

**REPORT TO SHEVINGTON PARISH COUNCIL POLICY AND RESOURCES  
COMMITTEE-MARCH 2<sup>ND</sup> 2017**

**THE HOUSING WHITE PAPER.**

**INTRODUCTION**

The Government published its housing white paper, **fixing our broken housing market** on 7 February 2017. It is **consulting** on the proposals in the white paper and responses can be submitted until 2 May 2017.

As well as a range of policies aimed at helping to diversify the housing market and helping people to afford a home, the white paper focuses heavily on changes that can be made to planning law and policy..

The white paper sets out that the existing protection for the **green belt** remains unchanged and emphasises that 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.

Measures proposed for **planning for the right homes in the right places** include:

- Further consultation is to be published on making changes to the National Planning Policy Framework (NPPF) directing local authorities to prepare a **statement of common ground**, setting out how they intend to work together to meet housing requirements that cut across authority boundaries.
- Enabling **spatial development strategies** produced by new combined authorities or elected Mayors to allocate strategic sites for development.
- Further consultation to be published on a **standardised approach for local authorities in assessing housing requirements**. The outcome will be reflected in changes made to the NPPF.
- Introducing legislation to allow locally accountable **New Towns Development Corporations** to be set up in order to better support new garden towns and villages.
- Revising the NPPF to make clear that plans and development proposals should make “efficient use of land and **avoid building homes at low densities.**”

Measures proposed for **building homes faster** include:

- Amending the NPPF to give local authorities the opportunity to have their **housing land supply agreed on an annual basis** and fixed for a one year period, in order to create more certainty about when an adequate land supply exists. Authorities taking advantage of this will have to provide a 10% buffer on their 5 year land supply.
- **Increasing nationally set planning fees** and consulting further on allowing authorities that are performing well on housing delivery to increase fees further.

## Appendix B

- Further consultation to be published on introducing a **fee for making a planning appeal**, so as to deter unnecessary planning appeals and reduce delay.
- Examining the options for **reforming developer contributions** (Community Infrastructure Levy and section 106 obligations). An announcement on this expected in the autumn Budget.
- Subject to further consultation large housebuilders would be required to publish **aggregate information on build out rates**.
- Seeking views on whether an applicant's **track record of delivering previous similar housing schemes** should be taken into account by local authorities taking decisions on housing development.
- Further consultation on **simplifying the completion notice process** to allow a local authority to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun, in order to dissuade developers from making a token start on work on site to keep the planning permission alive.
- Changing the NPPF to introduce a **housing delivery test** which will highlight whether the number of homes being built is on target. If delivery then falls below specified thresholds an extra buffer would be added onto the five-year land supply and further thresholds would then allow the presumption in favour of sustainable development to apply automatically.

### **CONSULTATION ON QUESTIONS ON PLANNING MATTERS IN THE HOUSING WHITE PAPER**

There are 38 questions in the appendix to the white paper. I have no intention of answering every one. Where there are comments they will appear in italics at the end of the question.

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

- a) Make clear in the NPPF that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the NPPF, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement? - *Unnecessary as that requirement already covered in para.156 of NPPF.*
- 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? - *The Greater Manchester Combined Authority (GMCA) have already done this in the draft Greater Manchester Strategic Framework published last year.*
- c) Revise the NPPF to tighten the definition of what evidence is required to support a 'sound' plan? - *Yes*

**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?

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

## Appendix B

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? -**Yes- subject to consultation on the details.**

**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? -**Not clear what maximising means in this context.**

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? -**Far too open and might lead to development on sensitive areas.**

c) the list of policies which the Government regards providing reasons to restrict development is limited to those set out currently in footnote 9 of the NPPF (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees? -**Welcome the inclusion of Ancient Woodland and older trees.**

d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed? -**Yes subject to further consultation on the wording.**

**5.** Do you agree that regulations should be amended so that all LPA's are able to dispose of land with the benefit of planning consent which they have granted to themselves? -**No**

**6.** How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow LA's to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?

**7.** Do you agree that national policy should be amended to encourage LPA's 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? -**Yes**

**8.** Do you agree with the proposals to amend the NPPF to:

a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing? -**No unnecessary.**

b) encourage LPA's to identify opportunities for villages to thrive, specially 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? - **No this is a further weakening of control over housing development in sensitive locations.**

## Appendix B

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 LPA's 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?

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

**10.** Do you agree with the proposals to amend the NPPF 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? - **Yes**

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? - **It depends how local those compensatory improvements are.**

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

d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt? - **No**

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? - **What happens if there are no neighbourhood plans for the area?**

f) when carrying out a Green Belt review, LPA's should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs? - **I thought that this was already national policy with respect to previously developed sites?**

**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?

**12.** Do you agree with the proposals to amend the NPPF to:

a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought? - **Yes but needs agreement.**

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? - **Yes**

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? - **Yes particularly local community groups such as parish councils.**

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

## Appendix B

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?

**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?

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

**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)?

**16.** Do you agree that:

a) where LPA's 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?; **-No**

b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy? **-No**

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? **-No**

**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? **-Depends upon what share means. A neighbourhood may not be able to meet its arithmetic share.**

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?

## Appendix B

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? - *Yes for certainty.*

**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. - *It is iniquitous that planning applications attract fees but appeals which are far more costly on the public purse do not.*

**19.** Do you agree with the proposal to amend national policy so that LPA's 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? - *Yes*

**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?

**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 LA's 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? *Yes but only for sites of a certain size.*

**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? - *No*

**23.** We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by LA's when determining planning applications for housing development.

## Appendix B

**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?

**25.** What are your views on whether LA's 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?

**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 completion notice before it can take effect?

**27.** What are your views on whether we should allow LA's 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?

**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 LPA'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?

**29.** Do you agree that the consequences for under-delivery should be:

- a) From November 2017, an expectation that LPA's 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 5%;
- 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%?

**30.** What support would be most helpful to LPA's in increasing housing delivery in their areas?

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

## Appendix B

a) amend national policy to revise the definition of affordable housing; **-Yes subject to further consultation.**

b) introduce an income cap for starter homes; **-Impractical.**

c) incorporate a definition of affordable private rent housing? **-Yes**

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

**32.** Do you agree that:

a) national planning policy should expect LPA's to seek a minimum of 10% of all homes on individual sites for affordable home ownership products? **-Yes**

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

**33.** Should any particular types of residential development be excluded from this policy? **- Sheltered or special needs housing.**

**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 NPPF together constitute the Government's view of what sustainable development means for the planning system in England?

**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? **-Yes**

**36.** Do you agree with these proposals to clarify flood risk policy in the NPPF? **-Yes despite the complex tests set out in NPPF flooding still occurs as a result of new development.**

**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? **-Yes**

**38.** Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the NPPF, no transition period should be included?

## **CONCLUSIONS**

The comments in this report should be sent to the Department for Communities and Local Government.

Barry King

February 26th 2017