach to housing for older people from providing downsizer properties (which have the effect of 'freeing up' family housing) to a greater number of well-located 1 and 2 bed apartment schemes to sheltered, supported and care home models must be taken. Developers (including volume housebuilders and housing associations), care operators, charities, the NHS and other healthcare organisations must get together with planning policy officers to set out a clear strategy in every single planning authority area to agree a strategy for choice and improved competition in the market for housing for older people, or risk an ad-hoc reactive approach that will result in provision being patchy and inadequate – as it is now.

Response to Q3 part B:

Yes, we agree with this in the absence of any other alternative. Having direct experience of this in the recent past, we have presented multiple potential OAN scenarios to S78 Inspectors, which take significant time and money in light of there being no up to date plan nor agreed OAN in place. We are all aware it is not for a S78 Inspector to pre-determine the OAN figure, which we also agree with. However, an agreed standardised approach should be taken on the basis of whichever yields a higher figure: this will serve to incentivise Council's to progress plans quickly or face having to calculate 5 year supply against a potentially much higher target. This may also impact more acutely on stakeholders and politicians wishing to minimise development levels for their authority area or delay plans for whatever reason: agree a sensible figure quickly and progress the plan or face higher levels of development than otherwise anticipated.

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 there are no long 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?

Response to Q4 part A:

We welcome a specific focus maximising the use of suitable land through a clear strategy for each planning authority area. This may work better than a national presumption, however, it is currently unclear as to how they would relate. The best use should be made of available land and we agree that local authorities should have a clear strategy for maximising the efficient use of such land.

However, there needs to be clarification as to what "clear", "suitable" and "maximising" mean. Whilst it is fully appreciated that the best use ought to be made of available land, this should not be at the cost of the creation of quality development nor a sense of place.

The Paper identifies "particular priorities that should be pursued" as part of this strategy including utilising brownfield and public sector land, creating new communities and also supporting small and medium sized sites.

Response to Q4 part B:

The term "identified need" requires clarification as this could lead to confusion.

In terms of accommodating needs, the wording should be amended to read "*unless…specific policies in this Framework provide a strong reason for development to be restricted*" rather than "*indicate*". This supports the governments objective of boosting significantly the supply of housing and is consistent with achieving genuine sustainable development.

Response to Q4 part C:

This would provide clarity in interpretation of the Framework. This in turn will render decision making clearer and potentially help to speed up the planning process.

Response to Q4 part D:

We agree to this principle. We would also request an amendment to the Framework to ensure that the definition of previously-developed land as set out in Annex 2 also refers to garden land in non-built up areas as this has now been upheld in the Court of Appeal (see also Dartford Judgement).

We are not clear as to why the reference to 'a golden thread' has been removed. This serves a purpose in emphasising that the three strands of sustainable development (economic, environmental, social) should be taken into account across the wide range of planning related proposals.

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?

Response to Q5:

Speeding up the delivery of housing sites is imperative to the Government's stated intention of *"fixing our broken housing market"*. From this perspective, there is no reason in principle, why any subsequent purchaser would need to re-apply for planning permission in order to carry out a development. In most cases, local authorities will not obtain detailed consent for residential development on a site in the knowledge that developers will probably want to specify their own layout and house types. It is more likely that local authorities will obtain outline consents, subject to a master plan setting out certain criteria for residential development on a site and sell to the market on that basis.

This proposal to amend the regulations in this regard is, therefore, likely to be of limited significance in the bigger picture of the Government's stated intention. Instead, the Government should focus its efforts on providing the financial resources for local authorities to use their much under-utilised powers to compulsorily purchase land where the market fails to act in a co-ordinated way for the good of the local area.

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)?

Response to Q6:

Further to our response to Q5 above, local authorities already have the power to assemble land, including dealing with ransom strips, through their compulsory purchase powers. They also already have the ability to partner with developers and landowners to assemble land in order to deliver housing. Therefore, we do not believe that any additional powers for local authorities in this regard are required. What is required, however, are financial resources to either initiate or fund the land assembly process and greater in-house expertise to manage the process.

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?

Response to Q7:

This proposal is considered unnecessary. The advantages of estate regeneration are well known. However, it is unclear why this must be a mandatory requirement for Local Authorities in the preparation of plans. From experience, the timeframe for starting on site for an estate regeneration is substantial. An example of this is with the regeneration of The Oval housing estate in Hereford. The planning application for the demolition and redevelopment was submitted in May 2013. However, since the determination, there have been further delays due to the need to submit material amendment applications; which, at the time of writing, there is still one yet to be determined. The site has been in the planning process for approximately 4 years. This time period does not include the pre-application consultation with the Local Authority and engagement with the local community.

Furthermore, in the above example, the benefits are considered limited. The scheme involved the demolition of 214 existing residential properties; all of which were affordable. The redevelopment involved the provision of 259 new properties, of which 129 were to be open market properties and the remaining 130 were to be affordable. As such, the estate regeneration resulting in a net loss of 84 affordable properties. Furthermore, the development only delivered 45 new homes; despite being in the planning system for 4 years. Given the scale and urgency of new homes, such an example of estate regeneration has made little progress to addressing housing need.

Even greater delays have been seen in the housing pathfinder areas, with large swathes of land left cleared and communities damaged as a result.

While estate regeneration is desirable, it does little in the way to positively contribute to immediate housing pressures. Furthermore, delays often arise due to a Council having little or no ownership of the existing properties. This causes significant delays in discussing and negotiating the optimal form of redevelopment.

Ultimately, it is considered that estate regeneration is best left to the role of development management. The rationale for this is that such estates are located within existing urban areas. Policies contained within Local Plans are supportive of residential development within existing urban areas. Accordingly, the principle of estate regeneration would not cause conflict with adopted plans. To unduly delay Local Plan production due to the need for estate regeneration is considered inappropriate. These are complex enough even with sufficient funding or the use of CPO powers (because of a lack of skills). Local Planning Authorities should focus upon securing homes that address housing need in the shortest possible time-frame. Ideas such as estate regeneration, while welcome, should be seen as an 'added bonus' to addressing housing need as opposed to a key contributor.

Question 8:

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

e) Highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?

f) 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?

g) Give stronger support for 'rural exception' sites – to make it 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?

h) Make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development should be sites of half a hectare or less?

i) Expect local planning authorities to work with developers to encourage the sub-division of large sites? And

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

<u>Response to Q8 part A:</u>

While we support this proposal, experience shows that some neighbourhood plan teams lack the experience or skills to identify potential sites nor have the finances

to instruct consultants to do so on their behalf. Strong consistent guidance should be in place for neighbourhood plan teams to refer to when identifying suitable sites. There is very little incentive for Neighbourhood Planners to encourage new development at the moment and this has to change.

There are also availability issues associated with this as smaller sites are often not available for development and often come forward as a result of the owners' initiative. This makes it hard to know when or if a site will be available. Whilst the neighbourhood plan team may not be able to allocate some small sites, they should be equipped with the knowledge to identify and assess the sites effectively and allow dialogue with individual landowners.

Additionally, as neighbourhood plan boundaries often cover rural land, there are often sites which are appropriate for housing development which are not situated within the defined settlement boundary of a village. For example, some farms situated outside a main settlement may also be suitable for a small residential development and the Framework could be amended to include a set of criteria which can be used by neighbourhood plan groups to assess small rural sites. Further, where a settlement boundary is not in place, proportionate growth should still be encouraged to support the rural economy.

Response to Q8 part B:

We support this principle. Encouraging all types of development in villages and rural areas is essential to support the rural economy. In particular, development should be encouraged in villages with existing key services such as a post office and primary school which are vulnerable or at high risk of closure - encouraging diversity is key. At present, the Framework policies covering rural housing and the rural economy of villages and rural areas are separate to each other, rather they should be combined to tackle issues in a holistic manner which will support the rural economy as a whole, this is more aligned with the three pillars of sustainable development than the current approach.

Response to Q8 part C:

We fully support this principle. The Framework gives very little guidance on rural exception sites at present resulting in an inconsistent approach when decision making between local authorities, for example a site located on the edge of a market town is considered rural by some but urban by others. Clear definitions of 'rural land' and 'urban land' should be established. Further, rather than allowing local authorities to consider if an element of market housing should be included in the proposal, it should be clearly stated that market housing is accepted to enable the proposals to be viable. Stronger support and clear guidance will help steer what is appropriate in terms of a rural exception sites.

We consider that market towns (where affordable housing need is often concentrated) should also be allowed rural exception schemes on their boundaries, not just villages.

Response to Q8 part D:

We do not support this principle and it is not clear where this 10% figure has come from. Further evidence is required to clarify why 10% of allocated sites should be half a hectare or less to provide a full opinion on this. Furthermore, it can be difficult to identify small sites as available or deliverable unless the landowner has come forward to promote the site.

It may be difficult for some local authorities to achieve this figure due to the nature of the sites which have come forward in the plan process. It could result in a reduction of the overall supply and risk allocating sites which have too many constraints just to meet this requirement.

Response to Q8 part E:

We do not support this proposal. It is not the role of the Planning System to dictate who can bring forward development and when.

Response to Q8 part F:

We do not support this proposal. LDOs have been available for a number of years but with very little uptake. This is because each application needs to be determined on their own merits. The design of the scheme at one end of the village might not be appropriate at the other end.

We do not consider that LDOs 'de-risk' any more than an allocation or outline consent and the time taken to secure them could be better spent taking an application through the development management process.

Question 9:

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

Response to Q9:

Garden towns and villages are simply a title given to a number of strategic sites that were always going to deliver eventually deliver substantial housing in the longer term. The number of such developments is limited (as illustrated in figure A.1 of the White Paper), as such it is not clear why they require additional policies at a national level. The problem is that there are simply too few allocations across the Country as a whole. Realistically each site will be built-out by 3 or 4 developers; with each developer delivering one or two units per week. If all 24 sites had 4 developers delivering 1 unit a week, that would deliver 4,800 new homes per annum. Based upon the needs figure of the now dated Barker Review (2004), this equates to 2.1% of the annual housing need of the Country. Focusing time and effort on this marginal delivery mechanism is considered a poor use of resources.

The schemes remain 'flagship' politically and as such incentives for innovation and improved delivery may be trialled on garden town and village schemes, but streamlining should not result in cut corners or poorer design, particularly when such schemes are being delivered in high value areas with strong demand already.

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 be regarded as 'inappropriate development' in the Green Belt?

d) Development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate development 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?

Response to Q10 part A:

Green Belt is meant to be enduring but not permanent. It is our view that Green Belts should be reviewed as part of every single development plan document

(DPD) process. Green Belt is a relic of a planning past that no longer exists. It is our experience that it is now having a negative effect on sustainable growth and chocking major economic centres, for what appears to be political sensitivity rather than any logical assessment.

DPDs are required to be produced on the basis of a proportionate and up to date evidence base relating to ecology, heritage, housing, flooding etc. No other element of a DPD would be found sound during Public Examination if the information relating to the topic had not be reviewed and updated for decades. Making it a statutory obligation for Local Planning Authorities (LPA) to review all Green Belt boundaries as part every Development Plan Document is supported. Such an approach aligns itself with the recommendations of the Communities and Local Government select committee paper on the 'Operation of the NPPF'. [2]

This poses a question as to what the land that has been assessed as no longer fulfilling the purposes of the Green Belt will be classified as, if at the time of the assessment the Local Planning Authority was not required to release Green Belt land immediately. Presumably it would change to Areas of Development Restraint in order to expedite its release in a future iteration of the plan, if required.

Further to the above, we have some serious concerns with the rather generic terminology of Green Belts only being amended *"when they can demonstrate that they have examined fully all other reasonable other options for meeting their identified development requirements"* this is largely a 'given'. It is assumed the list provided at A.61 is not exhaustive, however we have provided comments on the relevant criteria. Criteria 3 states that an option would be to assess *"optimising the proposed density of development".* Developers already carefully balance delivering an appropriate density for the site with achieving a reasonable return for the landowner and themselves. Therefore, we do not think imposing minimum density targets will necessarily make anything more than a negligible contribution to increasing housing supply. The final mechanism offered is

[2] Paragraph 79 - https://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/190/19007.htm#a23

"exploring whether other authorities can help to meet some of the identified development requirement", we have assumed that this will be an extension of the Duty to Cooperate function. If the rate of progress on DPDs being produced is to be utilised as a 'bench mark', then this is likely to be prolonged exercise.

We do not support this approach, as this suggests that the preservation of Green Belts will be put before that of Special Landscape Areas and Areas of Outstanding Natural Beauty as a result of all other opportunities being looked at prior to considering the release of Green Belt land. We consider that the very notion of Green Belt is outdated, there are better and more considered ways to prevent unchecked housing growth.

Response to Q10 part B:

Paragraph 81 of the Framework seeks to ensure the planning system delivers improvements to the environment as well as increasing accessibility to Green Belt land. As Local Development Plan Documents have a statutory duty to be produced in accordance with national planning policy, therefore, this approach should already be enshrined in local plan policy.

Section 106 agreements and CIL are already used to offset development proposals and make development acceptable in planning terms. It would be extremely onerous to require that further compensation be delivered on other Green Belt land that is likely to be privately owned and not be within the control of the developer. Therefore, the proposed change could delay the delivery of housing to address an identified housing crisis. Furthermore, how would the compensatory improvements be calculated? Quantifying the value of Green Belt is likely to be an extremely complicated task that would be hard to replicate a consistent framework for measuring the scale of compensation required between all LPAs. Many areas of Green Belt land are of little or no agricultural or landscape value, despite the often misinformed views of those that seek to retain it as sacrosanct.

Response to Q10 part C:

Case law has already found that the delivery of appropriate facilities for existing cemeteries should not be considered inappropriate development, therefore it is appropriate to include this as an addition to the Framework.

Response to Q10 part D:

We object to this proposed change. There should not be a two-tier system that supports Neighbourhood Plans Policy to encourage proposals not in accordance with national planning policy whilst at the same time resisting other development proposals not advanced via a Neighbourhood Plan. Neighbourhood Plans are only subject to written representation examinations, rather than a full Examination in Public. The use of written representation examinations does not subject the DPD to the same level of an assessment as a full examination in public.

Response to Q10 part E:

Whilst our views on Green Belt carry over into this response, we disagree entirely with this proposed amendment. Green Belt is a strategic planning policy that has implications across large areas of land. As such, the responsibility of amending such boundaries should remain with the LPA as the Neighbourhood Plan examination process is an extremely diluted scenario in comparison to the extensive and rigorous public examination of a strategic DPD. This will ensure that the amendments to Green Belt boundaries are open and transparently assessed at an Examination in Public to ensure they are sound. Furthermore, release Green Belt land requires a thorough Green Belt assessment in order to identify the land parcels that contribute the least to the designation. This cannot be done at the Neighbourhood level and, instead, requires as a minimum a District wide approach.

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?

It is not considered appropriate to respond to this question due to the content of our response to Q10a.

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 area action 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 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?*

Response to Q12 part A:

We partially support this principle. Neighbourhood Planning Groups must be given a housing growth target as a minimum. This could be derived from the standardised method for determining OAHN.

Response to Q12 part B:

Where appropriate, site specific design codes can be useful especially in Conservation Areas and other areas with a distinctive character and/or heritage and can set design principles which will achieve high quality design.

However, Neighbourhood Plans should not be prescriptive but allow proposals to respond to their unique setting. Rather, it may be more appropriate to require a detailed design statement which explains and justifies the individual approach taken by the applicant to achieve high quality design which is responsive to the site and context. To guide these statements, a Neighbourhood Plan should produce their own overarching design statement or design code document which identifies the key characteristics of the Neighbourhood Plan area that are important to the community, by consulting with residents. By deciding what is desired and or as the case may be not desired during the Neighbourhood Plan process, developers will be able to respond accordingly to the community's expectations pre-application.

Response to Q12 part C:

In practice, developers engage with LPAs at pre-application stage. However, as these are not subject to statutory time frames, experience has shown that LPAs often do not provide helpful feedback in a timely manner. Statutory time frames should be imposed on LPAs. If LPAs fail to adhere to these then the fee should be repayable as a minimum.

Response to Q12 part D:

We support this principle. Where proposals clearly accord with the Local and Neighbourhood Plans, design should not be used as a valid reason to object, unless the proposed design significantly undermines the functionality of the proposal for everyday use.

Response to Q12 part E:

We support this. The principle of Building for Life is a good standard for development to achieve and should be applied where it would not undermine the viability of a development.

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 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 the 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 and facilities nearby?*

Response to Q13 part A:

We agree that that there should be an efficient use of land and proposed densities should be in line with the locally assessed need that reflects the local character and opportunities presented by each area (Point A.67).

Robust evidence such as housing needs surveys should be accepted by the authorities to justify the need for higher densities on sites.

Specifically, in areas where there is high demand and land is scarce, higher densities may be required to improve viability.

Response to Q13 part B:

We agree that higher densities that are well served by public transport should be supported. Where sites are adjacent transport interchanges such as train stations or upon routes with frequent bus services; serious consideration should be given to sensible proposed mitigation to improve residential amenity in balance with the clear sustainability benefits of the location.

It is important to make good use of previously developed and well situated sites in the most sustainable locations with higher densities, or a more innovative approach to design can bring such sites into productive use.

Response to Q13 part C:

It is clear that densities should largely reflect the area, however, this should not prevent well designed schemes at higher of lower densities being considered. The issue remains one that is of merit in relation to that particular scheme and the particular characteristics of the site itself.

Response to Q13 part D:

A flexible approach is welcomed to judge a site based on it context and merits. A well-designed scheme could encompass the nearby public open space which could be agreed through Section 106/ obligations when there is public open space and facilities available.

Question 14:

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

All locations can benefit from minimum density standards. Particularly cities (50dph) and areas of high demand. They should reflect the higher scale of density already achieved in such areas.

Question 15:

What are you views on the potential for delivering 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)?

It is our understanding that not only are many public sector sites under-utilised but also that many remain un-redeveloped, despite having been surplus to requirements for many years. The HCA has not been provided with the resources to deliver housing on sufficient numbers of public sector sites and their role needs to be bolstered quite significantly as the Government's housing regeneration agency.

We also must reconsider our aversion to tall buildings, especially in urban centres. Most of the world's great cities have skylines resplendent with tall buildings and from a sustainability perspective increasing the intensity of activity in our urban centres makes logical sense. Other than where there are cherished views of iconic landmarks, there is no reason why the amount of tall buildings cannot increase in our urban centres. They relieve pressure for development in more unsustainable areas and potentially help to prevent unnecessary loss of Green Belt, accepting that it is our view that the purpose of Green Belts must be reviewed.

Question 16:

Do you agree that:

a) *Where location 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?*

Response to Q16 part A:

Presumably this will replace the existing 5% buffer and remove the potential 'argument' over whether a planning authority has performed poorly. Clearly, for authorities that persistently do not perform, this will have the effect of reducing the overall amount of housing that could be delivered; contradicting the need to boost significantly the supply of housing. We maintain that poorly performing authorities should be obliged to increase the buffer to 20% in such cases, from the 'standard' 10% buffer.

By assessing supply annually, this will clearly reduce the potential time at S78 appeal, but there must be a right of reply to the annual statements on 5 year supply, which may need to be scrutinised independently in order to avoid challenge. Currently, 5 year supply is often only tested at appeal or when the development plan is subject to examination. We have experience of authorities acquiescing on their own figures when under examination at a S78 appeal, which demonstrates a lack of confidence in their own evidence and perhaps political influences at local level. When challenged at appeal it is not unusual for such

authorities to run further figures which cause additional delay, sometimes causing an appeal to run over a year.

Response to Q16 part B:

If an independent assessor assessed the housing supply this would remove uncertainty and should reduce the amount of time spent at appeal discussing 5 year housing land supply (5YHLS). Assessing Local Authorities' 5YHLS can be time consuming, so a standardised approach to proving supply should be employed. For instance, simply 'taking a developer's word for it' may not be enough: a more inquisitorial approach is needed. We would also encourage a final statement from DCLG as to whether the Sedgefield or Liverpool approach should be used in calculating 5YHLS and if both can be employed, clear guidance to show in which scenario they are best suited.

Response to Q16 part C:

We consider the most sensible method (given time and other constraints) will be to assess/critique the Council's approach. It should not be the responsibility for the Inspectorate to perform the assessment itself but rather analyse the evidence provided by the Local Planning Authority and any other interested parties.

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 above 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 protection apply as long as housing supply policies will meet their share in local housing need?*

Response to Q17 part A:

Neighbourhood Plans (NPs) are part of the Local Development Framework and one of the main targets of the LDF is to ensure there is a ready supply of housing land available. If the NP does not allocate sites to meet a fair and proportionate 'share' of the local housing need, it threatens the delivery of the more strategic development plans to which they relate. We therefore consider it should be an absolute requirement and that NPs should be 'incentivised' to offer 'above and beyond' any minimum target set by the development plan for the wider area.

Frequently we encounter development plans with a minimum objective assessed need target, this can be coupled with Neighbourhood Plans which frequently do the same – which contributes very little to the Governments agenda.

Response to Q17 part B:

We consider that the benchmark the Government have set for delivery rates is too low. Whilst it is appreciated that there is a need to phase introduction, a delivery rate of just 25% of the requirement will result in constrained delivery at a time when housing need is at an all-time high and despite the fact that most authorities have agreed 'minimum' OAN figures. Encouragement should be given to deliver as much housing as early as possible in the process, depending on market conditions – which ultimately dictate delivery rates. We consider the availability of housing sites should not undermine market demand or a competitive land and housing market. Even a requirement of 65% after 2020 would not boost significantly the supply of housing and as such we would recommend that these requirements are substantially increased if the Government is serious about meeting and surpassing housing needs.

It is important to reverse the notion that a potential moratoria on housing could be in place and this policy change must be looked at again.

Response to Q17 part C:

Site allocations are an important part of a Neighbourhood Plan and allow local residents to decide where development will take place. By removing the requirement, there will be increased uncertainty – both on behalf of developers and the local residents. Such uncertainty can result in protracted applications and appeals; resulting in a restriction on boosting significantly the supply of new homes.

Alternatively, if the Neighbourhood Plan does not allocate sites and the Local Authorities are able to maintain a 5YHLS, it could potentially result in no new development being brought forward within these areas, this may affect the sustainability of such settlements/areas. In the longer term Neighbourhood Plans can allow for the controlled growth of these settlements and new development should be encouraged in these locations to meet the local housing need. We consider this can best be done through the considered allocation of sites.

Question 18:

What are you 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.

Response to Q18 (general):

The above question suggests that the system of appeal is now so prevalent and costly that we have to consider charging for it. This in itself suggests that the process of planning in this country is not working correctly and needs to be re-visited. Fundamentally, if the amount of appeals being allowed reaches over 40% (particularly for major applications), then it illustrates how adversarial and confused the planning system has now become.

A review major application appeal statistics indicates that over the past 7 years the appeal allowed vs dismissed ratio has hovered around 50/50. This is not a characteristic that would be expected of a clear and transparent planning system.

Response to Q18 part A:

A fee should only be charged for major developments. No fee should be chargeable for appeals on non-determination. Conversely any fee for said major developments should be payable by the Local Planning Authority for failing to determine the original application in the requisite timeframe.

If timeframes for the appeal cannot be guaranteed under the paid system then it should not be considered. There must be a significant improvement in case handling if fees are to be introduced.

Response to Q18 part B:

A 'no win no fee' process is entirely inappropriate. It could lead to examples of perfectly acceptable appeals being dismissed on financial grounds. Instead, if a Local Planning Authority loses an appeal, the costs of said appeal should be paid by the Council to the Inspectorate, in parallel with costs for non-determination.

Response to Q18 part C:

Instead of lower fees for less complex cases, a 'fast track' process could be adopted whereby the appellant could pay a fee for an appeal to be determined in a shortened timeframe. However, this should be their choice and would then not penalise smaller builders and developers.

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?

Response to Q19:

It is clear that people are increasingly reliant on technology and communications. As such planning has a key role to play. However, whilst there should be planning policies in place to ensure that new developments aim for the best possible digital infrastructure, it is not the role of a local planning authorities or the planning system to encourage competition; that is the role of National Government.

Question 20:

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

a) *The status of endorsed recommendations of the National Infrastructure Commission is made clear? And*

b) *Authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?*

Response to Q20 part A:

We support this statement.

Response to Q20 part B:

The Government might have to acknowledge that, in many cases, infrastructure investment is delivering schemes that are primarily dealing with an infrastructure deficit that has built up.

It is rare for any infrastructure project to be delivered absent of any other development. Guidance from the DfT also ensures that jobs and dwellings are identified as part of any business case submission as does any infrastructure spending put forward by Highways England. It may be that certain levels of funding should incur a burden to deliver jobs or housing but this would adversely impact on schemes that are dealing with existing infrastructure deficits or that are seeking to assist in regenerating existing housing or business areas.

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?*

Response to Q21 part A:

Whilst the data would be useful for authorities to assist them in the preparation of their five year housing land supply, from our experience most applications take longer than the nationally prescribed timescales to be determined and as such developers cannot give an accurate start date without knowing how long the application will take to determine.

From our experience this would also be a fruitless exercise for almost all outline applications with many of them submitted by landowners or promoters who do not intend to build out the site themselves. Any start dates or build out rates given would be unreliable for outline applications that still have to be sold to a developer, with the negotiations potentially taking years if they go to arbitration.

For reserved matters and full applications a start date and build out rate would be more easily implemented, although again this is reliant on the authority determining the application within the 8-13 week timescales. Any delays in the determination of the application will clearly delay the start and build out rate of the development. For instance, option agreements or contracts may need to be renegiotiated.

Further, we consider that the discharge of planning conditions should be better policed giving deadlines for authorities to act within.

For example, we have assessed the average determination times for Malvern Hills District Council as part of our assessment of their most recent Annual Monitoring Report and found that on average they were taking 47 weeks to determine reserved matters applications and 45 weeks to determine full applications. The time taken from validation of an outline application to the approval of a reserved matters application was 146 weeks. Whilst this data only concerns a single Local Authority, the data shows that some Local Authorities are taking significantly longer to determine applications than the prescribed 8-13 weeks. Without firm knowledge on the time taken to determine an application, applicants cannot give reliable start dates.

Response to Q21 part B:

Whilst this is already undertaken by most authorities we agree that this data should be collected across the country to ensure reliable Monitoring Reports are prepared.

The information provided on projected build out rates for sites that have recently been granted planning permission is unlikely to be accurate with authorities taking a significant amount of time to discharge conditions associated with those permissions.

For sites where construction has already started with all conditions discharged most developers will have this information available and we agree that it should be made available to the public.

Response to Q21 part C:

We consider that the above information should be an essential part of all Annual Monitoring Reports as authorities should include an accurate reflection of how many houses each site is likely to deliver, as this will clearly have an impact on the Local Authority's 5YHLS. By having this information available it will ensure that Local Authorities do not include sites that are unlikely to deliver within the next 5 years and this data will help ensure authorities prepare more accurate AMRs.

Response to Q21 part D:

By collating this data, Councils will be able to identify stalled sites and question developers on why those sites have stalled. We would suggest exercising caution on giving Local Authorities the powers to prosecute developers that are not delivering housing as this may result in sites never being delivered and a disproportionate cost for the taxpayer. If developers are at risk of receiving costly fines this could result in them being reluctant to take on difficult sites where there is a good chance they will be fined for slow delivery.

Proving deliberate delays will be very difficult and we do not agree that 'land banking' is taking place on the scale represented in the media. Consideration should be given to considering whether landowners may be adding to delays.

Fundamentally, most larger sites reflect a great deal of tied up investment and large values for all concerned, such issues are not going to be easily resolved. The issue is only brought into focus as a result of the extreme scarcity of housing and would be resolved if the general situation were improved.

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 permission for housing development?

Response to Q22:

We do not agree with this approach as the reasons why sites remain undeveloped can be vast and complex. However, the most common issue for sites being undeveloped in recent years has been as a result of the financial crisis of 2007. The vast majority of development sites, particularly the larger and more complex sites, require institutional lending. Without such financial support to start on site, developers have not been able to bring forward such development opportunities.

If a national policy were to allow Local Planning Authorities to refuse permission simply due to historic non-implementation then this would run the risk of suitable and sustainable sites remaining undeveloped. Each application should be determined on their own merits, in accordance with the development plan and material considerations. To introduce a sweeping statement at national level would not be helpful.

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?

And:

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?

Response to Q23 and Q24:

We do not believe that such an approach is particularly relevant.

In numerous authority areas, allocated housing sites are on the edge of the urban locations. Such sites are commonly farmland. The landowner would have no track record of delivering housing. As such, their ability to secure permission on their land would be compromised. Instead, they would be forced to enter into a contract with a promoter or developer and larger companies with 'bigger' track records would have an unfair advantage.

The content of the questions implies a lack of understanding over the delivery mechanism for the majority of homes. It is very common that agents identify suitable sites for development as they have the time to engage in what can be lengthey searches and negotiations. Such agents then secure the land through a contract with the landowner (such as a promotion agreement or option). The agent then invests in the planning process seeking an allocation or permission. If successful then these sites are then offered to various housebuilders.

Many housebuilders do not have the resources or skills to bring forward such sites. They themselves are reliant on securing sites off agents in order to deliver their growth targets. The agents themselves will have no track record of delivering housing; instead they simply sell the land with the benefit of planning. To introduce any policy that could detrimentally impact the supply of such sites will exacerbate the existing housing supply problems.

Question 25:

What are you 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.

Response to Q25:

It is unclear how such a change – a reduction of 1 year, would materially alter the huge issues facing the country in terms of housing under-supply. This is an exercise in political posturing that will have little to no effect on housing delivery. There has to be some acceptance that delivering housing is complex and that the rate of delivery typically reflects the capacity of labour, skills and materials within the country along with particular site issues in each instance.

Delivery of housing is also often prevented by the myriad of unnecessary pre-commencement conditions which can often take years to discharge, many of which are completely inappropriate at that stage. Local authorities should, therefore, be instructed to minimise the amount of conditions on consents and look at alternative arrangements to secure provisions/obligations for a consent.

Shortening the period for implementation of residential consents will, therefore, only serve to make more schemes unviable and undeliverable, especially given the lack of resources available in local authorities to administer the discharge of conditions in a timely manner. For SME developers with limited resources such a move would impact upon them most. We should be seeking to help our SME developers most of all, as they suffered greatest in the 2007/08 recession and are responsible for a significant proportion of day to day housing delivery and contribute to diversity in design. Therefore, the reduction of a timescale for the implementation of a permission is not supported.

It is a misconception that developers merely try and landbank sites once permission is granted. Housebuilders make money from selling houses, typically after significant investment in buying the land and gaining consent. It is absolutely in their interests to deliver their permissions. Furthermore, securing planning permission itself is a very expensive process. The assertion that land banking is a major issue in housing supply is therefore incorrect.

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?

Response to Q26:

We agree with the proposal to amend legislation to remove the requirement for the Secretary of State to confirm a completion notice before it can take effect, as long as a right of appeal is retained.

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?

Response to Q27:

Again, we agree with the principle of local authorities being able to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun. However, there must again be an appeal mechanism which would hold local authorities to account.

There is likely to be some impact upon the willingness of lenders to lend but this has to be balanced against the need to have a mechanism for planning permission to be rescinded in these circumstances.

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 2018/2019, 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?*

Response to Q28 part A:

We disagree with this statement. It should be based on the level of housing shown in the housing trajectory developed to support the local plan. Relying on an annual requirement will not reflect the reality of how housing is brought forward over period of time.

Response to Q28 part B:

We believe this is dependent upon the methodology. Please refer to our answer to 3B.

Response to Q28 part C:

We agree with this statement. Net annual completions should be the standard form of measuring housing delivery. This would be beneficial in providing consistency across local authority areas but further guidance on the methodology for completing these returns would be beneficial.

Response to Q28 part D:

We welcome this approach as it would take into account the short term fluctuations in housing delivery. This would also help to ensure that Local Authorities address under supply in their areas. As stated at para A.114 in the Housing White Paper "The phased introduction of the housing delivery test consequences will give authorities time to address under delivery in their areas, taking account of issues identified in their action plans and using the 20% buffer to bring forward more land.

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 to 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%?*

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

Response to Q29 part A:

We agree with this statement. This will introduce a standardised approach to the consequences of a Local Authority failing to deliver housing at agreed percentages. However, details of the policy and its implementation will be critical. This will give Local Authorities greater incentive to ensure they are delivering enough housing to meet their annual housing requirement.

Local Authorities should be required to actively seek to maximise housing delivery.

There is little information within the HWP regarding the content of action plans, their method of assessment, adoption and enforcement. We would like to see

clarification on what weight they will have in decision-taking. We request that further detail is required in relation to action plans.

Response to Q29 parts B, C and D:

We are disappointed to see that the presumption in favour of sustainable development does not apply until November 2018 and when delivery is as low as 25% of the housing requirement (which we do not agree with – see earlier comments). This threshold will increase with time which will allow local authorities to improve their delivery. We question why a higher percentage threshold does not apply from the outset. It has been a key aim of Government policy to 'boost significantly' the supply of housing, so it would appear counterproductive not to adopt this approach sooner.

Question 30:

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

Response to Q30:

There are a significant number of mechanisms available that would enable local planning authorities to increase housing delivery. Firstly, is for local authorities to be appropriately resourced. With constant cuts to local authority budgets, planning applications are very rarely being determined within the requisite timeframe. In order to ensure positive and proactive working, developers try to engage with Council officers to ensure that the application runs smoothly. Such an approach is preferable to the inevitable delays incurred by processing a planning appeal. However, at RCA Regeneration, we still are awaiting determination of applications submitted in 2015. An example of this is with an application for approximately 35 homes in Malvern Hills. This application has had four different case officers. The application is not for a strategic development and is relatively straightforward. Despite this, regular turn-over of staff has resulted in inordinate delays to the application. The turnover of officers is not unusual, we have experienced staff turnover of up to 5-6 officers on certain jobs.

Alongside appropriate resources, it is considered that stability in the planning system is required. The Framework, and the associated implications of its policies, is now firmly established in planning. However, its ability to deliver significant change in housing delivery is diminished by a lack of resources.

We consider that there should be an introduction of mandatory response times for consultations. Too often applications are not determined due to outstanding consultee comments. An example of this has been on a large-scale residential development in Stoke-on-Trent. RCA Regeneration, on behalf of the applicant, entered into pre-application discussions with the Local Planning Authority; including their internal colleagues. The pre-application process was accompanied by detailed draft documents. Following suggested amendments, the application was submitted to the Council. Due to the pre-application engagement, there were

no concerns with the majority of the planning issues associated with the scheme. However, a further 9 months elapsed before the highways department submitted any formal response. This was despite their involvement in the pre-application process. Ultimately, the Council would not determine the application without comment from their highway colleagues. Such a delay was completely unacceptable but is being replicated elsewhere.

In light of the above, it should be mandatory for responses from all consultees to respond within 28 days of the submission of the application; particularly where the applicants have entered into paid pre-application discussions with the Council. Any response outside of this timeframe should not be accepted. Introducing such a mandatory response date would significantly increase the speed at which applications were determined.

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)?*

Response to Q31 part A:

Clear definitions of the types of housing that fall under the 'Affordable Housing' classification will help developers better understand their obligations and the methods available for providing affordable housing to meet the varying levels of affordable need. Particularly, where it may not be financially viable to solely include the lower levels of affordable housing such as social rented properties. This could help limit the requirement for viability assessments in the planning process, reducing the costs and timescales associated with applications seeking to provide an element, whether in whole or reduced, of affordable housing. However, as it currently stands, we cannot support Box 4 due to the inclusion of affordable private rent housing (see response to Q31 part C).

Response to Q31 part B:

We broadly support this principle as this will prevent purchasers who would otherwise be able to acquire property on the open market from taking advantage of the affordable offer; thus preventing those in more affordable need from purchasing a first home and getting on the property ladder. The cap at £80,000

seems reasonable, assuming the higher end of this household income band would likely be young families looking to purchase their first home. However, an individual living on their own and earning this salary is not considered to be in housing need. Therefore, instead of a single income cap, a variable one should be introduced dependent upon the number of applicants and whether they have dependents.

Response to Q31 part C:

We object to the proposal of the introduction of 'affordable private rent' housing. There is a wealth of evidence (for example see work by Joseph Rowntree Foundation[3]) which highlight the links between poverty and social deprivation and living in private rented accommodation. For example, for those living in private rented accommodation, there is far less tenancy security. Statistics demonstrate that residents in the private rented sector are required to move more frequently; thus being unable to establish themselves and their dependents into a local community. It is entirely inappropriate for those in real housing need to be placed in the care of private landlords.

While the above illustrates that there is significant risk to the occupier of affordable private rented properties, there is also a sizeable omission in the White Paper as to how this sector would be managed. Who would be monitoring landlords to ensure that the did not alter rents? What would be the course of action taken if the private landlord charged higher rents? How would re-lets be managed? How would someone (as yet unknown) ensure that the property is not subject to sub-letting?

We cannot support the ethical and practical implications of this proposal.

[3] https://www.jrf.org.uk/report/links-between-housing-and-poverty

Response to Q31 part D:

We support this principle subject to the removal of affordable private rented properties. This principle will allow Local Planning Authorities sufficient time to take account of changes to the methods of delivering affordable housing, and provide a cohesive approach to the adoption of the wider impacts of the Housing White Paper.

Question 32:

Do you agree that:

a) *National planning policy should expect 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?*

Response to Q32 part A:

We do not support a 'blanket approach' advocated in the question. Such an approach ignores financial viability implications which can only be examined on a site by site basis. Furthermore, in some aspects of the country, there is an over-provision of hosuing that is affordable. In these locations, the maximum level of open market housing should be allowed as this would create a more balanced and sustainable community improving levels of home ownership. Again, such issues are best dealt with at the local level reflecting local evidence.

Response to Q32 part B:

Again, we do not support the 'blanket approach' advocated in the question. The number of units a site is capable of providing and the site's area are not always intrinsically linked. Issues such as requirement to provide Green Infrastructure or natural habitats, restrictions on development due to impacts on the setting of existing listed buildings, abnormal site conditions such as the necessity to include large areas of SUDS on-site, or requirements to reflect existing development patterns and densities in the area can all lead to sites of circa 0.5ha providing far less than 10 dwellings. Flexibility should be provided on a site by site basis where the total number of net new dwellings is less than 10. Development of over 10 dwellings should provide for the delivery of affordable housing. Again, such issues are best dealt with at the local level.

Question 33:

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

Response to Q33:

In accordance with existing policies on Vacant Building Credit, proposals that bring back into use vacant properties should be exempt from the provision of affordable housing, subject to meeting the appropriate requirements as set out in the PPG. Consideration should also be given to exemptions or reductions for contaminated sites, where the costs of development could be reasonably assumed from the outset to be such that the provision of affordable housing would not be financially viable, to encourage the remediation and redevelopment of these sites.

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 paragraph 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?

Response to Q34:

The rationale behind this approach is unclear. As the White Paper notes, HM Courts have examined the meaning and interpretation of sustainable development. Indeed, key legal challenges relating to the presumption in favour of sustainable development are on-going. Accordingly, the Framework, in conjunction with legal cases, provides a clear picture as to what constitutes sustainable development in the planning system.

To introduce new wording increases the risk of providing potential opportunities for further legal challenges based upon the interpretation of the revised wording.

Question 35:

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

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

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

Response to Q35 parts A and B:

Yes we agree with this policy, as with all specific policy requirements these should be supported by robust evidence. So whilst there is evidence that robustly underpins climate change, the impacts of climate change and the specific ways that infrastructure should be designed should be underpinned by evidence demonstrating its efficacy, there should be no 'one size fits all' approach to infrastructure provision.

Question 36:

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

Response to Q36:

We support the amendments. However, the wording regarding cumulative flood risk needs to be examined carefully. While it is noted that a series of developments may result in an increase in flood risk elsewhere within a locality, the opposite may also be true. RCA Regeneration have worked on a p site which the Environment Agency considered to be within flood zone 2. However, flood alleviation methods to protect existing properties had actually altered this situation with the majority of the site now being located in an area of less than 1 in 1,000 annual probably of river flooding (i.e. exactly the same as flood zone 1). Despite this, the Local Planning Authority determined the application on the premise that there were no flood alleviation measures in place and, accordingly, the site was deemed to fail the sequential test.

If the Framework is to incorporate cumulative impacts, then it must also incorporate any flood alleviation works and their cumulative impact. This ensures that suitable and sustainable sites are not discounted for development due to outdated flood maps. In order to ensure accuracy, the Environment Agency must regularly update their maps to take on board any amendments.

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?

Response to Q37:

While the rationale behind the question is noted, it is not considered necessary for any alteration to national policy. This is because the requirements set out in the question are already subject to consideration through the planning process.

Question 38:

Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 86 of the National Planning Policy Framework, no transition period should be included?

Response to Q38:

We do not object to this amendment. However, as outlined in the text, further guidance is required over the phrase "*following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing*". The latter part of this sentence should be removed. It is very uncommon for such land uses to be fully supported by local communities and, as such, it is the role of the planning system to objectively assess concerns against the benefits of the proposal. Proposals should not be stopped merely because a local community does not support them fully.