

Appendix 1 –Housing White Paper Consultation (25th April 2017)

Housing White Paper: Fixing This Broken Housing Market (May 2nd 2017)

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?

Proposed Response to Question 1:

- a) Agree. This amendment will reinforce the provisions of paragraph 156, providing greater emphasis and clarity to both Local Planning Authorities and Developers of areas to be covered by a Local Plan.
- b) Agree. Regulations which respond to possible changes to local government structures and roles will be beneficial. However, if proposed regulations set out time frames for the delivery of spatial strategies to be adopted, these should offer sufficient flexibility to enable plan delivery. For example, it is noted that S32 of the Local Plans Expert Group March 2016 report to the Communities Secretary proposes that a 2 year period from engagement to final submission of Local Plans may be specified within Regulations. This could have serious consequences whereby external factors delay progression of a Strategic or Local Plan. With respect to the North Northants area, the Secretary of State call in of Rushden Lakes planning application delayed the adoption of the North Northamptonshire Joint Core Strategy and subsequently part 2 Local Plans within individual authority areas. This delay could not be overcome, and a mandatory 2 year completion period may result in plans becoming outdated as soon as they are adopted where major appeals remain undetermined.
- c) Agree. A tight definition of what constitutes a sound plan and what evidence is required will provide clear procedural direction, so that plan making is more transparent and less open to challenge on matters of interpretation.

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?

Proposed Response to Question 2:

NPPF should require a single Statement of Community Involvement (SCI) which is applicable to the entire authority area, whether that is as a combined authority,

partnership authority area, or emerging. The SCI should include a requirement to consult with all Neighbourhood Planning Groups as well as parish/town councils located within the plan area as a minimum. Neighbourhood Plan groups may be best placed to create and manage a database for community group/ public services / non-government organisations operating within their plan area which facilitates consultation with more hard to reach groups which may not be sufficiently represented at present. Where Neighbourhood Plan Areas are not present, Planning Authorities would be best placed to undertake this requirement. The provision of a single, licensed, open data online plan making and consultation portal would be beneficial. This would save costs for individual authorities who may currently have individual arrangements with online providers; a central system would enable more efficient procurement of these services and provide national consistency in terms of plan making, and offer relevant stakeholders (whether local or national), a single point of contact to self-register for notification of plan developments. As a single point of information, stakeholders can be more actively involved in plan making processes by obtaining updates on all or individual Local Plans, whilst the Secretary of State could rely on the system for obtaining information to support and streamline the examination process.

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?

Proposed Response to Question 3:

- a) Agree. Demographic changes in housing need should be reflected in Local Plan Policies. However, where specific 'groups' are referred to within the NPPF, these need to be clearly defined. It is assumed that there may be a need to refer to this new requirement within the proposed 'standardised methodology' for identifying housing need in Local Planning Authority areas, so that consistency is achieved with respect of data requirements used to produce identified housing need (for example, housing need for elderly people may be based on SHMA Figures, RHG/SHOP models). Including appropriate definitions and references will provide clarity to developers and local authorities, and facilitate the development management process to secure suitable housing through legal obligation (where appropriate).
- b) Agree. This will provide more certainty to both developers and LPA's, however, there needs to be further consultation on what will be included in this standardised approach, or sufficient lead time provided to enable local authorities to adapt to new requirements without detriment to existing Local Plans.

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?

Proposed Response to Question 4:

- a) Agree, that authorities should have a clear strategy for maximising the use of suitable land within their areas. However, the pretext to this question discusses the registration and potential release of publicly held land in areas of greatest housing need with a view of identifying potential housing sites. Whilst this is commended, this needs to be balanced against provisions within the Localism Act 2011 which introduced a General Power of Competence, enabling local authorities to compete with the private sector and diversify its activities to help balance the cost of providing its public services. With this in mind, a cautious approach is encouraged with regards to any potential decisions made at a national level to prioritise the release of publicly owned land (particularly through a strategy to maximise land in an authority's area) in order to avoid undermining the commercial freedoms introduced through the General Power of Competence which help local authorities develop a commercial business plan to support their services.
- b) The Local Plan, together with Neighbourhood Plans remains an important element of the planning system, which provides a focus for localised issues reflected through its communities. Whilst these Plans need to be compliant with the NPPF which provides an overarching policy framework, the proposed approach appears to place significant emphasis and weight on the 'presumption in favour of sustainable development' as a material consideration and automatically discount the Development Plan and the importance of competing local issues, contrary to the localism agenda and the spirit of paragraph 12 of the NPPF. However, the proposed wording in Box 2 (p79 of the White Paper) is acceptable, and subject to this wording being used, this authority would agree to this proposal.
- c) Disagree. The examples listed in footnote 9 are too limited and are only 'examples' which are not definitive, which presents a route for challenge on the basis of being ambiguous. In addition, footnote 9 relates to paragraph 14 of the NPPF which relates to the general 'presumption in favour of sustainable development' and not specifically within the context of delivering housing, as per question 4(c) of this consultation. Some of the examples in footnote 9 already benefit from protection under existing statutory powers which planning policy does not need to duplicate. Additional policies contained within the NPPF which should apply to restrictions on development should include impacts on open countryside, biodiversity, town centre development outside of the town, etc. In

addition, the wording 'restrict development' does not have the same meaning as 'not allowing development' and is not sufficiently robust enough to defend inappropriate development on the basis of reasons set out within the NPPF.

d) Agreed, as the proposed wording in Box 2 (p79 of the White Paper) is acceptable.

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?

Proposed Response to Question 5:

Agreed. Local Authorities should be able to benefit from any uplift value resulting from the grant of planning permission, in the interests of obtaining best value for money for its residents. This creates a level playing field with the private sector and is in accordance with the General Power of Competence introduced through the Localism Act 2011.

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)?

Proposed Response to Question 6:

Unlike the current situation in the UK, Germany has the lowest home ownership rates in the EU with rental yields also significantly lower (3.5 – 4.5% <https://www.ft.com/content/ba7f9082-8568-11e6-8897-2359a58ac7a5>). It is reported that this is in part due the fiscal measures and housing policy (including rental regulation) operating within Germany which is reported to have discouraged housing rental and purchase inflation. As a result, it is likely that land pooling is more easily facilitated in Germany as there is less of an incentive for land owners to speculatively land bank, which encourages the earlier release of land in order to achieve revenue from their assets through rental yields. As a result, a strategy to encourage the release of larger sites through land assembly, will need to be supported by other measures which include appropriate fiscal and housing policies.

It is considered that the use of Compulsory Purchase Orders could be used where ransom strips are stalling larger housing sites from coming forwards for the benefit of the wider area, although conferring these powers to Homes and Communities Agency (HCA) to enable the acquisition of property purchase options on speculative sites, would give greater local control over housing land supply availability and co-ordinate the assembly of land parcels more effectively. This could then be phase released to developers to bring forwards an appropriate mix of affordable and private housing (similar to the case in Upton, Northampton). The HCA are likely to be more appropriately resourced to take on this role and bring forwards the release of strategic sites for housing delivery. If the LPA's are required to undertake this role, then free access to Land Registry land ownership data and appropriate peer support and training (including legal support) would assist, together with sufficient financial support to undertake this role and procure appropriate support services.

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?

Proposed Response to Question 7:

It is considered that the NPPF does not need to be explicit on the point of estate regeneration. The NPPF already makes provision for good design, delivering housing, and promoting healthy communities, all of which are relevant to estate regeneration and acknowledge potential social and economic benefits of these types of developments. For these schemes to be delivered, appropriate funding is required.

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?

Proposed Response to Question 8:

- a) Agree. Neighbourhood Plans have evolved through the localism agenda, giving more power to communities to plan their own area, which once adopted will form part of the Development Plan. It is therefore logical that they should identify and allocate small sites suitable for housing. Paragraph A.16 of the Housing White Paper states that there will be an expectation for Neighbourhood Plans to address more detailed matters, together with Development Plan Documents. Highlighting opportunities which Neighbourhood Plans present will reinforce this point, particularly to less experienced Neighbourhood Planning Groups which are getting to grips with the plan making process and the real purpose of Neighbourhood Plans which are an additional tool for positive planning.
- b) Agree. This proposal accords with current work undertaken to allocate rural sites for housing or employment, but highlights the wider scope for plan making in rural areas, using tools already available to local authorities, such as development briefs used to promote sites for specific uses. etc. This requirement could be useful to further justify

the creation of an evidence base to be used by local authorities to secure planning obligations for funding local community facilities, etc.

- c) Agree, subject to emphasis being placed on the word 'relies' to ensure that open market housing is only supported within rural exception schemes where they are only included in order to maintain viability of a mainly affordable housing scheme. In addition, emphasis should be made to ensure that such schemes comprise affordable housing in the majority, possibly with a percentage limitation on the proportion of open market housing allowed to ensure that the proportion of open market housing remains subservient to the numbers of affordable housing units.
- d) Disagree. This approach places an arbitrary ceiling on housing site allocations, disregarding sustainability assessment appraisals which are used through the site selection process in line with sustainable development approach set out within the NPPF. As a result, this policy could prevent more appropriate (and more sustainable) sites from being allocated purely on the basis of meeting a 10% threshold. The policy is also dependent upon smaller sites being promoted and being made available; which may not occur. As a result, such a requirement needs further qualification to avoid unintended adverse impacts from arising. It may be more appropriate to state that *'at least 10% of smaller sites (0.5ha or less) shall be given priority for allocation, where all other material considerations are satisfied'*.
- e) Subdivision of large sites is likely to be influenced by a number of criteria, including outstanding legal issues, speculative land value objectives and finances available to maximise these objectives. Local Authorities may be able to assist with resolving legal barriers, particularly where these relate to planning obligations/conditions which prevent land from being released earlier. However, where compulsory purchase orders are necessary, it is considered that the Homes Community Agency (HCA) will be better positioned and resourced to facilitate the sub-division of large sites. It is therefore considered that greater emphasis could be given to partnership working between the HCA and Local Authorities with the HCA offering peer support and back to back funding.
- f) Evidence prepared by PAS indicates that Local Development Orders (LDO's) are more commonplace and successful with respect of employment uses, with no local authorities reported to have employed LDO's for new residential build (2014). Their success is mixed, depending on the number of conditions and whether development is bound by planning obligation. The advice note states *"The formal application system, to a greater or lesser degree, is replicated by the requirement on a developer to confirm compliance with an LDO, as well as the imposition of detailed conditions, which in a great many cases required ongoing and prior approval. This is not really taking development out of the planning system, or indeed greatly reducing planning controls, it is instead a lessening or easing of planning control"*. If Local Authorities are to be 'encouraged', appropriate financial support to undertake preparation work for LDO's should be made available.

With regard to the use of area-wide design codes, it is agreed that this proposal will improve coherence between existing and new development and maintain/raise

standards of design, however, caution needs to be applied to ensure that design codes do not adversely impact on viability or inhibit development.

Question 9

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

Response to Question 9:

Through the North Northamptonshire Joint Core Strategy, Policy 14 identified Deenethorpe Airfield Garden Village as an Area of Opportunity, which is one approach to streamlining the planning process allowing a masterplan and subsequent planning application to be confidently progressed in fulfilment of Policy 14.

The majority of the SUEs in North Northamptonshire have planning permission and Design Codes in place. Within this context, it is considered that there are opportunities to provide plot-based guidance through the use of co-ordinating codes (i.e. on development Parcels within the SUEs). The use of these Codes is considered to be a much quicker mechanism than the use of LDO's as it would set out the implication of the Design Code for the specific development parcel.

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?

Proposed Response to question 10:

a - f)As this authority (or neighbouring authority) have no Green Belt restrictions within its authority area, it is proposed that no comment is made on these consultation questions.

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?

Proposed Response to Question 11:

As this authority (or neighbouring authority) has no Green Belt restrictions within its authority area, it is proposed that no comment is made on these consultation questions.

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?

Proposed Response to Question 12:

- a) This proposal is considered positive, as it will be a necessary data requirement for Neighbourhood Plan Groups if they are to allocate housing sites in order to meet identified local need. It is highlighted however, that Question 3 (b) talks about using a standardised approach to assessing 'housing requirements' as a baseline for a five year housing supply. The exact data requirements necessary to fulfil the standardised approach are currently unknown, but it may have potential cost implications on local authorities and should be a consideration if this proposal is progressed.
- b) Agree in principal, however, there needs to be an interim measure whilst local /neighbourhood plans are still emerging, which relies on broader assessments of good design based on existing cues within the local area and design guidance set out in the NPPF and other nationally endorsed guidance such as Building For Life.
- c) Paragraphs 188 and 189 of the NPPF already emphasises the importance of early pre-application discussions between the applicant and local authority. Specific emphasis for discussions on design and types of homes to be provided should already be identified through the requirement for local authorities to make available 'housing requirement' information and design expectations within local and neighbourhood plans. Further emphasis may not be necessary.
- d) Disagree. Design codes and other design guidance will not cover every aspect of design for the simple reason that it could end up being too restrictive and stifle innovation or prevent development coming forwards due to being overly onerous. As a result, design codes tend to address broader principles. A development proposal may therefore comply with a number of overriding design principles but also incorporate other elements of very poor design. To avoid such schemes from being approved, it is

recommended that final discretion be left to the local planning authority, and that this change is not made.

- e) Agree. National design standards will help give more weight to design requirements, and lessen the likelihood of challenge to locally set standards as adopted standards would be nationally applicable. They will also assist during transitional periods where design guidance in Neighbour or Local Plans is not currently available following update to the NPPF.

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?

Proposed Response to Question 13

- a) This statement appears to advocate the delivery of higher density developments as a broad measure to land shortage issues. This would only be acceptable where development proposals respond to the existing character of the area and incorporates good design. Any amendment to the NPPF also needs to accord with the Written Ministerial Statement of 12.12.16 referred to on page 37 the Housing White Paper, in order to avoid undermining Neighbourhood Plans. In particular, reference needs to be made to 'significant lack of land supply' to provide consistency, and define what is meant by this phrase (e.g. is significant lack of land supply measured against the triggers set out in the housing delivery test, or through the Secretary of State's annual 5 year housing land supply process, or by some other means?)
- b) Agreed, subject to proposal 13 (c) being implemented and subject to displaced uses being provided within the locality where these remain viable (unless demonstrated otherwise), in order to preserve the presence of services required to serve sustainable communities.
- c) Agreed.
- d) Disagree. Where existing needs assessment identifies that facilities require enhancement, and new facilities are not being provided, those facilities should be enhanced where this is necessary to mitigate against the impacts of the proposed development. Where a proposal is unplanned (i.e. windfall) then the onus should be on the developer to update the existing needs assessment to reflect the additional impact of their proposal, and set out required enhancements/provisions which could then be

tested and assessed. If this view is not upheld, there is a strong risk of creating unsustainable and undesirable communities which have insufficient open space, infrastructure capacity or quality, and permitting development which does not adequately mitigate the impacts it creates.

Question 14

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

Proposed Response to Question 14:

Minimum densities should be considered in locations close to main public transportation hubs and town centres where existing facilities should also be considered to help support the ongoing use of public transport services and support these new evolving communities. Density standards should be measured on dwellings per hectare and should accord as a minimum with the average densities already present in the immediate area so that new development accords with the existing character of that area; this will also enable aspirational densities to be increased further subject to the character of the area being maintained, and infrastructure being able to support the development.

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)?

Proposed Response to Question 15:

Agree that the delivery of additional homes on public sector sites or in urban locations in general, subject to this not undermining a local authority's business plan or strategy under the General Power of Competence introduced through the Localism Act 2011.

In terms of the tools available to facilitate this policy, Permitted Development Rights (PD) are more complicated to target and can give rise to undesired effects, such as the loss of positive uses or delivery of new uses in inappropriate locations. If LPA's remain free to use Article 4 direction to remove PD rights from locations where the impacts would not be desirable, then these concerns may be able to be overcome. However, new development would not be subject to legal agreement and associated financial contributions necessary to mitigate against development impacts (particularly where PD rights enable multiple units to be brought forwards on a single site or group site) could not be secured. PD provision should therefore involve a prior notification process which would enable LPA's to scope the need for planning obligation and require this to be provided where appropriate.

Local Development Orders (LDO's) enable a more focused approach to the location of specific development, although uptake of these powers requires political will; incentives to utilise LDO's should be considered particularly as they are resource intensive to prepare and implement with the cost borne by the local authority rather than the developer.

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?

Proposed response to Question 16:

- a) Disagree. Kettering Borough Council is currently assessing its housing land supply with a 5% buffer. There doesn't seem to be any justification for why the buffer should be 10% if it is agreed annually and fixed for a 1 year period. It would be more consistent to use the buffers currently set out within paragraph 47 the NPPF.
- b) Agree. This will help reduce the likelihood of challenge by appeal on the grounds of a 5 year land supply dispute. It would also make sense that this work is undertaken by the Planning Inspectorate due to their role in determining planning appeals , as this would provide a degree of consistency over the decision making process.
- c) The Inspectorate should make an assessment on the supply figure alone if the Local Authority adopts the standardised methodology which is to be set nationally, and particularly if the 5 year housing land supply figure has already been agreed on an annual basis.

If the standardised methodology is not being used by the Local Authority, then the focus of the Inspectorate should be on both the robustness of the approach to the land supply position and the supply figure which has been calculated using the said methodology. If the methodology used by the Local Authority is not considered robust, then the Planning Inspectorate should provide reason why this is the case and calculate the Local Authorities housing land supply figure using the standardised methodology.

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?

Proposed Response to Question 17

- a) At present, it is not possible to identify what proportion the 'sharing' of local housing need would be for a particular Neighbourhood Plan Area as the method for calculating 'share' is not defined. A clear definition should be made available so that a proportionate share can be correctly calculated..

In addition, it should be confirmed that any additional allocations for potential housing sites within a Neighbourhood Plan above that required to meet the identified housing need figures set out in the Part 1 Local Plan are not penalised through under-delivery sanctions if they do not come forwards due to their status as 'additional allocations'. Subject to this, this proposal is supported.

- b) Disagree. The Written Ministerial Statement of 12.12.16 states that Neighbourhood Plans will not be considered out of date unless there is a 'significant' lack of housing land supply across the wider area. This has been defined further as being where all of the following criteria apply:
- This written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
 - the neighbourhood plan allocates sites for housing; and
 - the local planning authority can demonstrate a three-year supply of deliverable housing sites.

However, the Housing White Paper proposes an alternative test relating to 'housing delivery' instead of housing land supply test. As a result, a Neighbourhood Plan may be sound, and make sufficient allocations, yet housing delivery may lag for reasons outside of the local authority or neighbourhood plan group's control. As a result, this proposal would open up non-allocated sites for consideration by appeal and put pressure on Neighbourhood Plans across an entire local authority area.

This removal of protection for Neighbourhood Plans as a result of delivery failure rather than housing land supply failure does not ensure local communities have more say over what happens in their area as set out within paragraph A.82 of the Housing White Paper consultation.

If this proposal is to be progressed, it is recommended that it is amended so that only those parts of a local authority area where under delivery occurs lose protection of the Neighbourhood Plan covering that specific area, rather than protection to Neighbourhood Plans being lost across the entire local authority area.

This would enable neighbourhood plan groups to maintain integrity of their plans as well as integrity of the wider Development Plan where delivery is failing elsewhere within the borough. This would better take into account sustainability assessments relating to each settlement, the settlement hierarchy, and result in better protection to neighbourhood plan areas.

- c) The requirement for housing sites to be allocated by the Neighbourhood Plan in order to be protected (as set out within the WMS) is supported, where they are required to meet part of the objectively assessed identified housing need.

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.

Proposed Response to Question 18

- a) An appeal fee should be significant enough to discourage speculative appeals, (perhaps set at equal to the planning fee).. However, the current planning application fee schedule will also need to be reviewed, given that applicants currently benefit from a second free go for applications for similar proposals made within 12 months of determination of the last application.
- b) A sliding scale of appeal fees could be applied based on how the application is determined, i.e. written representations, informal hearing , or public inquiry, which could either be a standalone charge, or used as a multiplier of the original application fee charge.

Fees could also be based on the number of reasons being challenged, which would be directly linked to the number of refusal reasons set out on the decision notice. This would ensure that the cost of determining individual appeals reflects the complexity of the application, and encourages more straightforward appeals to be submitted. This could be coupled with sliding scale (multiplier) approach depending on the method used to determine the appeal e.g. Written representations (fee category 1), informal hearing (fee category 2) , or public inquiry (fee category 3).

It would seem reasonable to consider that a fee refund policy on the basis of the appeal success would encourage valid appeals and offer a fair and reasoned approach to the appellant.

Perhaps if LPA's have agreed with PINS that they do not have a 5 year supply and this is given as the ground for appeal, then an appeal fee is waived where a principle of development reason is given within the refusal decision notice.

A fee cap is not considered appropriate, particularly bearing in mind speculative appeals lodged purely on the grounds of 5 year supply. If there is scope for all or part of this fee to be retained by the authority, this will be beneficial and help offset the costs of defending decisions.

- c) Agreed. As set out above (Q18b), a sliding scale approach could be applied dependent on the number of refusal reasons (fee per refusal reason), and the method requested to determine the appeal (Written Reps, Informal Hearing or Public Inquiry). Due to the complexity of listed building applications, although there is currently no planning fee for listed building applications, it is considered appropriate to apply an appeal fee to appeals against refusal of listed buildings as they often require expert advice (sometimes to be brought).

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?

Proposed Response to Question 19:

Agreed. Setting a requirement at a national level will provide the required indication to developers that broadband requirements are a priority and need to be incorporated at an early design pre-application stage before initial planning permission is being

considered. It would be positive if NPPF amendments also include minimum requirements for developers so that these matters can be more easily secured at application stage. It should be borne in mind however, that applying further requirements at application stage may add to cost associated with obtaining planning permission. In the absence of a national steer on digital infrastructure, local policies which seek the provision of next generation broadband are likely to be very much aspirational.

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

Proposed Response to Question 20:

- a) Agree.
- b) The approach proposed makes sense in terms of making the most from infrastructure investment, but it is imperative that new infrastructure is delivered in the locations where there is an identified need which is informed through the planned delivery and growth of identified housing need, to ensure that housing remains the lead for infrastructure delivery, rather than a response to it.

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?

Proposed Response to Question 21:

- a) Agree. However, the problem is that these details are indicative only, and cannot be enforced. The Neighbourhood Planning Bill states that '*pre-commencement planning conditions are only used by local planning authorities where they have the written agreement of the developer*'. It is considered that this would create an iterative process which should help refine planning conditions so that delivery is not delayed yet appropriate conditions are still applied to secure effective mitigation. As a result, it is

therefore considered more useful for the proposed start date and build out rate information to be provided during a window following a resolution to grant planning permission together with proposed heads of terms for conditions to be discussed (similar to section 106 process). This may provide opportunity to include build out rates within the S106 agreement.

If delivery rate and start date information is provided in this context, more reliance can be placed on the information, as the developer provides this information in the full knowledge of how planning conditions/legal agreements may affect delivery. In turn, should the LPA be challenged for failing to meet the delivery test, this information could be used to justify why 'a presumption in favour of sustainable development' should not automatically apply as it will be demonstrated that under delivery falls outside of the control of the determining authority.

It should be noted that even if developers set out start date/build rates early and local planning authority's work with developers to be remove barriers, later in the process viability issues or funding infrastructure gaps could emerge or other factors not predicted at the planning application stage which affect a developer's ability to start or continue to deliver which could be outside the control of local planning authority. Local planning authority's failure to deliver sites outside of their control is an unfair element. Developers should face penalties if they control sites and do not bring them forward if there are not justifiable reasons for this.

- b) Agreed. This information would be useful for the aforementioned reasons. In addition, if it is made a legal duty on all developers to notify the local planning authority of build out rates and completions, this would put the onus for housing monitoring on to the developer rather than the planning authority, providing significant efficiencies to local authorities by saving the need to visit each property to establish whether it has commenced, under construction, or completed as part of Annual Monitoring work. For such a duty to be useful, information must be provided in a timely manner which the duty should specify and have legal implications if incorrect information is provided. As a result, the duty would need to be addressed through a Regulatory mechanism.
- c) Agreed. This information is then transparently available to all parties, informing developers of the local authority's position prior to submitting a planning application.
- d) Agreed. Aggregate build out rates will enable local authorities to test build out rates indicated by developers at application stage, and better understand the rate at which housing delivery is likely to occur and make its own predictions in order to deliver a more robust Development Plan. This information should help with monitoring the 5 year housing land supply and predicting impacts on the new housing delivery test. The proposed duty will need to define what constitutes a 'large housebuilder' in order to the correct information to be provided.

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?

Proposed Response to Question 22:

Disagree. If housing applications are refused on the basis of a poor developer's track record, this will do nothing to speed up delivery of houses, but may in fact act to slow housing delivery as resources may already be tied up in sites, which then do not become released for development by a competitor. As a result, the proposal will not address the underlying issue which forms the basis of the 'housing delivery test'. If applications are refused purely on the basis of developer poor track record, local authorities are more likely to fail to deliver their identified housing need and face sanctions set out in the housing delivery test. To actually achieve delivery of houses on unimplemented permissions or stalled sites, it is considered that a fiscal measure is required such as taxation (e.g. council tax) on permitted housing units either once a planning permission is implemented or after a set timeframe. This will encourage developers who have sought to preserve planning permission to deliver houses in a timely fashion.

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.

Proposed Response to Question 23:

This question raises the same issues given in answer to question 22. In addition, an applicant for planning permission may not be the same entity as the end developer, particularly if they are an agent, shell company or land speculator. This makes this policy proposal difficult to implement. Critical to this policy proposal would be the completion of a landowner database which includes information relating to land options. In addition, new company structures may operate differently to existing companies with a poor track record, and may therefore be prejudiced by such a policy. Furthermore, it needs to be defined what the baseline for a 'track record' is. Is it national, regional or local performance?

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?

Proposed Response to Question 24:

If this change is put into place, volume housebuilders may react by diversifying into smaller scale sites to circumvent this requirement, and put increasing pressure of small and medium sized house builders to enter the market through the development of smaller sites. This measure also discriminates against volume house builders, when small and medium sized house builders may potentially also not deliver housing sites in a timely manner.

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.

Proposed Response to Question 25:

Agree. There needs to be more focus put on developers to commence delivery. Bearing in mind that a 72 dwelling 100% affordable scheme within the Kettering Borough was recently delivered within 15 months from approval of reserved matters (24 months from outline) it would appear that more rapid delivery should be possible through the private sector. The requirement being placed on Local Authorities through the Neighbourhood Planning Bill for pre-commencement planning conditions to be agreed with developers prior to granting planning permission, this requirement should also help facilitate prompt delivery. However, the White Paper is silent on how the delay in implementing an outline planning permission will be addressed. Further consideration also needs to be given to amending the definition of 'implementation of a planning permission', so that it relates to individual plots only rather than entire permissions, so that the digging of a foundation on a single plot does not preserve the permission for an entire site in perpetuity.

In terms of SME developers, it is likely that financial considerations may be more sensitive to timing pressures. Given the costs associated with submitting a planning application (planning fee, plans, supporting documents) a shorter implementation timeframe may discourage applications being registered.

It is highlighted that current national planning fees make it more expensive (per unit) to deliver a site under 50 dwellings, than above 50 dwellings, which becomes significantly cheaper for large scale developments beyond 50 dwellings (per unit price). For example a planning fee for 50 dwellings is 76% of the fee for 100 dwellings (rather than 50% to achieve parity), or 52% of the planning fee for 200 dwellings (rather than 25% to achieve parity). As a result, the current fee structure disadvantages SME's and may be discouraging them from bringing forwards small/medium sized housing sites when compared to bringing forward a large site typically targeted by national house builders. If these planning fees are to be increased by 20% as proposed in the Housing White Paper then this squeeze SME builders further. These points are raised to ensure that the issue of implementation timeframe is not considered in isolation of other factors which may be influencing the delivery of housing.

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?

Proposed Response to Question 26:

It is widely recognised that completion notices have limited effect. Currently, the legislation surrounding completion notices does not require completion of the development but merely encourages the completion of development through the threat

to withdraw planning permission. *The Library of the House of Commons Standard Note: SN/SC/944 – Planning: Uncompleted Development and Derelict Sites*, acknowledges that it is not in the interests of developers not to complete sites, but failure to complete is often because the developer has run out of money. It is plausible however, that private developers are delaying development to control the release of housing in order to maximise the market value of the land, as well as manage finances. However, based on recorded profits of certain volume house builders, evidence would be required to demonstrate the latter. This is most obvious when comparing private sector housing delivery against affordable housing delivery where sites are quickly developed and made available quickly [as per the case referred to in response to question 25]. A report by Sheffield Hallam University (*Profits Before Volume? Major Housebuilders and the crisis of housing supply*) hypothesises that volume house builders are operating a *'process of financialisation, in which maximising shareholder returns takes precedence over increasing output or improving productivity.'* As a result, changes to the completions notice process are likely to have limited affect, without the resources (financial and skills) to pursue Compulsory Purchase (CPO) of land. It is also likely that the timeframe involved in serving a completion notice, CPO the site, grant planning permission again and find a new developer and get to deliver housing will be a lengthy process which is unlikely to speed up housing delivery.

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?

Proposed Response to Question 27:

We are unable to comment on the impact on lenders willingness to lend as a result of serving a completion notice. Comments relating to the effectiveness of completion notices is already stated in response to question 26 of this Consultation. The overriding issue is to encourage delivery. If the Completion Notice process has limited effect, it is felt that sites will remain undeveloped, and whilst remaining under the same ownership or control, it is likely that sites will remain unavailable for development by third parties.

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?

Proposed Response to Question 28

- a) Agree.
- b) Agree.
- c) Agree.
- d) The monitoring start period proposed has implications for sanctions set out in question 29 of this consultation. In typical appeal situations where failure to deliver housing need is challenged, a period of ten years may be considered appropriate to assess whether a local authority has persistently under-delivered in its housing commitment.

On this point, Paragraph: 034 Reference ID: 3-034-20141006 of the NPPG states '*The factors behind persistent under delivery may vary from place to place and, therefore, there can be no universally applicable test or definition of the term. It is legitimate to consider a range of issues, such as the effect of imposed housing moratoriums and the delivery rate before and after any such moratoriums. The assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle*'.

Although a shorter time period will result in a more responsive planning system, it will fail to take account of outlier situations which may dampen down delivery. As a result, it is recommended that a mid-term baseline period of 5 years is proposed to be more appropriate, in order to optimise responsiveness of the Development Plan and dampen down the effects of annual over/under delivery. A 5 year baseline period is also more in line with the review cycle requirement for Neighbourhood Plans and Development Plans.

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%?

Proposed Response to Question 29:

- a) The proposed trigger does not provide any time for local authorities to react if it is found that their delivery rate falls below 95% of their authority's annual housing requirement, as the baseline monitoring period has already passed. It is considered that the first baseline period should be slipped backwards 12 months for this reason. This will also provide sufficient time for revisions to the NPPF and all new guidance to be published, and additional policy/legislation being made available. In the event that the initial baseline period remains unchanged, some form of transitional period should be provided to protect LPA's from speculative development, particularly where it is found that an action plan is required to be produced. Notwithstanding the above, it is also considered that the Government should reserve the power to suspend and modify the percentage triggers to take account of national and local circumstances and to ensure primacy of the plan-led system nationally (for example in the event of another recession).
- b) For the same reason as given in answer to question 29 (a), some local authorities may be at immediate risk of needing to provide a 20% buffer on their five year housing land supply. It is unlikely that identifying a 20% buffer will be achievable for some local authorities by November 2017 particularly given that details are still emerging from the White Paper Consultation regarding the methodology for the housing delivery test and the requirements of the proposed action plan associated with a below 95% under-delivery rate.

As a result, if local authorities have already failed to comply with this baseline, it is likely that they will be immediately at risk from speculative development on the grounds of lack of 5 year housing land supply, due to the White Paper amendment to the NPPF. As housing allocations could take up to 2 years for a simple plan to come forwards (allowing sufficient time of the various stages of consultation), it is considered that some additional measure is required over this transition period to prevent speculative development from being considered favourably on the grounds of this recent amendment. As a minimum, it is also recommended that implementation of this trigger be delayed accordingly, in order to allow local authorities sufficient time to react.

- c) Agree where it is demonstrated that the local authority has failed to delivery annual housing requirement under normal conditions, however, local planning authorities should be able to demonstrate that if the shortfall is due to circumstances outside their control (e.g. a national or international economic downturn), and they have made every positive effort to ensure that housing in their area is delivered, then the presumption in favour of sustainable development should not be applied. It is considered that the Housing Delivery Test as proposed unfairly places the consequences of under-delivery with the local planning authorities and provides no basis to recognise that additional factors exist (national, regional or local) which may be beyond Council control. This needs to be addressed when finalising delivery-test proposals.
- d) As above (question 29 c)

- e) As above (question 29 c).

Question 30

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

Proposed Response to Question 30:

Capacity and expertise within local planning authorities will be critical to increasing housing delivery. The White Paper contains a range of proposals, which will require implementing. Resources are an issue in each local planning authority and the scale of the work involved and knowledge required is not always available in-house. On occasions, external consultants are required to deal with areas requiring specialist expertise, which places demands on the planning department's budget.

Additional funding to increase capacity within the local authorities and planning departments is therefore critical in increasing housing delivery. The announcement to enable local authorities to raise their planning fees by 20% to re-invest, is therefore welcomed.

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)?

Proposed Response to Question 31

- a) The revised definition expands on the previous definition of "intermediate housing". We welcome this additional clarity, but do have some concerns about the inclusion of the new tenures of "starter homes" and "affordable private rent housing". It is our view that there should be an additional caveat which states that affordable private rent housing can only be used to satisfy the affordable housing obligation on build to rent schemes. This would prevent developers of ordinary section 106 sites from bypassing the use of a Registered Provider. It is important that, wherever possible, affordable rented housing is available to those who are on the Council's waiting list for housing and is managed by organisations that are able to work in partnership with the Council. Ensuring that this is the case would be much more difficult if the tenure of affordable private rented housing was allowed to be included on all section 106 sites.

The starter homes product differs from all other tenures included with the affordable housing definition in that there is no provision for the product to remain discounted for future eligible households or for receipts to be recycled for alternative affordable housing provision. Even with an income cap (which is discussed in more detail later) starter homes will not meet the needs of those households who cannot afford to buy a home

locally. We believe that the extra weight given to other tenures such as “discounted market sale” and “intermediate housing” within the definition gives sufficient flexibility to provide a range of options for those who would wish to own their own home but in a way that protects the future affordability of those homes.

- b) We welcome the addition of an income cap for starter homes, however the proposed income cap is not appropriate, and excessively high for this area. The inclusion of the income will do little to assist average households who are currently unable to afford local housing. The average house price in Kettering is now £178,748, necessitating a household income of approximately £43,000 based on a 10% deposit and 3 x household income. 80% of households in the Borough have an income of less than £45,000. The average household income is £36,291, achieving a maximum house price affordability of £122,299 falling significantly below current average house prices. Applying a 20% discount, the average house price is reduced to £142,998 which remains in excess of what most households in the area can afford. Given that starter homes can further increase in price as a result of local housing market inflation, it is considered that for the starter home scheme to be truly affordable, a discount should be applied to starter houses which are tied to average local incomes (i.e. discount increases as local incomes decrease). Alternatively, the income cap needs to be reduced significantly to reflect local average household incomes, however, the houses will remain unaffordable owing to the insufficient discount applied.
- c) The addition of “affordable private rent housing” to the affordable housing definition is useful in the context of build to rent schemes. Allowing developers of build to rent homes to satisfy their affordable housing obligation by providing discounted private rents will help to simplify the negotiation process on these schemes. It will also assist households who may not be eligible for traditional “affordable rented housing” (because they do not qualify for, or are not a high enough priority on, the Council’s waiting list) but who are nevertheless struggling to afford a full priced market rent. With one management company for the whole scheme, it will also mean that the affordable private rents can be scattered throughout the site to achieve a mixed community. The fact that eligibility will be determined with reference to local house prices and local incomes is welcomed, as it means the product can be properly tailored to meet the needs of local people. We do believe, however, that a caveat should be included within the definition to state that affordable private rent housing can only be counted as affordable housing on build to rent sites. This is to prevent developers on normal section 106 sites from bypassing the use of registered providers. S106 developments have been a key source of traditional affordable rented housing in the Borough and it is important that we are still able to secure this much needed tenure wherever possible.
- d) We agree that there should be a transitional period. The transitional period will allow LPA’s some time to factor these new products into the plan making process, and identify local need before developers start requesting to provide these products. However, whilst the lead time is sufficient to update an evidence base to be treated as a material consideration, it is likely to be insufficient for incorporation into a plan update, due to lead in times associated with the plan making process. As a result, it is considered more appropriate to apply a transitional period of April 2019 to accord with recommendation set out in answer to question 29.

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?

Proposed Response to Question 32

- a) This proposal has the potential to over-complicate the process of agreeing affordable housing contributions and could undermine existing policy. In Kettering, we have a requirement for 30% affordable housing on sites of 15 or more units and the percentage is reduced to 20% on SUEs due to the additional infrastructure burden. Our needs assessments have demonstrated that there is a greater need for rented housing than there is for affordable homeownership products. This is due to low household incomes and increasing house prices. The tenure split we would typically achieve on a section 106 site is a split of 70% rent to 30% affordable homeownership (usually shared ownership).

If we apply this tenure split on an ordinary 106 site of 100 units, as an example, the effect of the above proposal is as follows:

100 units

30% affordable = 30 units

Of the 30 affordable:

70% affordable rent = 21

30% affordable homeownership = 9

However 10% of the whole site (proposed to be affordable homeownership) = 10 units. This means that one rented unit has to be lost to meet the requirement for 10% of the entire scheme to be affordable homeownership.

This does not seem to be a great loss until the effect across a SUE is considered. Our largest SUE consists of 5,500 homes. If we apply the above policy to this the effect is significantly greater:

5,500 units

20% affordable = 1,100 units

Of the 1,100 affordable:

70% affordable rent = 770 units

30% affordable homeownership = 330 units

10% of the whole site (proposed to be affordable homeownership) = 550 units

This means that 220 rented units would have to be lost to satisfy the requirement for 10% of the whole site to be affordable homeownership. This changes the overall tenure split of the affordable housing from a 70/30 split to a 50/50 split on a SUE and undermines the policy which has been formulated by taking local incomes and housing market data into consideration. The number of affordable homeownership units on a site should reflect the need for those homes locally, rather than be provided in the form of a blanket policy which applies across the country. There is a risk that a prescriptive policy could stifle delivery if properties are built for which there are not a sufficient number of buyers.

- b) Again, this contradicts the thresholds which have been set locally by objectively assessing need and site viability. By virtue of the NPPG, sites with a yield of 10 dwellings or less (or a combined floor space of 0.1ha) cannot be made subject to affordable housing/tariff style contributions; this policy guidance was backed up through a Court of Appeal decision on 13 May 2016. As a result of the white paper proposal, development of some smaller sites which are capable of yielding more than 10 dwellings but are less than 0.5ha would not need to contribute towards affordable housing provision. Given para 1.33 of the White Paper states at least 10% of the sites allocated for residential development in local plans should be sites of half a hectare or less, this will result in at least 10% of housing allocations not offering affordable housing provision of any kind if the latter proposal is implemented. Within Kettering Borough, these sites are typically located within rural areas where housing costs are more of a premium; this proposal will therefore make it more difficult for affordable housing to be provided within rural areas.

Question 33

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

Proposed Response to Question 33:

As stated in response to Questions 32 (a) and (b) we have several concerns about this proposal. If it is to be applied then we agree that it should not apply to dedicated supported housing schemes and build to rent schemes. We would also suggest that it is not applied to sites built wholly by or on behalf of registered providers (including local authorities building within the HRA). These sites should reflect local need and are vital in providing more specialist house types which are more difficult to obtain on s106 sites (e.g. accommodation adapted for elderly and disabled people, bungalows and larger family homes).

Question 34

Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?

Proposed Response to Question 34:

Agree. This Housing White Paper highlights a case law decision which negates the need to assess development proposals for sustainable development prior to applying the presumption of sustainable development as a result of the current wording of the

NPPF. It is considered appropriate to add further clarity to the matter as proposed. However, in addition, it is considered necessary for the NPPF to be even more explicit and set out a requirement for all development proposals to be assessed for sustainable development prior to application of the presumption, in order to alleviate existing concerns.

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?

Proposed Response to Question 35

- a) Agree, as rising temperatures are a valid element of climate change which requires adaptation through the planning system, regardless of their cause.
- b) Agree. Inclusion of this proposed policy change will assist with negotiating enhancements to development proposals to ensure that good design also includes measures to address climate change.

Question 36

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

Proposed Response to Question 36:

Agree

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?

Proposed Response to Question 37:

Disagree. Although the impacts from existing uses need to be mitigated by newly introduced development, any subsequent proposals by those existing businesses/uses to intensify, expand or diversify their activities which give rise to further additional impacts on the more recently introduced development / neighbouring land uses, should then set out how they intend to mitigate the new impacts on these new uses. Existing businesses and uses should not be able to apply a carte blanche approach to new development associated with their pre-existing activities purely because they pre-existed. Any new impacts resulting from new development must each be assessed independently and mitigated accordingly where appropriate.

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?

Proposed Response to Question 38:

The Written Ministerial Statement (WMS) took immediate effect upon its release except where planning applications were already in the planning system and local planning authorities had not designated areas for wind energy development. The WMS influenced the interpretation of the NPPF through planning appeals determined by the Secretary of State by virtue of footer 18 in paragraph 98.

This gave rise to great uncertainty to both developers and Local Planning Authorities at the time. It is considered that although allowing a transition period would provide a time frame over which developers may be able to adapt to new directions, without clear interpretation of other matters such as the phrase referred to in para A143 of this consultation, a transitional period is not beneficial. Furthermore, due to the time taken for some wind energy developments to be determined, a transition period runs the risk of introducing greater uncertainty and prolonging the period of uncertainty particular when such applications may not be determined within the standard time frame. As a result, it is recommended that no transition period should be included.

- END -