



Association of Directors of
Environment, Economy, Planning & Transport

- by email

Rupert Clubb
Director of CET / ADEPT President
East Sussex County Council
County Hall
St Anne's Crescent
Lewes BN7 1UE

2nd May 2017

Dear Sir / Madam

ADEPT response to the Government's consultation on '*Fixing our Broken Housing Market*' White Paper

1. The Association of Directors of Environment, Economy, Planning & Transport (ADEPT) is an active and growing organisation, with membership up 30% in the past year. Our members are drawn from 'Place' Directors in upper tier local authorities, Local Enterprise Partnerships (LEPs) and commercial partners. Partnership is at the centre of everything we do, working to solve complex political and policy problems while constantly looking for innovative solutions. We develop the policies and initiatives that we take to Government, representing the views of our members to Whitehall and Westminster, working alongside key Government departments and agencies.
2. We welcome this opportunity to respond to the Government's consultation on the White Paper '*Fixing our Broken Housing Market*'. We'd like to make some general comments before responding to the detailed questions set out in the consultation.
3. ADEPT fully supports the government's aspiration to deliver housing. Before responding to the Housing White Paper (HWP) in detail, ADEPT would like to set out three key aspects upon which it can assist government:
 - a) A strategic approach to planning and infrastructure is fundamental to delivering the government's ambition for housing development. We work to get the balance between social, economic and environmental objectives, and are at the heart of creating vibrant sustainable places for all.
 - b) Viability is a vital consideration in delivering the housing needed. There must be transparency about the viability of development, and the issues of land value capture must be properly and fully addressed. It is not just about the costs of delivering housing but also in terms of the burden on local authority budgets of housing schemes once built.
 - c) ADEPT members are at the very heart of maximising sustainable growth in communities throughout the UK. We are delivering projects and initiatives that are unlocking broader economic success and creating more resilient communities, economies and infrastructure. We would extend to government the offer of working together to take forward the HWP Paper and exploring what initiatives might achieve our shared aspiration of providing sustainable homes and places our communities need.

4. It is understandable that the emphasis is on boosting the quantum of housing. However, this should not be at the expense of delivering high quality places and homes where people want to live and work. Transport infrastructure and housing delivery must be aligned more effectively.¹ We encourage the government to make sustainable development its priority. The National Planning Policy Framework (NPPF) says that the purpose of the planning system is to contribute to the achievement of sustainable development.² It sets out the role for sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages
- moving from a net loss of bio-diversity to achieving net gains for nature
- replacing poor design with better design
- improving the conditions in which people live, work, travel and take leisure
- widening the choice of high quality homes.

5. ADEPT is of the view that any one of those objectives (i.e. housing) cannot be pursued in isolation or at the expense of others. . Creating balanced sustainable communities needs a range of aspects to be successful. In this respect the Association considers that there was a missed opportunity to pull together complementary issues from this consultation and the green paper consultation on 'Building our Industrial Strategy'³, and to emphasise the importance of good quality housing in creating and sustaining economically successful places. ADEPT's response makes this point in its response to the Industrial Strategy:

'Other key government strategies that must be aligned with the Industrial Strategy are the recent Housing White Paper and the imminent 25 Year Environment Plan. The interdependence of these three policy areas – economic, housing and environmental – is essential to the overall strategy of delivering sustainable and inclusive place-based growth.'

6. Sustainable communities cannot be created without the supporting infrastructure, and the support to enable them to grow in an appropriate way over time. The Association welcomes the £2.3bn Housing Infrastructure Fund to support housing need. We recognise that the capital grant programme will open to bids in 2017, with money available over the next four years. However, we would encourage the Government to ensure that the processes and procedures underlying the bid process are as clear and streamlined as possible. It often time consuming and complex for local authorities to submit bids, which if unsuccessful just diminish existing hard pressed resources. We want the new Fund to complement other funding sources so that local authorities can maximise the funding available to them to deliver growth.

7. We would also like more flexibility in the balance of how funding can be used. Often local authorities struggle with revenue budgets whilst having sufficient capital programmes and are unable to capitalise such programmes. The government should take the opportunity to look at how other countries deliver infrastructure, and whether there are other approaches that can offer the UK alternative ways of funding infrastructure through capturing the uplift in land value resulting from the granting of planning permission and public investment being made on or near a piece of land.⁴

8. ADEPT welcomes the willingness to take a broader strategic view of planning for areas greater than individual local authorities, and to consider how the 'duty to cooperate' has worked in practice. We consider that a more holistic and collaborative approach is needed

to deliver housing than just a statutory duty to cooperate. Professional bodies have been calling for this strategic approach to planning for housing for a number of years⁵ and ADEPT supports this change in emphasis. A strategic approach to planning and infrastructure is fundamental to delivering the housing the government wishes to see come forward.

9. It is acknowledged that the Green Belt is a sensitive subject. However, the role and purposes of the Green Belt are not well understood outside the professional planning fraternity. Now is that time to seriously consider how Green Belt policy is optimised to protect the countryside whilst delivering the sustainable development (including housing) that the country desperately needs. There should be a review of Green Belt policy. The government should look at how the five purposes for Green Belts (paragraph 80 of the NPPF) can be reconfigured in the context of sustainable development and to ensure it is a national policy that is fit for the 21st century. For example, social or inclusivity aspects could be factored into the five purposes.
10. The role of utility providers and service planning in delivering housing needs addressing. Too often poor planning by utility companies or a lack of urgency can put a handbrake on achieving timely infrastructure provision and/or housing delivery. The question of viability, in its widest sense, is underplayed in the HWP and demands more attention. This is not just about the impact on delivering housing but also in terms of the burden on authority budgets of housing schemes that are poorly designed, 'valued engineered' to the lowest quality, and poorly constructed. Often local authorities are left to pick up maintenance and repair costs for poor public realm. These legacy issues often place a considerable revenue burden on local authorities.
11. The NPPF recognises the statutory status of the development plan as the starting point for decision making.⁶ ADEPT strongly encourages the government not to diminish the role of the development plan or its centrality to the planning system. If the importance of the development is diminished in the perception of the development industry and significantly, the local community, it will undermine support for planning generally. Any measures to change the NPPF or the role of plans should strengthen the role of the development plan rather than diminish it.
12. The HWP refers to: "*Making more land available for homes in the right places, by maximising the contribution from brownfield and surplus public land*". It says (para 1.24): "*We must make as much use as possible of previously-developed ('brownfield') land for homes – so that this resource is put to productive use, to support the regeneration of our cities, towns and villages, to support economic growth and to limit the pressure on the countryside*"; and (para 1.25) "*Going further, the presumption should be that brownfield land is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk). To make this clear, we will amend the National Planning Policy ...*" Para 1.25 appears to go further than the heading above these paragraphs of 'Bringing brownfield land back into use'. ADEPT would highlight the potential conflict between the drive to increase supply of land for housing and the need to retain and protect key sites for employment use. In terms of maximising use of brownfield land and surplus public land, in particular for house building, one of the justifications is to support economic growth. It is important to ensure increasing supply for housing does not crowd out the supply of land for the important but lower land value use for 'direct' economic development i.e. development and retention of employment sites and premises.

13. ADEPT notes that the Government will examine the options for reforming the system of developer contributions and will respond to the independent review. We would point out that a number of our members have adopted the Community Infrastructure Levy and invested considerable time and resources in its implementation, and any new or replacement system needs to recognise this and to not ‘throw the baby out with the bath water’.

14. The Government’s measures designed to boost resources for Local Planning Authorities is welcomed by ADEPT, given further changes to national planning policies will place additional burdens on planners. Ring fencing of fees sends the right signal that it is important to ensure that planning departments are properly resourced. It’s worth noting that as the proposal relates to increasing fees for applications, the income will only be generated if applications are submitted. The view expressed in the recent Scottish Government consultation is equally applicable to England. The consultation recognises the importance of investing in the planning service. It says that:

‘The planning service must have the resources it needs to deliver the world-class service our communities deserve and our economy needs.’⁷

15. Under-investment in planning services over a number of years has meant an overall decline in numbers of planners and related professionals. This has recruitment implications for those local planning authorities that are currently struggling and therefore looking to recruit additional staff using the increased fee income. It will take some time for additional trained planners⁸ to enter the job market. There is also a real risk that the increased fee income could lead to an escalation of salaries with local authorities competing amongst each other for a limited pool of planning professionals. The proximity to London for a number of local planning authorities escalates the challenge on recruiting suitably qualified planners.⁹ There is a need to support the planning profession in ensuring there is an adequate and timely supply of trained planners, and that there are a number of routes into the profession through degrees, bursaries and apprenticeships.

16. There is also the broader question of a shortage in housing construction skills. There should be a stronger emphasis on promoting apprenticeship schemes and similar initiatives both for the public and private sector. We feel there is an opportunity here to link the HWP with the government’s aspirations within the Industrial Strategy. There is also a risk that labour will be drawn to big projects such as HS2 and Hinckley Point, which both enter main construction phases around the same time (2020). This is a point ADEPT has made most strongly in its recent response to the consultation on the Industrial Strategy:

‘The UK economy is being held back by historic under-investment in both infrastructure and skills. This Parliament has a unique opportunity to start to put this right, and to lay the foundations for the successful global economy for all envisioned by the Prime Minister. This is a long-term ambition that requires joined-up central Government complemented by effective partnerships with local government and other place-based institutions, supported by commitment from the private sector.’

17. ADEPT also supports the Government’s plans to broaden the range of tenures. Local authorities are at the very heart of their communities and ADEPT wants to see more freedoms for local authorities to build and deliver a range of housing.

18. The Government policy to implement a 1% annual reduction in social rent at least until 2020 is a significant issue for Housing Associations and local authorities. This is especially the case in relation to their development programmes, making many of them unviable and felt hardest by sheltered housing and extra care schemes. The lack of affordable housing being built as a consequence is leading to an increase in homelessness nationally, which is costing more to the public purse than any notional savings from the 1% social rent reduction. The affordability gap is becoming a chasm and will soon be unbridgeable for most of the population (especially the young). ADEPT would encourage the government to be bold and go much further in pursuing policies that enable the delivery by local authorities of genuinely affordable housing.
19. The slow churn of housing stock in the second-hand market, with stamp duty levy constraining the market and the need to retrofit large parts of the stock to meet carbon reduction targets, is also an issue that needs addressing. Too much emphasis is given in the HWP to creating new housing stock, which represents a tiny proportion of the overall housing stock, and not on bringing poor quality, unused or under-utilised housing stock back into use by refurbishment, retro-fitting or fiscal incentives. Many properties have been built purely for investment purposes and consideration needs to be given to fiscal measures to discourage such investment. The House of Lords has made some suggestions on approaches in its report *Building More Homes*.¹⁰
20. ADEPT welcomes the announcement of fourteen new garden settlements, and the support for new garden settlements in the HWP. These present an opportunity for exemplars in sustainable development. However the long lead-in times and difficulty of site assembly needs to be reviewed to enable such schemes to be brought forward at a quicker pace. The HWP should be unequivocal about supporting local authorities in building and delivering housing. It should support the removal of restrictions on local authorities' ability to borrow to build homes, and establish a stable long-term financial framework enabling councils to invest. This is a point made by strongly by the House of Lords' Select Committee on Economic Affairs:
- 'The Government must ensure local authorities who wish to build social housing have access to the funds to do so. The current restrictions on the ability of local authorities to borrow to build social housing are arbitrary and anomalous. Local authorities should be able to borrow to build social housing as they can for other purposes. . . .We endorse the efforts of local authorities to innovate, cooperate and enter into partnership with others in the housing sector. We encourage local authorities to share their experience and expertise to ensure the proliferation of successful schemes.'*¹¹
21. The objective of the HWP is to facilitate the delivery of housing. Whilst it contains a number of welcome measures, it places a disproportionate accountability on local planning authorities as part of a process over which they do not have complete control. Even the housing delivery test falls to local authorities to fulfil. For those local authorities that fail it, they must bear consequences. As the HWP states, local authorities, private developers, housing associations, infrastructure providers, mortgage lenders and local communities all have a role to play. Local authorities are ready to work with developers, land owners and communities in delivering well-designed sustainable homes, but there must be more incentive for the development industry to build quality homes with the supporting local services and infrastructure and real consequences where they fail to deliver.

22. We look forward to engaging and contributing to the debate, both nationally and locally. We would be more than happy to expand further on our comments if that would be helpful, either in person or via written correspondence.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a series of loops and a long horizontal stroke.

Rupert Clubb, ADEPT President 2016/2017

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cc. Peter Geraghty, Chair of ADEPT Planning Housing & Regeneration Board

ADEPT responses to specific questions

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?*

23. ADEPT would support this amendment. However, it should be recognized that a range of housing types might be suitable for older people's housing needs and the majority of this could be well designed general needs housing that meets specific housing requirement such as *Building for Life* criteria. We are also supportive of the continuation of the nationally described space standard. By ensuring that new homes are built to baseline Building Regulations Part M requirements, these homes would have sufficient space to enable residents to meet their day to day needs. Such homes are also more capable of being adapted to changes in personal circumstances.

- b) *From early 2018, use a standardized 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?*

24. The introduction of the standardised approach will need to include clear guidelines as to how those local plans that are at an advanced stage, at examination for example, will be dealt with. We want to avoid recently published SHMAs using NPPF / National Planning Policy Guidance having to be re-done provided they meet certain requirements. The Government should clearly set out the methodology requirements that need to be present in SHMAs completed under the old guidance to ensure that they do not have to be undertaken again, but can be reviewed at the next recommended time interval (2 years). For high demand housing market areas, there should be recognition that the SHMA OAN numbers are already set at a significantly challenging high number. Greater importance should be attached to securing a five year supply of housing land to meet this number rather than potentially stalling the process by going back to re-evaluate the need.

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?*

25. ADEPT would be supportive of the aim to maximise the use of suitable land. However, it needs to be clear what is deemed to be significant and demonstrable. This would need to be seen in the context of how the policies in the Framework should operate as a whole.

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?*

26. This seems to undermine the principle of sustainable development and the approach that the appropriate weight to material considerations is a matter for the decision-maker.

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?*

27. ADEPT would be supportive of the addition of Ancient Woodland and aged/veteran trees to footnote 9 of the Framework; but do not necessarily see the need to change the existing approach.

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?

28. Yes, ADEPT would be supportive of this as it should assist in bringing forward publicly owned land for development.

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)?

29. ADEPT is supportive of this in general and anything that would improve and speed up compulsory purchase process. Consideration should be given as to how land-owners such as Network Rail or utility companies can be held to account for not facilitating redevelopment schemes which often require land in their ownership or access of some kind.

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?

30. ADEPT is of the view that estate regeneration contributes significantly to improving the existing stock and boosting supply. However, the additional cost associated with estate regeneration needs to be considered in viability assessments and weighted up against the social and economic benefits. It is important to ensure that such an approach does not lead to the fragmentation and dispersal of existing communities or to a loss of affordable homes. In addition to the social and economic benefits,

national policy should also give consideration to the potential environmental benefits of estate regeneration such as improving resilience to flood risk, enhanced energy efficiency and the opportunity to futureproof communities against climate change. It should also be recognised that such schemes require existing homes to be demolished which reduces the supply of homes, particularly affordable homes, in the short term.

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?

31. ADEPT agrees with this proposal. While we recognise the role of Neighbourhood Plans in potentially identifying and allocating sites, both Neighbourhood Forums and local planning authorities need greater levels of support to deliver this aim. Many organisations preparing Neighbourhood Plans do not have the skills to identify any development and the limited financial resources currently available are unlikely to be sufficient to pay for professional support to cover such complex matters.

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?;

32. ADEPT agrees with this proposal, provided it resulted in sustainable development rather than promoted sporadic dispersed settlement.

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?;

33. ADEPT agrees with this proposal, provided that they are primarily delivering affordable housing.

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?;

34. It very much depends on the nature of each local authority area. There is the potential for a large number of small sites which could be difficult to allocate for development.

e) expect local planning authorities to work with developers to encourage the subdivision of large sites?

35. ADEPT agrees with this proposal but it requires the cooperation of both developers as well as local authorities.

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?

36. The production of design codes and local development orders can be very resource intensive and time consuming for local planning authorities. Their development and preparation requires the input from a range of professionals including planners, urban designers, landscape architects and engineers in order to ensure the delivery of quality outcomes. This is important in the context of properly resourcing local planning authorities to provide sufficient staffing levels. Moreover, design codes do not in themselves ensure that development comes forward more quickly. The use of conditions needs to be given careful consideration (not just pre-commencement conditions). Rather than being seen as a barrier by the development industry, conditions were intended (and should be seen as such) as an opportunity for flexibility and to allow the planning permission to flex with the timetable for development. Why pre-commencement conditions have become so prevalent (apart from the advice in Circular 11/95 promoting their use) is the disregard the development industry has for adhering to them and the subsequent difficulty for local authorities in enforcing against poor development (in breach of conditions). There should be a proper review of conditions so that they are respected and adhered to by the development industry and that their benefit in terms of flexibility and supporting speedier decision-making can be maximised.

Question 9

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

37. The use of national affordable housing standard and design codes could provide a benchmark.

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?

38. This is really a question that should properly be considered through a national comprehensive review of Green Belt policy.

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?

39. This is really a question that should properly be considered through a national comprehensive review of Green Belt policy.

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

40. This is really a question that should properly be considered through a national comprehensive review of Green Belt policy.

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?*

41. This is a question that should be properly considered through a national comprehensive review of Green Belt policy. Proposals brought forward through Neighbourhood Development Orders must still be in general conformity with the strategic policies of the development plan and the parameters set out by legislation.

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?*

42. This is a question that should be properly considered through a national comprehensive review of Green Belt policy. Proposals for boundary amendments brought forward through Neighbourhood Plans must still comply with the strategic policies of the development plan and the parameters set out by legislation.

d) *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?*

43. Agreed in general terms but it doesn't necessarily take account of the variable nature of Green Belt land. This is a question that should properly considered through a national comprehensive review of Green Belt policy.

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?

44. This is a question that should properly considered through a national comprehensive review of Green Belt policy. As challenging as it might be, this is a national policy of strategic importance and should get the level of attention it deserves with all sides being given an opportunity put their views.

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?;

45. It is questionable what benefit this increased detail would bring and the impact on local authority resources to produce it.

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?;

46. ADEPT would generally support this. But it will have resource implications.

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?

47. ADEPT would generally support this.

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

48. ADEPT would generally support this provided good design as not undermined in practice.

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?

49. ADEPT would generally support this.

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?

50. ADEPT would support the efficient use of land but the location and density of development needs to relate well to existing or proposed infrastructure. A thorough understanding of the context to development proposals is needed to ensure that development proposals do not adversely impact on surrounding areas.

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?

51. It is necessary to have a thorough understanding of how new development fits into the range and mix of existing development in an area and to consider the cumulative impact of higher density schemes in achieving mixed and balanced communities. Well designed and appropriately located higher density development can have the benefit of reducing car dependence and supporting public transport and existing facilities as well as extending the range of housing types available.

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?

52. Agreed in principle.

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?

53. Open space provision is not just about the quantity but quality and functionality, therefore some flexibility in provision is appropriate, depending on the particular circumstances of a development proposal.

Question 14

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

54. The appropriate density of any scheme will depend upon a range of factors including the context of the site, the prevailing character and the overall location of a scheme, along with the type of development proposed.

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)?

55. ADEPT would support the intensification / densification of land use on all sites provided it was sustainable development.

Question 16

Do you agree that:

a) Where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?

56. Clarification on how this mechanism will operate would be needed and consulted on before this is brought into operation. However, maintaining the 10% buffer reflects the requirements in the NPPF.

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

57. Agreed.

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?*

58. It is anticipated that if the assessment has been undertaken in consultation with the development industry and infrastructure providers then this would represent a robust position.

Question 17

In taking forward the protection for neighbourhood planning 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 housing need?*

59. In principle, but not all neighbourhoods may be appropriate for housing. Much will depend on the context and locality.

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?*

60. Much will depend on the context and locality. It must be pointed out that the responsibility for completions does not tend to rest with local planning authorities. The delivery test as proposed could undermine confidence in the process from local communities that have permitted sufficient homes which have not been delivered.

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?*

61. Much will depend on the context and locality.

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;*

62. This might be achieved by means of a scale of fees based on size of development.

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

63. The level of fee should address the administrative costs of dealing with an appeal based on an assessment of the costs. This element of the fee would be retained whatever the outcome. Refunds of fees generally add an administrative burden to local planning authorities and often lead to arguments over 'interpretation' that are wasteful of officer time and resources.

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

64. There is scope for lower fees for less complex cases if the system was based on the cost to the local planning authority and the Planning Inspectorate in dealing with appeals. ADEPT would emphasise the importance of keeping these processes streamlined and based on clear guidance to reduce arguments.

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?

65. The production of policies to support the delivery of high quality digital infrastructure can only be delivered with the full cooperation of broadband suppliers. As with other forms of infrastructure, there is a need for the utility companies to work proactively with local planning authorities to plan for and deliver the necessary infrastructure to support growth. ADEPT supports the objective that investment in utilities provision is aligned with local development plans. However, if the approach is to work, it will require high level commitment from the utility companies.

Question 20

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

- *The status of endorsed recommendations of the National Infrastructure Commission is made clear?; and*
- *Authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?*

66. Delivery of strategic infrastructure can take many years to come to fruition. It may not necessarily be straightforward or accurate to identify in a local plan when such development could come forward and there was a clear timetable and funding commitment in place.

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?*

67. While this information would be helpful, the information would have little value if developers are not held to account for the information that they provide or if the decision making process were delayed due, for example, to an appeal or an extended period of time required to sign a Section 106 agreement. The costs of compiling or processing this information should be recouped through planning fee (so any planning fees should reflect this cost).

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?

68. This is welcome but the costs of compiling or processing this information should be recouped through planning fee (so any planning fees should reflect this cost).

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

69. Agreed.

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

70. More detailed house building data including start dates, build out rates for publication in annual monitoring reports is welcome, provided the costs associated with collecting this data can be recouped through planning fee increase.

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?

71. The reality of being able to operate this in practice is fraught with challenges. The decision on a planning application should remain informed by its conformity with the NPPF, the development plan and any other material planning considerations. The objective would be better achieved through another mechanisms i.e. 'use it or lose it'.

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.

72. This would be difficult and onerous to operate in practice. The decision on a planning application should remain informed by its conformity with the NPPF, the development plan and any other material planning considerations.

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?

73. See response to question 23.

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.

74. This proposal could give rise to an additional workload for local planning authorities in assessing and reviewing viability and deliverability exceptions. Local planning authorities are already hard-pressed in terms of resources and access to special expertise. The proposal, if it is to be introduced, should remain consistent for all.

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?

75. ADEPT welcomes this proposal. The costs of any additional burden on local planning authorities should be recouped through planning fee increase.

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 lapsed, but only where works have begun? What impact do you think on lenders' willingness to lend to developers?

76. ADEPT would support proposal but is unable to say what the impact on lenders would be. Whilst the objective is a very good one, the detail of how this would work in practice needs to be carefully thought through. Perhaps this proposal would be more effective if there were a further notice that could be served that would give local authorities either enhanced compulsory purchase powers or the ability to levy charges in a similar way that CIL operates. There is a similar precedent in planning law in the way that a Stop Notice is served on the back of an Enforcement Notice and has more draconian penalties.

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?*

77. This is an acceptable approach.

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?

78. This is an acceptable approach. This response should be read in conjunction with the answer to question 29 below.

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

79. This is the basis of an acceptable approach with net annual completions should be the standard form of measuring housing delivery. However, local authorities should be allowed to provide a narrative on their performance, and explain any anomalies, which distort the figure. For example, a regeneration programme may mean the net figure is artificially low.

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

80. This is the basis of an acceptable approach. This will enable a clearer picture to be gauged. Local authorities should however, be allowed to provide a narrative on their performance and explain any anomalies which may distort the figure.

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%?

81. The circumstances for will vary considerably from local authority to local authority. Even in authorities where there is an appetite and support for growth, there may be characteristics such as tight local authority boundaries, substantial areas of national designation or even physical parameters such as a coastal location that may restrict options for housing growth. It may therefore be the case that 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 may not be appropriate. Housing delivery involves a wide range of actors. Local Planning Authorities do not have all the powers to actually ensure it happens of their own accord. This must be recognised by the proposal to apply a housing delivery test.

82. The imposition of a delivery test does may result in unintended consequences. There is a risk that the concentration on net additions could result in housing that doesn't meet local need, or that are not supported by the necessary infrastructure or access to services, which would be needed to create balanced sustainable communities.

Question 30

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

83. The Government policy to implement a 1% annual reduction in social rent at least until 2020 is causing problems for Housing Associations and Local Authorities, especially in relation to their development programme making many of them unviable. The issue for supported housing is similar, where uncertainty regarding revenue funding makes it difficult to make schemes viable. There is a considerable reduction in the number of genuinely affordable rented homes being progressed. IT is important that rents should be affordable to those on low incomes and that rents set at 80% of market rents should be capped at Local Housing Allowance levels. The London Mayor's proposals of a Living Rent could be explored nationally. Shared ownership continues to provide an option for first time buyers to access home ownership , but extra care homes are becoming increasingly difficult to develop. ADEPT would also welcome the policy change to raise further the HRA spending cap and increase the grant rate on affordable rented housing schemes in return for increased delivery.
84. Housing growth has been at its highest when local authorities have had the freedom to build. ADEPT very much welcomes the Government's intentions to support local authorities in delivering new homes, and in looking at bespoke housing deals with local authorities in high demand areas. Current restrictions on use of receipts make it extremely difficult for local authorities to build homes in any significant numbers, often compounded by the lack of borrowing capacity.
85. The recent announcement of the intention to review the use of Right to Buy receipts to ensure one for one replacement is welcome. However, to ensure enough homes are available which are affordable to local people, this proposal should go much further and ensure funding is available to provide more homes than are currently being sold, to help make up for the long-term loss of rented homes since Right to Buy was introduced. At least some of these should available at Social Rents, for those unable to afford Affordable Rents. Local retention of Right to Buy receipts, greater freedom through Housing Revenue Account and better linkage of rent cap to local markets are necessary to enable greater local authority investment.
86. ADEPT would urge the government to proactively promote measures to address shortage of experienced planners and to promote the profession to future entrants to the job market.

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?

87. National policy as set out in the NPPF requires that local authorities should plan proactively to meet as much local housing need as possible. However, the HWP does not adequately address situations where the local authority is unable to meet this need as set out in local assessments. Typically, this occurs when there is poor viability and greater need for other supporting infrastructure or the type of characteristics referred to above in question 29.

88. It is important that the definition of affordable housing reflects the realities of what households can afford locally, and that Local Planning Authorities can plan for the mix of new housing that meets the needs of their communities. For many households across various housing markets, 20 per cent below market rent or price remains unaffordable. High demand areas such where property prices have risen more markedly relative to average incomes are struggling to meet their affordable need. In the current housing market many affordable housing products are beyond the reach of local people because of the disparity between suppressed income levels and escalating house prices as well as for rent. The concept of a living rent should be considered for low income groups. Although Starter Homes may have a role in the housing market, they should not be included as a form of affordable housing which can be delivered in place of other forms of affordable housing tenure if they are not to be treated as affordable housing in perpetuity. Should the definition of affordable housing be revised as proposed, then local authorities should have flexibility to determine the balance of affordable housing products delivered locally, including rent and home ownership.

b) Introduce an income cap for starter homes?

89. See answer to a) above.

c) Incorporate a definition of affordable private rent housing?

90. See answer to a) above.

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

91. See answer to a) above.

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?

92. Each locality is different and setting out an expectation is welcomed. But it is important that national policy also reflects the need for local planning policies to set an appropriate mix of affordable housing that meets the needs of the area. Allowing flexibility / local discretion for the local planning authority would potentially nullify the policy objective and therefore any reference to exclusions should be carefully worded.

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

93. ADEPT disagrees with this proposal. The requirement should be driven by demonstrable housing need, affordability of market housing and site development viability. Each local authority area is different and many local authorities benefit from a number of smaller sites as opposed to large developments and would therefore, be disadvantaged by this proposal.

Question 33

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

94. See above.

Question 34

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

95. This is not necessary.

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?

96. ADEPT would be supportive of the addition of reference to rising temperatures to the list of climate factors to be considered.

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

97. ADEPT would agree with the proposal for greater clarity in relation to the role of planning policy in supporting the future resilience of communities and infrastructure to climate change.

Question 36

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

98. ADEPT would agree with measures to help clarify the national policy approach to flood risk.

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 from existing development?

99. ADEPT would support such a proposal.

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?

100. That would depend on the impact on any proposals already going through the planning approval or appeal process.

¹ E.g. see http://www.rtpi.org.uk/media/816110/capturing_the_wider_benefits.pdf

² *National Planning Policy Framework*, Department for Communities and Local Government, (March 2012), p. 2.

³ ADEPT's response to the green paper 'Building our Industrial Strategy' can be found at:

<http://adeptnet.org.uk/sites/default/files/documents/Industrial%20Strategy%20response.pdf>

⁴ E.g. see <http://www.rtpi.org.uk/knowledge/better-planning/better-planning-housing-affordability/>

⁵ <http://www.rtpi.org.uk/media/1230885/RTPI-Strategic%20Planning-Brochure%20FINAL%20web%20PDF.pdf>

⁶ *National Planning Policy Framework*, Department for Communities and Local Government, (March 2012), p. 3.

⁷ Scottish Government, *Places, People and Planning; A Consultation on the Future of the Scottish Planning System*, (2017), p. 43.

⁸ E.g. see the following news report on the difficulties in recruiting qualified planners:

http://www.oxfordtimes.co.uk/news/14313922.Councillor_warns_shortage_of_planning_staff_could_result_in_another_quot_Castle_Mill_fiasco_quot/

⁹ E.g. example see the following news item in relation to one local planning authority:

http://www.edp24.co.uk/property/council_offers_planners_golden_hellos_to_attract_them_to_north_norfolk_1_4389326

¹⁰ House of Lords, *Building More Homes*, (Session 2016-17), p. 9.

<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldconaf/20/20.pdf>

¹¹ House of Lords, *Building More Homes*, (Session 2016-17), p. 5 and 8.

<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldconaf/20/20.pdf>