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26 April 2017

Dear Sirs

**A RESPONSE TO “FIXING OUR BROKEN HOUSING MARKET” (The Housing White Paper) BY THE HOME BUILDERS FEDERATION (HBF)**

The Home Builders Federation is the principal representative body of the housebuilding industry in England and Wales. These representations reflect the views arising from discussions with our membership of national and multinational plc's, through regional developers to small, local builders. Our members account for over 80% of all new housing built in England and Wales in any one year and are committed to delivering more homes, more quickly as required by this important Government consultation.

We believe that, in a plan led system, all local authorities should have a plan that covers their administrative area and that they should work with neighbouring authorities through the duty to cooperate to ensure that strategic policies can be adequately reflected in their own plans. We are, therefore, very supportive of the Government's commitment to consult on further changes to the NPPF requiring authorities to prepare a Statement of Common Ground setting out how they intend to work together to meet housing requirements.

We believe that there should be a clear hierarchy of plans and planning documents from strategic plans, through District-wide plans to neighbourhood plans. This ensures that strategic objectives can be met and housing delivered in the most sustainable locations.

Government should not underestimate the level of resources needed to undertake many of the new proposals set out in the White Paper. Resources are necessary not just in local planning authorities but in the development industry and in local communities. Only by properly funding the planning process can everyone work together to deliver sustainable development meeting the housing needs of the future and thus addressing the housing crisis.

Such resources should not be seen solely as planning application fees. It is clearly unfair for applicants to cross subsidise a public service such as planning. Many planning services are essential but do not attract a fee. Development plans are one such element that must continue to be funded through general taxation since it is in the public interest to have robust plans in place. We are, therefore, concerned that the proposed 20% increase in planning application fees (announced as part of the White Paper) is ring-fenced only for planning departments as a whole rather than targeted at development management, providing a better and faster service for the applicants who

pay the fee. The HBF is certainly keen to discuss how any further increases in application fees, suggested in the White Paper to be as high as a further 20% increase, can be better targeted to meeting the needs of the applicants rather than subsidising the planning functions as a whole.

Resources should, therefore, be seen in wider terms than merely money and should be focussed on outputs and goals. This may involve changing how some local authorities work, particularly in those areas where scant regard is had for the importance of an up to date development plan. We are very supportive of the Government's proposals to require plans to be produced and kept up to date with quinquennial reviews and to impose sanctions on those authorities who do not take this responsibility seriously. This should apply to all local authorities including those who habitually hide behind policy constraints such as green belt or general policies rejecting development in the countryside. Often the boundaries for these constraints are drawn so tightly that they are self-fulfilling in restraining land supply to meet housing needs.

Fundamentally, if we are to build more homes, more quickly we must identify more sites in more places. Real change will only be achieved if there is a change in the attitudes and approaches of all of those involved in delivery of dwellings in this Country. Local authorities, developers and local communities all have a vital role in ensuring we beat the housing crisis.

This response addresses in turn the 38 questions set out in Annex A of the White Paper.

## Question 1

**Do you agree with the proposals to:**

- a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?**
  - b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?**
  - c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?**
- a) It is important that, in a plan led system, there are adequate plans in place that are kept up to date. It is also vital that such plans continue to meet the key requirements of paragraph 157 of the NPPF in order that they plan positively for an area and deliver the objectives and outcomes set out in the plan. Plans should be seen to more clearly set out a spatial strategy for an area and be able to guide investment decisions by both developers and infrastructure providers.

We continue to support the requirement to set out in a strategic plan the overall number of dwellings to be built in an area. However, it is also vital that sites are identified to enable delivery of those dwellings. There should be an obligation on local authorities to produce plans which allocate sites for development as well as merely setting down their strategic objectives. This obligation should happen within a reasonable time period and local authorities should be held more to account for changes to their Local Development Scheme.

b) Spatial Development Strategies are not part of the development plan in current legislation. They are, therefore, not subject to the same rigorous tests of other such plans. This would need to be rectified if any dependence or reliance is to be placed on this strategic level of plan making. This could best be done through including strategic plans within primary legislation as part of the development plan process. Alternatively sites identified through the SDS should be additional to those identified in the statutory development plan in order that the failure to deliver aspirational strategic sites does not jeopardise the delivery of housing in an area.

c) Amending the tests for a sound plan to merely set out “an appropriate strategy” rather than the “most” appropriate strategy must be clearly caveated that the selected strategy will only be considered to be appropriate if it is clearly demonstrated that the strategy will deliver the aims and objectives set out in the plan, including ensuring delivery of the agreed housing requirements. The strategy cannot, therefore, be “any” strategy. Indeed, consideration of alternative sites which can demonstrate greater certainty of delivering the aims and objectives of the plan should be an essential part of the plan’s examination.

## **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?**

Section 9 of the report of the Local Plans Expert Group contained a number of recommendations seeking to ensure that consultation and examination procedures were more proportionate. We endorse the recommendations therein.

Recommendation 30 of the LPEG report was for greater feedback from the examiner of plans on the evidence that was used to inform their decision. Once again, we endorse this recommendation and believe that this would allow for the production of best practice guidance. Given that the plan production process is, essentially, replicated around the Country, it is not necessary for each local authority to “re-invent the wheel” and best practice guidance would be able to provide a template approach towards standardised plans.

The link between local plans and neighbourhood plans is critical to housing delivery. As neighbourhood plans become a key part of the development plan their content and examination should increasingly be based on more robust evidence, specifically regarding delivery. We expand on this requirement in response to Q17.

## **Question 3**

**Do you agree with the proposals to:**

- a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?**
- b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?**

a) There is a difference between addressing housing requirements for older people and addressing the needs of disabled people. Indeed, the housebuilding industry already seeks to address the needs of the whole housing market by offering different house types as well as specialist accommodation for both older people and those with disabilities.

We support the need for LPAs to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people and will be keen to work with both central and local government to devise practical methodologies for what we believe to be a very complicated and diverse housing group. Because of this diversity we do not accept that it would be appropriate for such policies to be expressed in terms of a %age target on a site by site basis for all developments. Sites need to be appropriate for specific types of development, especially specialist housing products appealing to particular groups of residents.

b) We are very keen to establish a baseline figure approach towards housing requirements via a standard methodology for assessing housing requirements. However, we recognise that there are areas who may need to deviate from this standard approach and that there will be anomalous areas where the standard approach generates extreme outputs.

We are, therefore, keen to work with government and others to establish both the standardised approach methodology and the conditions and criteria under which local authorities would be able to deviate from the methodology in their plans. It should be noted however, that if local authorities are allowed to plan for fewer dwellings than that indicated by a standard methodology the “missing” dwellings will need to be accounted for elsewhere if we are to avoid planning for a shortfall of housing on a national basis. It should, therefore, be the responsibility of any authority seeking to reduce their housing figure to one below the standard methodology figure, to clearly demonstrate where this shortfall is to be compensated for.

We are, therefore, concerned with the reference in paragraph 1.2 of the White Paper that “effectiveness means plans meeting as much of that housing requirement as possible”. If we are to address the housing crisis we must strive to meet all of our housing requirements through robust local planning. If one area cannot meet its requirements then another area must make provision for this shortfall.

#### **Question 4**

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

- a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;**
- b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;**
- c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?**
- d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?**

a) We agree with the proposal to expect local authorities to have a clear strategy for maximising the use of suitable land in their areas. However, the main criteria for site allocation should be that the site is viable, developable and deliverable. Allocating sites with an unrealistic density requirement or type of development inappropriate for an area should not be acceptable under a policy objective of “maximising the use of land”.

b) We agree that the presumption in favour of sustainable development should make it clear that identified development needs should be accommodated unless there are strong reasons for not doing so, and that these reasons are solely those set out in the NPPF.

c) However, the list of policies which the Government regards as providing reasons to restrict development includes both land designated as green belt and Local Green Space. Both of these are locally set policies that should not carry the same weight as national designations of protected areas such as National Parks, AONBs or SSSIs.

There is a wealth of evidence of the unnecessary protection of land through blanket designations such as green belt and its constraining effect on meeting housing needs locally. Including green belt and local green space within the constraints listed in Footnote 1 will perpetuate the lack of positive planning in green belt authorities with no sanctions within the NPPF to address the housing shortfall perpetuated by this situation.

Paragraphs 1.37 – 1.40 and A.59 – A.63 of the White Paper set out an approach towards green belt boundary review which would go a long way to encouraging local authorities who cannot meet their housing needs feeling confident in making the difficult political decision to review their green belt boundary. However, the inclusion of green belt designation as providing a reason not to meet housing need will allow such authorities to continue to duck their responsibilities and hide behind this designation as a valid reason not to meet their housing needs.

As we have seen since the publication of the NPPF in 2012, it is those areas with designated green belt who have been the worst performers at both producing local plans but, more importantly, at failing to meet their housing needs. The sanctions that apply to authorities failing to produce plans or maintain a five year housing supply, such as the presumption in favour of sustainable development, are not applied due to the inclusion of green belt policy as a constraint in the current footnote 9 of the NPPF. Perpetuation of this position through the continued inclusion of this policy constraint within footnote 1 will result in authorities with green belt constraints continuing to rely on their exemption to meeting housing needs within their plans rather than reviewing their green belt boundary as proposed elsewhere in the White Paper.

If the government is serious about meeting housing needs in green belt constrained areas (particularly the South East of England) then it must remove green belt as a constraint from the proposed footnote 1 exemptions.

Alternatively, since green belt is a strategic policy (rather than a local constraint) authorities wishing to claim their green belt designation as a strong reason for development to be restricted should be able to demonstrate that they have undertaken a green belt review in the last five years and that, in doing so, have taken account of their housing needs for the next 15-20 years when undertaking that review. Since green belt policy is a strategic policy, this evidence should be established as part of the authority's duty to cooperate with other authorities through a strategic green belt review.

Similarly, while Local Green Space can be an important element of balancing the need for more housing and protecting the environment in which people live, we are starting to

see some communities who do not wish to support local growth using this designation as an alternative green belt policy, seeking to allocate all undeveloped land in their area as Local Green Space. We believe that the criteria for such designation should be made clearer in the new draft of the NPPF.

We also believe that the reference to ancient woodland and aged or veteran trees should be consistent with the other identified criteria and, therefore, should be “designated ancient woodland and aged or veteran trees”.

d. Subject to the above criticism of Footnote 1, we agree with the re-ordering, re-wording and numbering of the text as proposed.

### **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. We would draw attention to the current problem whereby Unitary Authorities are unable to grant consent on their own land with an associated Section 106 agreement to provide infrastructure. This anomaly should also be addressed through changes to the 1992 Regulations.

### **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)?**

Assembly of land and readjustment of land values is currently addressed by private sector housebuilders in many development projects. Many developers already work in partnerships with public sector bodies to ensure that delivery takes place. The use of compulsory purchase orders does occur and the recent government changes to this legislation will make it easier for local authorities to assist the private sector in delivering difficult sites.

Public sector involvement could result in additional land coming forward, thereby delivering more dwellings. However, it is unnecessary for the public sector to get involved where land assembly and land pooling is already happening through private sector initiatives as this may actually delay development rather than increase delivery.

Similarly, there is a considerable body of case law surrounding “ransom strips” and their market value. The Government should think very carefully before proposing statutory measures seeking to change the current position as the wrong approach could lead to very significant unintended consequences that might actually stop otherwise acceptable developments from coming forward.

## 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?**

Estate regeneration is often aspirational without any real strategy or funding in place to make it happen. Therefore, while we agree that local planning authorities should be encouraged to consider the benefits of estate regeneration in their plans this should be accompanied by a robust delivery strategy. Sites without such strong evidence of delivery should not be relied upon to contribute towards the five year housing land supply.

We would suggest, therefore, that plans should have two types of identified site: those on which delivery is relied upon and those sites which are “aspirational” ie: identified in the plan but not contributing towards meeting housing supply until they have been completed.

## Question 8

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

- a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?;**
- b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority’s housing needs?;**
- c) give stronger support for ‘rural exception’ sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?;**
- d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?;**
- e) expect local planning authorities to work with developers to encourage the sub-division of large sites?; and**
- f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?**

a. As part of the development plan to which Section 38(6) applies, neighbourhood plans should be robust in both their production and examination. Small sites are easier to identify at a local level and their inclusion in neighbourhood plans should be encouraged. Neighbourhood plans should, therefore, be subject to the same requirements as local plans in needing to identify small sites for development, allow for expansion to help villages thrive and identify opportunities for rural exception sites.

b. Encouraging development within villages to help them survive and thrive is supported. It is especially important that plans do not overly constrain settlements through the tight drawing of settlement boundaries around the existing built up area but identify opportunities for expansion. This is especially true of settlements within the green belt, whether they are excluded from, or washed over by green belt policy.

c. The cross subsidy of local needs housing through the provision of some general market housing will enable more rural exception sites to come forward for development and is supported. This should also be supported in villages washed over by green belt policy.

d. We are concerned about the amount of resources necessary in both local authorities and the development industry to identify, promote and allocate such small sites. One way of reducing this burden would be to revise the NPPF to include a general policy emphasising that “allocations in a plan should provide a mix of site size and location to allow for market choice”.

However, allocating small sites for development will provide for a choice of both site size and location. The HBF therefore supports the proposal that, where possible, a proportion of allocations within plans should be on small sites. We would, however, suggest that this is measured as a proportion of housing units rather than as a proportion of the number of sites in a plan. We also suggest that, in some areas, the identification of small sites is not possible or practicable (for example, within new towns or an area dominated by newly planned garden towns or villages).

We therefore suggest that the proposal is expressed as “where possible, at least 10% of the outstanding housing requirement for an area should be identified through allocations of sites of half a hectare or less”. These allocations should be additional to any allowance for small sites or windfalls included within the plan or the five year housing supply analysis.

e. Developers are keen to assist the government in their quest to ensure delivery of homes on sites with an implementable planning consent is optimised. One way of achieving this is to encourage the sub-division of large sites. Indeed, this already occurs where, for example, developers are seeking to improve cash flow or recoup large investment in upfront infrastructure. However, this may not be appropriate on some large sites, for example, where speed of development is constrained by phased infrastructure provision or other specific site investment decisions.

Requirements for sub division of larger sites could have the unintended consequence of making them less commercially attractive to the development industry resulting in a negative effect on their delivery. Thus, seeking to include mandatory targets or policies for sub-division of large sites could be self-defeating.

f. While we acknowledge that Local Development Orders and design codes can be valuable tools to assisting delivery they also have the potential to delay developments while they, themselves are produced. Any area-wide design code should respect national standards and should be tested against deliverability criteria on sites allocated for development in the plan.

## **Question 9**

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

Proposals such as those set out in paragraphs 1.36 and A.57 – A.58 could assist in the delivery of new garden communities. However, we believe that the tools to deliver new communities are well established within the planning system itself and that the simplification of “pink zones” proposed by The Centre for Policy Studies is already possible within existing planning legislation. Local Development Orders, design codes,



masterplans and local delivery partnerships allow joint working between local planning authorities, local communities and developers. More important than planning freedoms is long term vision and commitment by local and national politicians since uncertainty can threaten the necessary investment in the up-front infrastructure provision needed by such new communities.

We do not agree that commitment to new garden towns and villages should absolve a local planning authority from demonstrating a five year supply of housing land. Indeed, the delivery of such new settlements is so uncertain that such developments should be considered to be additional to the five year supply of land for housing until dwellings on the site are actually being delivered.

## **Question 10**

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

- a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?**
- b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?**
- c) appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt?**
- d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?**
- e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?**
- f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?**

a. The HBF supports the approach towards review of green belt boundaries as set out in paragraph A.61. However, we are still concerned over the apparent contradiction between the encouragements given to local authorities to review green belt boundaries to meet housing needs versus the inclusion of green belt as an inviolate constraint to meeting such needs in plans advocated in paragraph 14 of the NPPF.

Indeed, we are very concerned that the new approach of paragraph 14, whereby the list of constraints in new footnote 1 is intended to be exhaustive whereas the list in the current footnote 9 is non exhaustive and merely a list of examples, means that there is a proposed change of emphasis in the NPPF which appears to strengthen the idea that green belt is an inviolate constraint on meeting housing needs.

This will result in green belt areas choosing not to review their boundaries and meet their housing needs but to continue to cite green belt as an over-riding constraint. They will continue to fall behind on housing delivery with the government sanctions, proposed in the White Paper, having no effect. This will not only exacerbate the housing shortfall in these local authority areas but also across the wider area since there is little incentive for green belt authorities to use the approach towards review set out in the White Paper

and seek to meet their housing needs in adjoining authority areas through the duty to cooperate.

Since it is clear from the criteria proposed for review of green belt boundaries that green belt boundaries are not inviolate in all circumstances, the reference to green belt in Footnote 1 should be excluded.

The requirement for local authorities to examine all other reasonable options for meeting their needs prior to undertaking a green belt review should be caveated by the fact that such reasonable options should be deliverable and developable options rather than merely aspirational.

b. Green belt policy is not a designation based on environmental quality. Therefore there is no reason why land removed from the green belt to meet housing needs should pay a disproportionate amount towards environmental or access improvements elsewhere within the green belt. Indeed, there is currently no locus for requiring such additional contributions since they do not meet the test of necessity required by Regulation 122 of the Community Infrastructure Regulations 2010.

Obviously we will comment further on this issue as part of the government's intended consultation on improving arrangements for capturing uplifts in land value for community benefit.

c. The government should consider including a list within the NPPF of other land uses which are not considered to be inappropriate development within the green belt. This should also include development, particularly on brownfield land within the green belt, where any harm to openness is not substantial. This would require revisiting paragraph 89 and 90 of the NPPF.

d. This proposal is supported. Our response to c) above should also be noted with regard to other uses within the green belt.

e. While we agree that neighbourhood plans could have an important role to play in undertaking reviews of green belt and establishing new boundaries, green belt is a strategic policy and must be addressed at a strategic, rather than local, level.

We believe that the government should, therefore, instruct all green belt authorities to undertake green belt reviews to ensure that the extent of their green belt continues to meet the criteria and functions of a green belt and to ensure that they establish boundaries that are long term and are capable of meeting not just immediate development needs but will have the capacity to meet longer term needs. This will avoid having to undertake boundary reviews in a piecemeal fashion every five years as plans are kept up to date.

However, we believe that, where a green belt review has been undertaken, neighbourhood plans should be able to remove sites from the green belt based on the strategic criteria of the purposes of green belt set out in paragraph 80 of the NPPF.

f. The proposed hierarchy for land should be extended to include land that no longer performs a green belt function. Local authorities should be mindful of the overarching requirement to achieve sustainable development and meet housing needs where they arise.

As above, a strategic green belt review should take account of long term needs and, if necessary, should identify and allocate "white land" that is capable of meeting future

development needs beyond the current plan period. This approach is consistent with paragraph 85 of the NPPF.

It is also vital that the NPPF retains the ability to approve development within the green belt under “very special circumstances” as currently contained within paragraphs 87 and 88 of the NPPF. This should be made clear in the revisions to paragraph 14 with regard to decision making.

### **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?**

Green belt policy should be a long term, strategic policy and thus reviews should be similarly long term in their aim. Local authorities should, therefore, approach green belt review as a strategic policy review rather than only as part of a sequential approach towards allocating land for development in the short term (over the next five years). Land should be assessed against the five tests set out in paragraph 80 of the NPPF and land that does not meet these tests should be excluded from the green belt. These tests should be amended to include the criteria of excluding land which has been previously developed and/or which surrounds transport hubs.

### **Question 12**

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

- a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?;**
- b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?;**
- c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?;**
- d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?; and**
- e) recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?**

a. There is a clear hierarchy of plans within the planning system and neighbourhood plans must play their full part in delivering the spatial strategy and vision of district-wide local plans. Since neighbourhood plans are part of the development plan and thus carry the full weight of S38(6) in decision making they must also be robust and consistent with the rest of the local development framework, including the overall housing requirement and spatial strategy of the area wide plan. It is, therefore, vital, that the local planning authority provides neighbourhood planning groups with an overview of the strategy for their area, including the housing requirement figure expected to be

delivered within the neighbourhood plan area.

This approach will also ensure that local planning authorities retain control of the strategic spatial strategy within their plans rather than being dictated to by neighbourhoods who may choose not to face up to their strategic responsibilities in terms of identifying land for housing. It should, therefore, be a mandatory requirement for LPAs to provide such a figure and, if neighbourhood plans contain relevant policies for the supply of housing (para 49 of the NPPF) or site allocations, that they should demonstrate the deliverability of the housing requirement figure (see Q17).

We are, however, currently confused over how this policy combines with the requirement for local plans to allocate at least 10% of sites as sites of less than 0.5 hectares. In an area completely covered by neighbourhood plans, unless there is a similar requirement on neighbourhood plans, neighbourhood planning groups could choose to allocate only large sites to meet their development needs.

b. Design guidance is a vital part of ensuring that development can meet community aspirations and requirements for new developments. Clear guidance can help speed up decision making and ensure local support for developments.

However, there should be no mandatory requirement or even an expectation that all local planning authorities or neighbourhood planning groups should adopt their own local design codes or criteria. National tools such as Building for Life 12 can be applied locally and can be referenced in policy documents.

Similarly, design guidance should not be overly prescriptive and should not render development unviable or undeliverable. Indeed, overly onerous design criteria could inhibit delivery of dwellings and adversely affect viability, standardisation of products (particularly off site manufacturing) and build out rates.

c. While we support the importance of early pre-application discussions between applicants, local authorities and communities we are becoming increasingly concerned over the cost of such meetings. Many applicants are deterred from engaging in such discussions due to either the costs representing poor value for money and/or that issues supposedly agreed at such meetings are frequently re-visited as part of the later planning application process.

We have been involved in various initiatives with government and others to seek to resolve these problems but, despite there being ample good practice examples and guidance our experiences around the country suggest that there is still a long way to go to universal good practice.

d. We agree with this proposal subject to our comments in (b) above regarding the need for appropriate safeguards over such policies and requirements.

e. We agree with this proposal. However, we would not wish to see tools such as Building for Life become a mandatory requirement for the validation of planning applications nor that schemes meet a minimum number of points when measured against BfL12 criteria. Tools such as design guides and BfL12 allow a conversation to be held over qualitative issues such as design rather than allow decisions to be made based on an overly simplistic approach to set criteria.

### Question 13

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

- a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?;**
- b) address the particular scope for higher density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?;**
- c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?;**
- d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?**

a. While we agree that the government should be encouraging local authorities and developers to make the best use of land we would not support policies that introduced minimum density requirements on all developments.

Density should be appropriate to the area in which the development is located and, while there are many opportunities to increase density, it is certainly not appropriate for all development in an area struggling to meet housing needs, to be of a higher density than the prevailing character of the area. Indeed, introducing minimum density requirements can often compromise design quality, especially in existing built up areas with a strong design character.

b. Developers and most planning authorities already take advantage of the opportunities to make the best use of land by developing at higher densities around transport hubs and in areas of high housing demand. This includes, where appropriate, increasing heights of buildings and extending upwards as well as outwards.

However, we are concerned that some planning authorities seek to impose inappropriate densities on development sites that are not acceptable to the local community or that make little commercial sense to the development industry. While this will, ultimately, be addressed by the delivery test, introduced elsewhere in the White Paper, any encouragement for higher density development should be clear that there is no national minimum density for development and that local vernacular may constrain the increase in density sought through national policy.

c. Further to our comments above we agree with the limitations recognised by the government with regard to increasing densities.

d. Density considerations should always take account of the local context. Requirements of competing policies must always be balanced against one another when making complex and difficult planning decisions. Density intensification should not be seen as a panacea to meeting challenging housing and development requirements. However, flexibility in the application of other policy requirements such as open space provision (where there is already adequate provision nearby) will assist in bringing more sites forward for development, particularly where they increase development viability.

#### Question 14

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

This is an issue for local planning authorities to address through development plans. A nationally prescribed minimum density target (even if it were only indicative) would, inevitably lead to some authorities adopting it for all schemes in all locations. Such an approach would be both unhelpful and would threaten delivery.

#### 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)?**

Making the delivery of homes on public sector sites easier will encourage public sector authorities to consider the development of homes for key workers. The more this can be done through permitted development rights the less additional burden it places on local planning authorities. It will also ensure a more consistent approach towards delivery across the country as nationally prescribed permitted development rights will reduce the unnecessary local interpretation of the principle of such development.

One other initiative that would assist in bringing more land forward for development in urban locations would be to include garden land within the definition of previously developed land. Many local planning authorities treat garden land in the same way that they approach large scale, greenfield land release, whereas such land could continue to contribute both to better use of urban land through increasing density and towards the availability of smaller sites available to small and medium sized housebuilders. Both of these are policy objectives of the government yet are being inhibited by excluding gardens from the definition of brownfield land.

#### Question 16

**Do you agree that:**

- a) where local planning authorities wish to agree their housing land supply for a one year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?;**
- b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?**
- c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?**

a. While we agree with the proposal we would suggest that all local authorities should provide a minimum buffer of 10% on their five year housing land supply. Indeed, there is an incentive for those authorities with a minimal five year housing supply not to agree it if they are able to demonstrate such a supply with a 5% buffer but not with a 10% buffer. By changing the 5% buffer in paragraph 47 of the NPPF to a standard 10% buffer this anomaly will be removed and the obligations on local planning authorities simplified.

We have assumed that an authority that has failed to deliver 85% of dwellings against its planned target under the new delivery test will be subject to the 20% buffer requirement and, if seeking to agree its housing supply will need to include this 20% buffer within its agreed supply. This should be made very clear in the new NPPF.

b. Although it is proposed that a process of assessing the five year housing land supply position is carried out jointly between the local planning authority and developers there will be times when the status of a site or its contribution towards the land supply will not be agreed. It is, therefore, essential that a third, independent party is also included in the assessment process. It would be logical for this role to be carried out by the Planning Inspectorate as an agent of the Secretary of State.

c. It is essential that the Planning Inspectorate examines not only the methodology of the five year supply calculation but the substance of the assessment, thereby arriving at a definitive figure for the housing supply at the time of assessment.

General Comment:

We do, however, have more fundamental concerns regarding this proposal, not least around the resources necessary to carry out the annual assessment of land supply. The process would place additional requirements on not just local planning authorities (although they should be undertaking this work already in order to ensure that they maintain a five year housing land supply at all times) but on the development industry and the Planning Inspectorate.

This stress could be minimised by allowing LPAs to undertake their agreed assessment at any time and for the assessment to be agreed for the twelve months following the process. This would mean that there was not a peak at any particular time of the year, allowing resources to be shared amongst local authorities and the development industry and would reduce the number of planning inspectors necessary to facilitate the new approach.

We believe, therefore, that the existing situation of constant assessment of the five year housing land supply is a better discipline to ensure that supply is kept up to date. Agreeing a standard methodology for the assessment of the supply, ensuring a minimum buffer is included and ensuring consistency between S78 appeals would be a more positive route to ensuring the delivery of more sites for housing delivery than an annual survey. We would be happy to assist in devising a standard methodology for the calculation of five year supply in order to facilitate this constant assessment.

## **Question 17**

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

- a) a requirement for the neighbourhood plan to meet its share of local housing need?;**
- b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?**

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

a. Since neighbourhood plans are a part of the development plan process to which S38(6) applies when making decisions they should be subject to the same robustness as other development plan documents. It is, therefore, vital that, if a neighbourhood plan includes policies directing the development of housing in their area, that such policies and site allocations meet the same tests for deliverability and developability as required of District-wide plans.

The requirement for local planning authorities to give neighbourhood planning groups a housing figure for which to plan (see Q12) is an essential part of ensuring that such plans meet the spatial strategy for the wider area rather than being prepared in isolation.

We therefore question the planning validity of any suggestion that each neighbourhood planning area assessing and meet its own calculation of housing need. To do so would fetter the proper planning of a wider area, including the strategic needs for housing growth and/or constraint. Currently planning for housing need is based on housing market areas which are frequently much larger than single settlements or neighbourhood plan areas. Neighbourhood plans should, therefore, respect and reflect their position within the wider housing market area rather than merely meeting their own, locally generated, needs.

b. Since they are part of the statutory development plan, neighbourhood plans should be subject to the same delivery tests as the wider local authority plans. Indeed, since LPAs will, no doubt, rely on the delivery of housing through neighbourhood plans there is an inextricable link between the LPA meeting its delivery test and neighbourhood plans playing their part within that delivery.

Ensuring and enforcing this link between the neighbourhood plan and the local plan is essential if housing delivery is to happen locally through neighbourhood planning.

c. If neighbourhood plans do not contain relevant policies for the supply of housing then they are not subject to the provisions of paragraph 49 of the NPPF. However, if they do contain such policies then the plan should be subject to the same delivery tests as other parts of the development plan if they are to be considered up-to-date.

## **Question 18**

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

- a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;**
- b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and**
- c) whether there could be lower fees for less complex cases.**

Given the lack of awards of costs at appeal there can be no suggestion that vexatious appeals are a prevalent part of the appeal system.



Paragraph A.86 is incorrect in stating that applicants have a right of appeal “if they are unhappy with the decision of their LPA”. There are two grounds for appeal: that of non-determination and that where the applicant believes that the LPA has not followed S38(6) with regard to their decision or that they have placed undue weight on a material consideration.

The first of these appeals is a necessary sanction to ensure that LPAs do not avoid making a decision on a planning application. It is an applicant’s right to have a planning application determined and, if the LPA has not made a decision within an agreed period of time then an alternative decision making process must be in place. That process is an appeal for non-determination, allowing the applicant to ask the SoS to make a determination on the planning application.

Since such appeals are made on the grounds that the LPA has failed to perform its statutory duty any appeal fee should be paid by the LPA from the planning application fee that they have received from the applicant.

The second type of appeal is where an applicant believes that the LPA has not followed S38(6) in their determination of the planning application or that they have placed undue weight on a material consideration.

Once again, this type of appeal is a failing of the LPA rather than the applicant and thus it should be the LPA that pays any proposed appeal fee since the applicant has already paid an application fee for the determination of their application and should be entitled to that determination being in line with S38(6). If it is not, the applicant should be entitled to a review of that decision via an appeal.

We do accept that, if the LPA is deemed not to have been at fault that the fee should be reimbursed by the appellant.

This fundamental position is not affected by the level of fee for an appeal and it should not be taken as read that, merely because a proposed appeal fee is a small percentage of the development costs for a project that it is an acceptable principle to introduce such fees.

We believe that, if the government is concerned that there is an increase in the number of frivolous appeals that this could be adequately addressed by a tighter application of the awarding of costs rather than introducing a universal fee for appeals.

However, the White Paper appears to suggest that a fee for appeals could be used as an income stream to offset the costs of running the planning inspectorate. If this is, indeed, the case then the reimbursement of the fee to the applicant if the appeal is allowed would lead to unwelcome pressure on inspectors to dismiss more appeals rather than acting as independent examiners. This would quickly lead to the inspectorate falling into disrepute, a situation that should not be allowed to occur.

## **Question 19**

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

We agree that digital infrastructure is an important part of integrated development within an area. However, technology in this field moves very quickly and it is highly unlikely

that local planning policies (other than generic support for digital infrastructure) will be able to keep up to date with emerging infrastructure requirements.

The imposition of planning conditions requiring digital infrastructure as part of a development runs the risk of delaying development due to the poor performance of infrastructure providers rather than housebuilders themselves.

We therefore believe that support for digital infrastructure and a flexibility in approach should be delivered through the NPPF rather than as a requirement for local planning policies.

## **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?**

We agree with both of these proposals.

## **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?**

a. The house building industry is committed to providing more information and transparency with regard to development timetables. However, the proposal to provide a start date as a month/year does not reflect the reality of implementation being dependent upon a number of decisions not within the control of the developer. These could include anticipated land purchase timetables following the receipt of a planning permission, the discharge of pre-commencement conditions by the LPA or other agency and the time taken to process the application itself (including drafting and signing of legal agreements).

Thus, while an estimated date could be provided with a planning application it would be necessary to amend this date following various stages of the development programme. Given that much of this uncertainty is attached to market conditions and risk mitigation, such amendments should always be in the control of the developer rather than the LPA.

b. Flexibility to update information should also be applied to proposed build out rates with updates of information being supplied either unilaterally by the developer or

when asked for by the LPA (for example, as part of their annual monitoring and trajectory planning when calculating their five year housing land supply). Once again this information should be developer led rather than unilaterally imposed by the LPA. However, developers should provide evidence and justification for their submitted figures.

c. We agree that LPAs should publish this information as part of their AMR.

d. Large housebuilders are happy to publish aggregate information on build out rates. However, it should be emphasised that build out rates vary considerably across the country due to different market conditions and that LPAs should not attempt to impose aggregate rates on individual developments but should discuss the reasons why the information provided by the developer (as above) differ from these aggregate figures in order that they better understand their own market conditions and local build out rates of different types of site.

## **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?**

The assessment of the probability of a site being developed should not solely be made when determining a planning application. The assessment should, however, also be made as part of the five year housing land supply assessment with the evidence of non-implementation counting against a site contributing to the five year supply.

Similar assessments and evidence should be required alongside the allocation of sites in development plans. Our suggestion in response to Q7 would allow sites to be identified within a plan but not to count towards five year housing supply. This two tier approach would ensure that a five year supply is maintained while allowing work to be undertaken on bringing difficult sites forward for redevelopment.

## **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.**

The housebuilding industry does not fundamentally object to this proposal since all housebuilders will be able to demonstrate a delivery record as part of their planning application (subject to Paragraph A.102 recognising that new entrants to the market will have no track record of delivery and that this should not be held against them).

However, one of the fundamental principles of the planning system is that anyone has a right to submit a planning application and to have that application determined by the local planning authority. That determination is, and has to be, applicant blind in order to not allow prejudice within the system. Similarly, planning permission runs with the land and not the applicant meaning that onward land sales would not be controllable through this proposal.

It is not understood how landowners will be able to make planning applications unless they have a named developer alongside them. Further if a particular company was considered to have a poor delivery record and planning permissions were refused it would not be possible for that company to change that delivery record since it would no longer be able to deliver anything.

On balance, therefore, while the housebuilding industry does not object to this proposal, on balance we believe that the power to decide who is worthy of a planning permission should not be given to local planning authorities and all applicants should be treated equally and fairly.

#### **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?**

We do not agree that this proposal should be taken forward (see Q23). However, if the government decides to pursue it then clearly it should not deter new entrants to the market who have no record of delivery. There is no limit on the size of site that a new entrant may wish to deliver and thus defining the measure solely on site size is not considered to be appropriate.

#### **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.**

We are not aware that there is any evidence that the previous shortening of the default timescale from five years to three years has made any significant improvement in the speed of implementation of permissions. Without such evidence there is little or no justification for this proposal.

The shorter life of a valid permission will have an impact on the funding of schemes as lenders would be at greater risk of a permission lapsing and not being renewed. This will, therefore, have an impact on the growth of SMEs and their ability to attract investors.

Given the above, we believe that the threat of hindering the deliverability of schemes through shortening the default timescale of implementation to just two years outweighs any potential benefit of implementation progress.

In any event, it should be made much more clearly that the default time condition on planning permissions (whether three years or two years) is only a default position. It should still remain possible for applicants to negotiate a longer implementation period where there is good reason for doing so.

## 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?**

The role of the SoS in confirming completion notices ensures that local planning authorities do not use such extreme measures unnecessarily or vexatiously. This safeguard is essential in a situation that has such a dramatic impact on a developer and their development and should be 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?**

The serving of completion notices is considered to be too heavy handed and unnecessary when seeking to speed up delivery of a site with planning permission for residential development. It is certainly the wrong tool where there is merely disagreement about the delivery rate of a development that has been implemented and is being built out, but at a rate slower than that envisaged by the local planning authority. The best tool in that situation is for a discussion between the developer and the LPA regarding the reasons behind the build out rate in order to try to address these site specific issues.

We fail to see how a completion notice regime will increase the speed of delivery of dwellings. Given the requirement for a reasonable period for compliance with such a notice it is unlikely that many, if any, notices will be served where the development is ongoing. Similarly the ability of a recipient to appeal against a notice and its provisions will actually add to the delay of development rather than addressing the issue of delivery.

However, the threat of an increase in the use of completion notices will mean that banks and lenders become more nervous of lending to developers (especially SMEs) thereby threatening the growth of the industry and the government's encouragement of more entrants into the market.

The proposed timetable for serving a completion notice is too short, especially if the proposal to reduce implementation deadlines to just two years is implemented. In essence this would allow local authorities to serve completion notices (a process which should really only be pursued as a last resort) within two years of a permission that had been implemented on day 1. This would have allowed for just one year of monitoring of the delivery of the permission, clearly a period which is far too short to make any meaningful judgment regarding the delivery of the development.

Allowing completion notices to be served in such a short timeframe will merely exacerbate the concerns of lenders over the security of the permission and the development.

Government clearly needs to rethink the use of completion notices as a tool to speed up delivery of housing since its current proposals run the risk of creating uncertainty and concern across the housebuilding sector.

## Question 28

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

- a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?**
- b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?**
- c) Net annual housing additions should be used to measure housing delivery?**
- d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17?**

General Comment:

We are supportive of a housing delivery test and appreciate that this will also involve the housebuilding industry working with local authorities in order to ensure that information is up to date and transparent. However, a delivery test is backward looking, relying on completions of units. We do not, therefore think that such a test could, or should, replace the requirement to maintain a five year supply of housing land. This test is forward looking and enables authorities to assess future delivery rather than relying on historical data that is already six months out of date.

We also believe that these tests should apply across the Country, including areas constrained by green belt, AONB and other environmental designations.

- a. Yes. A delivery test should measure delivery as set out in an up to date local plan.
- b. Yes. Where there is no plan or the plan is out of date the standard methodology for assessing housing requirements should be used.
- c. Although the Government's net annual housing additions are published six months after the monitoring period they are the most reliable statistics for housing additions. Since housing requirement figures in plans are (or should be) net additions they are the correct dataset to use for monitoring delivery.
- d. Assessing delivery over a rolling three year period is considered to be more robust than using annual figures which can vary significantly year on year. However, shortfall in delivery should be rolled forward into the new housing requirement figure using the Sedgefield methodology ie: made up within the next 5 year period rather than spread over the remaining life of the plan.

Paragraph A.113 appears to use the terms "annual housing requirement" and "housing requirement" as if they are interchangeable terms. Very clear guidance, with worked examples, must be used to demonstrate how the delivery test is measured over a rolling three year period and, as stated above, shortfall in supply must be made up in calculating the forward trajectory of land meeting the requirement for maintaining a five year supply of housing 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 below 85%?;
- c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?;
- d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and
- e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

The tests and sanctions set out in a) and b) above are supported. The production of an action plan by a local authority should be a material consideration when determining planning applications and, if one is not produced within a prescribed time, then the presumption in favour of sustainable development should apply. Action plans should set out positive actions for change and should bring sites forward for development. This should include reserve sites and "white land". In some cases this may mean having to undertake or revisit green belt review.

We suggest that Action Plans be produced within a month of the availability of the monitoring data. Failure to produce an action plan within the allotted timetable should result in the application of the presumption in favour of sustainable development.

The clarification of the definition of "persistent under delivery" and thus the application of a 20% buffer is also welcome (subject to this being carried through to local authorities who seek to agree their five year supply of housing land but who have failed to deliver against this test).

There appears to be no statistical evidence or justification for the targets set out in c) – e) of the proposed test. Indeed, the targets do not appear to be very onerous and we are concerned that the tests do not set a target of meeting 100% of the annual housing requirement. This, in effect, allows local authorities to continue to fail to meet their housing requirement. There is no reason why local authorities should not plan to meet its planned level of housing provision. Indeed, the need to produce an action plan where delivery has fallen below 95% of the requirement suggests that a 100% target is both desirable and achievable.

We accept that the test is to be applied retrospectively for the first three years and thus the targets should be increased over the next three years. However, we propose that, in order to get closer to meeting planned housing requirements the thresholds are increased to 75% in 2018, 85% in 2019 and 95% in 2020. Failure to meet this level of delivery should result in the presumption in favour of sustainable development.

We would not wish to see this delivery test replace the need for local authorities to maintain a five year housing land supply. Greater clarification should, therefore, be given of the relationship between the delivery test and the sanctions of paragraphs 47 and 49 of the NPPF regarding a failure to maintain an adequate land supply for the next five year period. In effect this could result in a double presumption in favour of sustainable development if a local authority fails to deliver and fails to maintain a five year supply of land for housing. Such a sanction would lead to more applications being granted permission leading to both targets being more capable of being met.

### Question 30

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

Action plans will be critical to ensuring that a local authority addresses a shortfall in housing delivery. Even where a local authority believes that it is not to blame for a lack of delivery it should work closely with the development industry to better understand the drivers behind the rate of delivery and build out in their local market areas. It would, therefore, be useful if action plans were independently examined in order to ensure that the proposed actions are, themselves, deliverable and that they will assist in meeting housing delivery targets.

Clear plans regarding the delivery of infrastructure alongside planned development is essential to creating a positive planning environment and creating the certainty necessary to assist with developers' investment plans over the next five years.

Holding local authorities (and developers if they fail to deliver) to account is the best way of ensuring planned objectives are met. The suggestion that planning freedoms will assist would only be true if such freedoms allowed the delivery of more dwellings, not if local authorities were let off from their obligations to produce and maintain local plans, to deliver against their housing targets or were allowed not to maintain a five year supply of land for housing.

### Question 31

**Do you agree with our proposals to:**

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

We agree with the proposed changes to the definition of affordable housing and the inclusion of a definition of affordable private rent housing.

In order to encourage these new forms of affordable housing we also agree that the transitional period should be as short as possible and therefore support the proposed date of April 2018.

### Question 32

**Do you agree that:**

- a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?**
- b) that this policy should only apply to developments of over 10 units or 0.5ha?**

a. We do not agree that there should be a national minimum requirement for affordable home ownership products on all sites in excess of the threshold set out in b).



Some developments are unable to cross subsidise any affordable housing and this requirement will make such developments unviable. Viability should, therefore, be an allowable exemption from the national policy.

We would stress that the NPPF should make it clear that the provision of affordable home ownership products should be included within a local authority's policy requirement for affordable housing provision and not as an additional element of affordable housing over and above other types of tenure.

We would, therefore, support the government in ensuring that local authorities accept affordable home ownership products as part of the affordable housing offer on sites above a suitable threshold (as proposed in (b)). Requiring local authorities to include in their AMR a report on the tenure of affordable housing provided in their areas would assist in this regard.

b. We agree that this policy requirement should only apply to developments of over 10 units or 0.5ha in size.

### **Question 33**

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

We agree with the proposed exclusions to this policy set out in paragraph A.128.

It is important to recognise that viability is also a valid reason for exemption.

### **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?**

Subject to the proposed wording in national policy, we support this proposal.

### **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 the future resilience of communities and infrastructure to climate change?**

While we support both of these proposals it should be made clear in the NPPF that the performance of individual buildings is controlled through the building regulations and planning policy should not attempt to impose higher levels of building performance than those within nationally set standards.

### Question 36

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

Flood risk is an important locational tool when assessing sites' suitability for allocation in development plans. However, we are concerned that local authorities will use cumulative flood risk from the combined impact of development as a constraint on meeting their housing needs. National policy should make it clear that this should not be the case.

### 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?**

We believe that the necessary protections and safeguards of amenities of existing properties and those of future residents are already available within the planning process. Mitigation is also already a valuable tool in ensuring that the best use can be made of land within existing urban areas even where it is close to existing uses.

### 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?**

We have no comment to make on this proposal.

In conclusion we would reiterate that, if we are to build more homes, more quickly we must identify more sites in more places.

We look forward to working closely with Government to bring these proposals to fruition.

Yours faithfully



Andrew Whitaker  
**HBF Planning Director**