



**REPORT FROM:** PLANNING, BUILDING CONTROL AND LICENSING  
SERVICES MANAGER

**TO:** EXECUTIVE

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## **RESPONSE TO THE WHITE PAPER: FIXING OUR BROKEN HOUSING MARKET**

### **PURPOSE OF REPORT**

For Pendle to input into the national policy and procedures for planning and housing related issues.

### **RECOMMENDATION**

That the response to the consultation on the Housing White Paper be as set out at Appendix A

### **REASON FOR RECOMMENDATION**

To ensure Pendle inputs into national planning and housing policy

### **ISSUES**

- 1 The Government published the White paper on 7<sup>th</sup> February 2017. It sets out a range of proposals aimed at addressing what are seen to be structural deficiencies in the national housing market. At the end of the White Paper there are 38 questions which the Government want responses to. Responses have to be submitted by 2nd May 2017.

- 2 The White Paper recognises that building more homes is a long-term process to fix the housing market, but sets out ways to help people now through, for example, developing affordable housing, tackling empty homes and preventing homelessness. This section of the White Paper is mainly restating existing policies and initiatives rather than proposing anything new. There is currently a Homelessness Reduction Bill going through Parliament which will put greater duties on Councils to prevent homelessness. When this becomes Law a further report will be brought to Executive setting out the implications for Pendle.
- 3 The main points of the White paper are set out below. The White Paper seeks to bring forward a range of measures aimed at growing the rate of housing delivery nationally.
- 4 There are also some specific questions that are asked. Attached at Appendix 1 is the suggested responses to the specific consultation questions.

### **Key Points**

- 5 Starter homes will be made available to those with household incomes outside of London of up to £80,000 pa. Those buying will be tied into repaying some of the value
- 6 Housebuilders will be expected to deliver a minimum of 10% of their houses as starter homes. This will be written into the NPPF as a policy expectation. Nothing is said about situations where this would make a development unviable.
- 7 There is a recognition that Councils have funding issues and there is a commitment to allow Councils to increase their capacity by increasing application fees. That income is ring-fenced to planning services. The proposal for this has ready been formally set out.
- 8 There will be a policy change to allow unviable, underused or vacant sites (for a period of five years on non-strategic employment sites) to be allowed to come forward for starter homes. Starter homes will also be allowed in green belt provided there is no substantial impact on the greenbelt.
- 9 Councils will have to produce a statement of common ground setting out how they will work with other Councils on housing delivery.
- 10 There will be a streamlining of the content of Local Plans with a reversal of current policy to allow Plans to be developed in stages. The Framework currently wants single Plans to be delivered. The evidence base requirement for Plans is also to be slimmed down and standard methods of assessment produced. This is a return to the pre Framework era of giving technical guidance to Councils on how to produce evidence. This is welcomed and

replaces the chaotic approach to evidence bases that currently exists. Once produced Plans will have to be reviewed every 5 years.

- 11 There is to be a review of the process of examining Plans and the Planning Inspectorate are likely to have to examine our 5 year land supply position via our Annual Monitoring Reports each year... Developer contributions (via section 106 agreements) are to be reviewed and Neighborhood Plans are to be given a housing allocation figure if they request one.
- 12 The White Paper indicates that there will be £7 billion fund to provide 225,000 affordable homes of all tenures over the period of the current Parliament.
- 13 Letting agents fees will be prohibited through legislation to be enacted later this year.
- 14 There are other measure proposed designed to safeguard tenants such as mandatory electrical testing of tenanted properties, banning orders for poor landlords and a review of short term ground rents.
- 15 New guidance will be issued for planning relating to meeting the needs of older and disabled people. As part of this all Councils will be expected to bring forward the "Optional" (clearly they will no longer be optional) part of Building Regulations to make some homes more accessible to elderly people.

## **IMPLICATIONS**

**Policy:** No

**Financial:** There will be the opportunity to increase planning fees to support new planning services. There will be as of yet unknown costs to re-assess our evidence base

**Legal:** None arising directly from the report.

**Risk Management:** None arising directly from the report.

**Health and Safety:** None arising directly from the report.

**Sustainability:** None arising directly from the report.

**Community Safety:** None arising directly from the report.

**Equality and Diversity:** None arising directly from the report.

## **Appendix 1**

### **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?

No. The Framework is clear as it stands that the strategic aims of Plans must be those as set out in the five bullet points.

Having gone through the examination process for our Local Plan recently the requirement to meet the full housing needs identified in Plans is perfectly clearly set out in paragraph 47.

Both requirements are explicit enough and clear enough not to need any further emphasis.

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?

What constitutes a strategic site for the purposes of a combined authority will be in many cases difficult to define. Combined authorities will often consist of authorities from differing housing market areas. What therefore may be strategic for one authority would not necessarily be strategic for the combined authority.

Whilst there are issues to be resolved regarding what would constitute a strategic site for a Combined Authority taken holistically we support the principle of the proposal.

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

We welcome the proposal to streamline the evidence base needed to produce a sound Plan. The current system is overly burdensome and costly without this producing Plans that are significantly better as a result of the evidence base produced.

The redefining of the test of soundness to allow an appropriate Plan to be found sound is also welcomed. This needs to be accompanied by two things.

First is that the Examination In Public process needs to have revised guidance issued to all parties participating that there will not be a forensic examination of every perceivable permutation of what a Plan will contain.

Secondly the Sustainability Appraisal process, unless changed, will effectively negate any policy changes as all reasonable alternatives have to be assessed

through that. The SA process is the normal route of challenge of objectors to Plans and so any policy changes need to be accompanied by a review of the SA 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?

Most Neighbourhood Plans are examined through a written procedure which we are of the view is proportionate for the type of Plan they are.

The current Local Plan process was a replacement of a system where single local Plans were prepared, consulted on then presented for examination. Although there was scrutiny of Plans and public engagement it was the examination process that ironed out major issues with Inspectors having far greater latitude than they currently have to alter Plans to allow their adoption.

The current system was supposed to front load the consultation process leading to what we were told would be light touch examinations, in many instances written examinations were thought to be possible. What we have ended up with is a very burdensome process leading up to Examinations in Public. This is particularly driven by the need to have a full evidence base without which Councils across the country lie in fear of their Plans being found unsound. What however has not happened is that the Plans are at the end of this process are deemed to be sound with the examination process being light touch. Instead the Examination process is more tortuous than the preceding Plan process thus in many ways negating the whole purpose of the method of Plan preparation which was to avoid this.

The system needs to change to either accept that there will a lengthy examination process with parties expected to bring along their own complete evidence base if they wish to challenge Plans and at the end to allow an Inspector greater latitude in altering Plans. Alternatively the way Plans are examined needs to alter to fundamentally assume they are sound giving only narrow scope for objection.

Those producing Plans are extremely wary of missing anything in terms of evidence. Giving precise policy advice on the evidence base necessary for a Plan to be found sound would be of assistance.

More fundamentally what causes delays is every Plan having the option of having its own unique evidence base which in turn leads to opponents devising their own evidence to counter that. What has caused problems is the reduction in accompanying guidance setting out how evidence should be compiled. The removal of the majority of that guidance has inevitably resulted in a disparate approach nationally to the production of evidence. This causes uncertainty and means in effect every Plan is unique in its approach. Whilst there has to be flexibility in any process greater clarity on what is expected in terms of not only what evidence is needed but also how that is to be compiled would reduce delays in Plan making.

Another major flaw in the current system is the inability of Inspectors to correct errors in Plans. Plans are found not to be sound far too frequently whereas the previous system allowed Inspectors far greater flexibility to correct defects.

Another reason for delays is the incessant tinkering with planning policy. In an environment where every aspect of a Plan has to be consulted on with alternative options produced what can seem like small policy changes require additional evidence to be produced. For example the release of Green Belt land as detailed in this White Paper now has to be accompanied by some as of yet not fully defined compensatory land allocation. Examination of Plans will now require that to be considered. If there is no sound evidence base for that then every objector to Green Belt release, even when fully justified, will use that as a mechanism to derail the adoption of a Plan. Government should understand the impacts of incessantly changing policies, particularly through ministerial statements.

### **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?

Identification of the needs of all sections of the housing market should form part of the evidence base that is currently required for Plans. We agree with this as needing to form part of Plans.

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?

This will in our view both help in understanding of how OAN is calculated across different Council but will also reduce costs of producing some of the housing evidence.

There needs to be flexibility in altering the requirement to take account of for example aspirations to provide more employment space.

There also needs to be a mechanism for understanding how the OAN operates across a wider housing market when the OAN only relates to a part of the spatial area of the Housing Market Area.

As part of this there should be a standard methodology given for assessing housing land supply ie Sedgefield or Liverpool methods

### **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?;

We agree that a clear strategy should be employed. That after all is the whole purpose of delivering Local Plans. The question is whether the terminology is correct. The Framework talks in terms of “deliverable” sites. That is distinctly different from “suitable” sites. This is an important difference that needs to be clarified.

Having a sequential brownfield first policy is the only tangible way of achieving this.

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?;

The proposed wording needs to be clarified. The pre-amble in the Framework discussed sustainable development being taken as defined when reading the Framework as a whole. The strong reason may refer to single policies and is an extremely narrow way of looking at Plan making.

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?

Footnote 9 is an important paragraph to get right. It is still unclear. The issue is whether this is an exclusive list or as previously is an example.

If it is exclusive it contradicts other sections of the Framework. For example paragraph 64 states that permission should be refused for poor design. If the footnote comprises of the totality of exclusions then it contradicts other section of the Framework.

The footnote needs to either include all relevant policies of restriction or indicate, as before, that it is an example of the type of policy of restriction. Alternatively the Framework needs to remove other references such as that relating to design which unequivocally restrict development but are omitted from the footnote. Otherwise this will lead to the discrepancies only being clarified through the courts.

d) its considerations are re-ordered and numbered, the opening text is simplified and specific

The new wording is not simply a re-ordering. The requirement at a for Plan-making places a significantly different requirement on every Local Authority and will we have no doubt significantly slow down Plan making in some areas. The requirement is now to meet the needs of other neighbouring Boroughs where any needs cannot be “genuinely met”.

Neighbouring Councils that, notwithstanding the duty to co-operate, cannot agree on housing requirements between themselves will now be forced into work looking at and objecting to each other’s Plans when it is likely that one Council will be expecting another Council to deliver their development needs.

In assessing needs in the first place the ultimate responsibility is for each Local Authority to assess their own needs. The wording as set out could encourage Councils to argue that they are not genuinely able to meet their own needs in the knowledge that other neighbouring Authorities would then have the requirement to

accommodate their residual requirement. This will in our view lead to less houses etc being delivered.

The process of having to identify your own needs and then working through the Duty to Co-operate with neighbouring Councils if you are not able to deliver is a preferable way of seeking to provide for all the identified development needs than the proposed changes.

Proposed part b of the Plan Making section is confusing. There are no specific policies in themselves that are in the Framework that lead to a conclusion that development should be restricted. Plan making is significantly more complex with competing aims of policy (ie need for development vs protection of the environment) to simply say that development can be restricted based on a single policy.

It also flies in the face of the requirement at paragraph 6 which states that paragraphs 18-219 of the Framework must be taken as a whole to determine what sustainable development is. As it stands it would effectively allow significant restrictions on development in areas extensively covered by national designations.

A better approach is to still place a requirement on areas to fulfil their own full development needs but then link any proposal not to meet those needs to environmental constraints. The impacts on environmental constraints then should be tested against the needs of the area and whether those needs outweigh or not the environmental impacts.

It also leads to a discrepancy in the reasoning behind the planning test given for restricting development through Local Plans and the test for determining planning applications. For example there may be a "strong reason" why allocations are not made in an Area of Outstanding Natural Beauty. Were the Authority in which that area was to have a shortfall in their housing land which would trigger their housing policies to be out of date the test for determining a planning application is that the impacts must significantly and demonstrably outweigh the benefits. The former has no public benefit test. All that has to be demonstrated is that there is a strong reason. No balancing exercise whatsoever need then be applied. The planning balance for a planning application, which would relate to sites that could be excluded from allocations, would be considered on a wholly different planning balance weighting.

There is no specific question about the use of brownfield land. What is proposed is a platitude and will not influence greater use of brownfield land in any meaningful way. The only way to positively do this is to re-introduce a sequential test.

## **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?

Yes.



## 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 still requires infrastructure to be provided and hence an outlay of costs to begin with in order to get the site ready for development. Releasing the capital to provide the infrastructure is essential and this is often best undertaken via a joint venture vehicle or similar.

Local authorities are already in a position to unlock land through compulsory purchase processes. This is not normally a particular stumbling block. Having an over baked scheme to justify a CPO is however often a stumbling block to early development and can delay scheme for many years.

## 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?

No comment

## 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?;

Neighbourhood Plans are able to do that without policy changes. However we do not object emphasising that possibility in Policy.

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?;

This can have positive and negative impacts. Exploiting opportunities for villages to thrive will be seen as having greater amounts of development. That often conflicts with the essence of the village involved. Whilst we do not object to the policy it must be balanced against the potential adverse impacts developments can have on villages.

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?;

The major issue here is ensuring that such sites, which by definition will not be planned and will in many cases be harmful to an area, have to contribute to meeting a local need. The Framework needs to be clearer in indicating how such policies can

restrict occupancy to those locally who are in actual housing need and not simply availing themselves of an economic opportunity.

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?;

The Government is concerned with the speed of Plan making and is trying to simplify it. Yet again here there is a requirement to conform to a nationally specified approach to Plan making that will no doubt also require additional evidence to be provided. This will slow down Plan making.

If this is to be introduced it there should be a lead in time to allow Plans to be altered without their preparation having to halt to provide yet more evidence.

It should also not be an absolute requirement but the policy should be worded so that if it is not possible, as demonstrated by evidence, then the requirement can be relaxed.

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

No comment.

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?

No comment.

### **Question 9**

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

No comment.

### **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?

No. The exceptional circumstances test is a strong test. Within that LPAs are expected to have looked at other options first. We do not believe this further requirement will add anything to the existing policy test. It will however yet again extend the nature of the evidence base.

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?

No. The environmental quality of Green Belts is not one of the 5 purposes of Green Belt nor is its recreational value. There is a disjoin between the policy aims of having Green Belt and allowing it to be removed from policy but with compensatory measures which are not aligned with the purpose of designating it in the first place.

Assembling land very much depends on the co-operation of owners. Unless a single land owner owns other land on which such compensatory measures will take place it will be extremely difficult to facilitate improvements. There appears to be no evidence to show how this mechanism will work.

In reality the imposition of such a requirement will not be able to be implemented as the land that will be improved will be improved for non-greenbelt purposes.

The earlier questions refer to how to speed up Plan making and having another evidence base requirement will only serve to slow Plan making down further.

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

We agree.

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?

No comment.

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?

We do not agree with this proposal.

There is a complex relationship between the development needs of a wider Local Authority Area and the need to release land in Green Belt. Already suggested in this consultation is the requirement for Local Plans to examine every other reasonable option before releasing green belt. That with due respect to Neighbourhood Plans cannot be achieved across the wider green belt by simply looking at the limited spatial areas of a neighbourhood plan.

The review of green belt involves an initial consideration of the qualities of the green belt as well as identifying the specific land parcels that fit into the first four objectives of green belt set out in the Framework. This sets the parameters of how parcels of land contribute to the purposes of the green belt as set out in national policy.

In order to alter green belt there have to be exceptional circumstances. That is the national policy test. Those circumstances involve looking at the wider development needs of a LPA area and then making informed decisions about the options for delivering that development across the wider area, with the goal of avoiding green belt loss where possible.

That process cannot be carried out properly through neighbourhood plans.

There will also need to be a very clear definition of what the term strategic means in terms of what can or cannot be altered. A small parcel may be strategic if it is essential in safeguarding a location. Small alterations to that may be significant where similar size changes elsewhere may not be strategic.

We cannot see that the protection of green belt can be carried out other than looking at the green belt holistically and that cannot be done through a neighbourhood planning process and should not form a part of policy changes.

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?

Again here the use of either previously developed green belt land or sites surrounding transport hubs puts down a policy mis-match. The whole purpose of protecting green belt land is to satisfy the purposes of green belt, none of which relate to PDL or transport. What the proposal is doing is to require other planning considerations to be set these against the purposes of green belt when the two sets of issues are targeted at different purposes.

The two sets of policies are not related to each other and will yet again cause Plans to be delayed whilst further assessments are carried out

#### **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?

No.

#### **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?;

Agreed

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?;

Paragraph 58 of the Framework states: *“Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development*

*that will be expected for the area.” We do not consider that the proposed changes will add to what is very clear and unambiguous policy.*

Reference to design codes needs to compliment paragraph 59 of the Framework which says they should not stifle innovation or be overly prescriptive, unless paragraph 59 is to be replaced.

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?;

This has been long emphasised in planning policy. It is not the emphasis that is the issue but getting developers to do it. Emphasising it will not increase current levels of pre-application discussion.

Pre-application discussion takes up time. Planning services, notwithstanding the fee increase allowance, have not had the resources to do this as meaningfully as they should do.

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

The test should be whether a design is poor or not as set out in paragraph 64, not whether it confirms to design standards which may not be applicable in every situation.

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?

Agreed.

### **Question 13**

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

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

We do not agree that this should be a requirement in all circumstances. For example what if the land is in a conservation area. This should be caveated by indicating that this should be the requirement unless it can be demonstrated that the specific circumstances of the case lead to the need for a less dense development.

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?;

No comment.

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

We agree.

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?

There should be some flexibility but not where for example it would lead to poor design or unacceptable living standards for residents.

#### **Question 14**

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

No comment on what the standards should be. However this is yet more evidence that will be required for all Plans.

#### **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)?

The issue is not simply the use of Government land but the right land in the right location. The advantage of using Government land is that we are able to deal with any other land assembly issues more easily than the private sector when there are unwilling landowners who's land is needed for development.

#### **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?;

Councils who have delivered on their housing supply consistently do not have to apply a buffer to their 5 year supply. Those who do not deliver on a consistent basis have to have a 20% buffer. We see no reason to alter this and to introduce a 10% buffer which will only affect those Councils who are already delivering.

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

We are concerned with the capacity of both Councils and PINS to deliver this each year. If this is a simple and quick process without the need to provide a significant amount of information then we would not object to it.

We have concerns about the methodologies that will be employed as well as the level of evidence that will be needed as inevitably this process will be heavily challenged and scrutinised by the development industry seeking more land.

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.

Assessing the supply figure is time consuming and needs a lot of information. As with the other role of PINS they should assess evidence supplied by the LPA.

### **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?;

Yes. This should be its full share as set out by the LPA.

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?

This should be linked to both the housing delivery test and the overall 5 year supply. With the greater Government emphasis on Neighbourhood Plans they should be subject of exactly the same requirements as every other part of a LPA area. If they are not then to meet the needs of any shortfall other areas, which may be in the process of adopting a NP will have to take a disproportionate share of the housing requirement. This will inevitably reduce house building rates.

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?

Unless there is a requirement to have housing allocated then every neighbourhoods plan would signal no more house building for three years. Although we do not agree with the proposal if it is to be introduced then the protection should only occur when the NP allocates its full amount of 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;



Fees for planning applications and ones for appeals are not major parts of the finances needed for development. A charge to be paid to the LPA and PINs would be appropriate and help to improve the service PINs currently provides and allow Councils to deal properly with appeals.

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

Appeal fees should not be refunded for winning an appeal. They should only be refunded where costs have been awarded as the behaviour of the LPA would have been unreasonable.

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

Defining what is or is not a complex case would be difficult. What may seem minor appeals may involve complex areas of law.

However for appeals that proceed down the fasttracked household route there is little expenditure on dealing with those and it would not be appropriate to charge for those appeals.

### **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?

This requires the industry to let us have details of what is needed so we will reply on outside bodies to supply us with information. It again will also need a whole raft of evidence to be compiled that will slow down Plan making.

There are also concerns over the expertise of LPAs in understanding the issue.

### **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 question here is in our view framed the wrong way round. The whole point about national infrastructure is to provide the key infrastructure needed to unlock development. The work on identifying the potential should already have been done to justify the cost of the infrastructure.

In requiring that “additional” housing land is made available there may be a disjoin between the OAN and the additional new housing which may or may not be justified. An integrated approach is needed with the National Infrastructure Commission



having discussions with affected LPAs to identify what additional benefits a scheme may bring and for that to then be built into the forward planning of the LPA.

### **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?

This information may be of interest to our forward planning but in reality it will make no difference to whether a developer builds or not. It will however help in assessing and monitoring land supply.

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?

Again this will help to plan for housing growth but experiment is that developers will give you information but that information has no bearing on whether or not they actually build.

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

We agree.

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

### **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?

We would welcome having the option of considering this as a material consideration. It would be useful for policy to advise on what developers should have to provide by way of an assurance eg evidence of finances in place, a viability report.

### **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.

We are of the view that this is not a good idea. It is the scheme viability that is the key issue not the track record of a developer.

### **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?

For the reason set out in the previous question we do not consider this to be a constructive proposal and should not be required.

#### **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.

This , and other proposals, are asking Councils to assess viability and deliverability of schemes on an increasing basis. In areas of high demand and growth there may be merit in shortening timescales as this would deter landbanking and assist in delivery.

In areas of low demand such as in many parts of the North of England shortening timescales to 2 years would in many instances be counterproductive. In marginal cases it is often the case that time is needed to put funding packages etc together and this can often itself take a year or two to do.

Councils should be given the option of shortening timescales or not according to their own individual circumstances.

#### **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?

Yes. The current system is overly cumbersome and deters LPAs from pursuing them.

#### **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?

Serving a completion notice should be allowed to occur at any time. Provided he reasoned justification is sound then the time of service is irrelevant.

#### **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?

Yes

- 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?

Yes

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

Yes

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

No. Retrofitting this gives LPAs no time to react to the changes. This should be introduced in 2019/20 after a three year rolling programme starting from this year.

### 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?;

Any Council with an up to date Plan should have a housing implementation plan in place.

- 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%?;

This in effect mirrors the current 5 year supply requirement where there is persistent under delivery.

- 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%?

c, d & e

We have made representation on other consultations in respect of the causes and remedies of low house building rates. We welcome the recognition in the white paper that there is not a one size fits all approach to solving the housing market and that different parts of the country have different issues.

The solution to housing issues in low demand and low value areas is not solely one of planning policy constraints. In Pendle for example there are already policies in place which allow for new housing to come forward that are sustainable for the

purposes of the Framework but which may lie outside existing settlements. This is in effect what the position would be when policies are considered to be out of date as set out both in current policy on five year land supply and as set out in c-e above.

Whilst we fully acknowledge the need for an ample land supply and for a policy base that allows more flexibility in certain circumstances the reality is that until the economic viability of an area increases planning policy alone will not result in higher build rates.

Funding, and in particular gap funding, is needed to make many sites viable.

### **Question 30**

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

Gap funding.

### **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?;

The principal issue here is how will we record the information and how will the new requirement relate to existing policies?

b) introduce an income cap for starter homes?;

This epitomises the need for different policy options in different locations. In Pendle circa 25% of households have a household income of less than £15,000.

In Pendle a household with an income of £80,000 would have no difficulty in entering the housing market without any form of discount. Building starter home which would attract households with an income of £80,000 would reduce the amount of homes that could be built for those actually in housing need.

The starter homes threshold needs to be reconsidered if the policy is not to be seen as targeting affluent areas alone.

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

Affordable private rent will allow more people into the market and is a housing product that should be included in the definition of affordable housing.

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

Plans do not take 6 months to alter. This is a seriously flawed assessment of the time period needed to alter Plans notwithstanding the significant costs associated

with the assessment work that will have to form part of the evidence base. A minimum of two years is needed.

### **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?

No. What should be required is two things.

First is that any requirement for any product that relies on a form of developer subsidy must not affect viability. In Pendle we have been examined and found that many sites are so marginal in viability terms that no affordable housing target has been set in our adopted Plan.

Secondly we would ask what the point would be of having an evidence base and Plan assessment process if there is a flat 10% of affordable products needed when the evidence may suggest a different figure?

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

No for the reasons set out in a.

### **Question 33**

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

It's not the housing type but the area's viability that is the issue. It would also be inappropriate to require a scheme that consists wholly of another affordable product to then have to supply 10% starter homes.

### **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?

Yes. The Framework was poorly drafted in this regard from the outset and reviewing this would be prudent.

### **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?

No comment

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

Yes.

### **Question 36**

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

Yes.

### **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?

What has the planning system been about since 1948 if not to ensure compatible land uses go together? This has been the bedrock of planning decisions and needs no policy change.

### **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?

No. This alters a fundamental principle of planning that decisions should be made based on the merits of the case and not the popularity of the application.