

Housing White Paper
Report by Head of Planning

Summary: This report outlines the recently published Housing White Paper and provides some brief comments.

Recommendation: The report be noted

1.0 Introduction

1.1 On 7 February 2017 the Government published the long-awaited Housing White Paper entitled “Fixing our broken housing market”. The Paper explains that since the 1970s, there have been on average 160,000 new homes completed each year in England. The consensus is that the country needs 225,000 - 275,000 more homes per year to keep up with population growth and to tackle under-supply. The Housing White Paper sets out a broad range of reforms that government plans to introduce to help reform the housing market and increase the supply of new homes.

1.2 The White Paper summarises the Government’s proposals for local authorities as follows:

“For local authorities, the Government is offering higher fees and new capacity funding to develop planning departments, simplified plan-making, and more funding for infrastructure. We will make it easier for local authorities to take action against those who do not build out once permissions have been granted. We are interested in the scope for bespoke housing deals to make the most of local innovation. In return, the Government asks local authorities to be as ambitious and innovative as possible to get homes built in their area. All local authorities should develop an up-to-date plan with their communities that meets their housing requirement (or, if that is not possible, to work with neighbouring authorities to ensure it is met), decide applications for development promptly and ensure the homes they have planned for are built out on time. It is crucial that local authorities hold up their end of the bargain. Where they are not making sufficient progress on producing or reviewing their plans, the Government will intervene. And where the number of homes being built is below expectations, the new housing delivery test will ensure that action is taken”.

1.3 The White Paper is a consultation document, with a 12 week consultation period which closes on 2nd May 2017.

2.0 The Proposals in the Housing White Paper

- 2.1 The White Paper is structured into four sections, reflecting the four steps identified by the Government to achieve its aims. The main proposals from each section are set out below, with a brief commentary.

Planning for the right homes in the right places

- 2.2 This section of the White Paper focuses on the role of plan-making in delivering housing. The section summary explains “If we are to build the homes this country needs, we need to make sure that enough land is released in the right places, that the best possible use is made of that land, and that local communities have control over where development goes and what it looks like”.
- 2.3 The first step is identified as ensuring that all areas have in place an up-to-date, ‘sufficiently ambitious plan so that local communities decide where development should go’. It advises that the Government will intervene where Local Planning Authorities (LPAs) fail to produce and adopt a Local Plan in a reasonable timescale; complementary measures are provided in the Neighbourhood Planning Bill. There will be a legal requirement for the plans to be reviewed at least once every five years to ensure they remain up to date.
- 2.4 It is proposed to simplify plan-making and make it more transparent. The tests for assessing ‘soundness’ will be amended, whilst there will be a more proportionate approach to the documents needed to support a plan and the process of examination. The expectation that an area will be covered by a single plan will be removed, making it easier for joint working and for combined authorities to take a strategic approach.
- 2.5 The Government propose to consult on options for taking a standard approach to calculating housing requirements, arguing that the current approach lacks transparency and consistency. They consider this would better enable the needs of a variety of groups – for example older people – to be calculated and met. It is proposed that the new methodology for calculating Objectively Assessed Need will apply from April 2018 and any LPA which wishes to use an alternative approach will need to justify this. LPAs will be expected to accommodate their own housing need unless there are other policies in the NPPF which override this – this includes the protection afforded to National Parks under the NPPF as areas where development is restricted (footnote 9).
- 2.6 Turning to the provision of land for housing, the presumption in favour of using brownfield land for housing will be strengthened, and the NPPF will be amended to make this clear. A number of measures are proposed to facilitate the release of publicly-owned land for housing, including a £45M Land Release Fund and giving Local Authorities more power to dispose of land at less than best consideration, as well as consulting on the development of land assembly powers for Local Authorities so they can unlock sites.

- 2.7 In terms of sites themselves, the White Paper looks to provide mechanisms to increase the number of smaller sites as a means of supporting custom builders and small developers. National policy will support 'windfall sites' (ie non-allocated sites), promote small sites within settlements and require that a minimum of 10% of allocated sites in a Local Plan should be for sites of 0.5 hectare or less (around 10 - 12 dwellings). This will include stronger support for 'rural exception' sites by making it clear that these sites should be considered positively where they can contribute to meeting identified local need, even if an element of general market housing is required to cross-subsidise this.
- 2.8 To encourage the more efficient use of land, it is proposed to amend the NPPF to make it clear that proposals should make efficient use of land, avoid building homes at low densities and address the scope for higher-density housing in urban areas. The Government commits to reviewing the Nationally Described Space Standard to ensure greater local housing choice.
- 2.9 There is a strong focus on Neighbourhood Plans in the White Paper, which notes the adoption of over 270 Neighbourhood Plans since 2012. Further funding is proposed to support this, as well as amending national policy to enable neighbourhood planning groups to obtain their own housing requirement figure from their LPA so they can plan accurately for their own needs.
- 2.10 Design will be given greater emphasis in the NPPF, and encouragement given to the inclusion of clear design in planning policy. There is support for the development of design codes, as well as design standards such as Building for Life, and a collaborative approach is proposed, with Government, the development industry and LPAs working together to develop and publicise good local design. In the longer terms, the Government's aspiration is to develop local pattern-books or 3D models that can be used to consult local people on designs for their area. In parallel to design considerations, environmental performance and quality standards will be reviewed to maximise build quality without unduly compromising affordability.

Commentary

- 2.11 The White Paper strongly affirms the Government's commitment to a plan-led system, which is welcome, and the requirement to maintain an up-to-date Local Plan is nothing new. There is much more emphasis, however, on Neighbourhood Plans and their role and contribution to the planning process and many of the changes proposed – for example the simplification of the process and greater proportionality – will directly benefit communities seeking to prepare a Neighbourhood Plan as currently the requirements can be onerous. It is clear that the Government sees them as having a much greater role and, with the provision of cross-boundary working, potentially replacing the LPAs Local Plan where the latter is failing. The suggestion that they might be given full weight before adoption is likely to be controversial.

- 2.12 There is no detail on how the new methodology for calculating housing need will operate, or indeed improve on the current Objectively Assessed Need process which came out of the NPPF, and whilst consistency is welcome there also needs to be sufficient flexibility to cater for varying local circumstance. The Broads Authority is only too aware of this as the process for the calculation of its own OAN was different to that of the adjacent districts because of the Broads boundary, the split parishes and the absence of household projections for its area, so a number of (justifiable) assumptions had to be made. If Neighbourhood Plans are to cover cross-boundary areas similar issues will arise and the complications will, regrettably, negate the simplifications achieved elsewhere in the process. The continued acknowledgement that development should be restricted in the National Parks and the Broads is welcome.
- 2.13 Looking at sites, the increased emphasis on brownfield land (and higher densities where appropriate) is welcome. For rural areas, the Local Plan requirement for 10% of planned small sites recognises the need to allow communities to grow, but sets this at a level which is more likely to be accepted by communities and can be accommodated in a Neighbourhood Plan. It also supports custom build and small builders. The promotion of small sites within settlements is noted, however within the Broads and other protected landscapes there must be a balance between this and recognising and protecting the contribution such areas make to local character. The introduction of design in the White Paper is welcome, although somewhat unexpected as recent Governments have instead sought to revoke design standards and similar policies, the Code for Sustainable Homes having been the most recent to be abolished in April 2015.

Building homes faster

- 2.14 This section of the White Paper focuses on bringing forward the development that is set out in the development plan. The section summary explains “Where communities have planned for new homes, we want to ensure those plans are implemented to the timescales expected”. It notes that as of July 2016 there were 684,000 homes with detailed planning permission granted on sites which had not yet been completed; building had started on only 349,000 of these. The delays to implementation are varied, and identified in the White Paper as including LPA capacity to handle applications; too many applications going to appeal; the time taken to discharge planning conditions or address planning obligations; a lack of infrastructure; problems securing the necessary utility connections; excessive bureaucracy in protecting species like great crested newts; and skills shortages.
- 2.15 The first matter which is considered in the White Paper is the requirement for an LPA to maintain a 5 year land supply, and how, where this is not provided, the local area is vulnerable to unplanned development (often granted on appeal), which undermines the forward planning process. It is proposed that the 5 year land supply be agreed on an annual basis, which would give more certainty to communities over where development takes place, as well as

reducing the expense and delay associated with appeals where land supply is the main argument.

- 2.16 To underpin this new approach a housing delivery test will be introduced, which will highlight whether the number of homes being built is below target, provide a mechanism for establishing the reasons why and, where necessary, trigger a policy response to ensure that further land comes forward. The starting point to establish the baseline for delivery will be the Local Plan where it is up to date, or the household projections where it is not; the new standard methodology for assessing housing need will be applied from April 2018. A tiered approach to addressing under-delivery will be applied as follows:

November 2017:	where housing delivery < 95% of the authority's annual requirement, an action plan must be prepared setting out reasons and how the shortfall will be addressed;
November 2017:	where housing delivery < 85% of the authority's annual requirement, an action plan plus a 20% buffer on the 5 year land supply;
November 2018:	where housing delivery < 25% of the authority's annual requirement, presumption in favour of permission being granted unless there are strong reasons not to;
November 2019:	where housing delivery < 45% of the authority's annual requirement, presumption in favour of permission being granted unless there are strong reasons not to;
November 2020:	where housing delivery < 65% of the authority's annual requirement, presumption in favour of permission being granted unless there are strong reasons not to;

- 2.17 Where a Neighbourhood Plan identifies housing sites it is also proposed that the housing delivery test be applied, which would look in more detail at local factors such as historic build out rate when calculating land supply.
- 2.18 To address capacity shortfalls in LPAs, and the consequent delays in dealing with planning applications, it is proposed to allow LPAs to increase application fees by 20% from July 2017 subject to their committing to spend this in the planning department. A further 20% may be charged where the LPA is delivering the required amount of housing and there will be further consultation on this. In areas of high housing need a £25M fund will be available to help plan for homes and infrastructure. The White Paper also considers the possibility of making a charge for a planning appeal – noting the delay and expense that unnecessary appeals create - and seeks views on this, particularly given that the opportunity to challenge a decision is a fundamental part of the process. Members will have previously considered a report on fees at the Broads Authority meeting on 24 March 2017
- 2.19 Delay in providing infrastructure is identified as a major factor to be addressed in accelerating delivery, as well as improving new communities. The White Paper announces a £2.3BN Housing Infrastructure Fund to be targeted in the areas most affected by housing shortages. Local Authorities will need to demonstrate that they will maximise the housing and economic opportunities

unlocked by this infrastructure, and will need to show this when the funding is committed. The White Paper also commits the Government to reviewing the role of the utilities companies in supporting development.

- 2.20 Pre-commencement conditions on planning applications are identified as a cause of delay, so it is proposed that these will only be able to be applied with the agreement of the applicant. Complementary measures in the Neighbourhood Planning Bill will allow the Secretary of State to prohibit conditions which do not meet the national policy test.
- 2.21 Support is expressed in the White Paper for the principle of developer contributions to mitigate the effects and impacts of development, but it is proposed to examine the current system (ie S106s and Community Infrastructure Levy) which is not as “fast, simple, certain or transparent as originally intended”, with the outcome to be announced in the Autumn Budget 2017.
- 2.22 Slow build-out rates, where planning permission has been granted but homes either not built or not built promptly, is comprehensively tackled. Housebuilders will be required to provide data on the timing and pace of delivery and LPAs will encouraged to consider at the application stage how realistic it is that the proposed housing will be built if it is a site where previous permissions have not been implemented. This is intended to discourage landbanking and sites where the barriers to development are insurmountable. Views are being sought on whether a developer’s previous record of building-out sites (or not) should be taken into account, although this would only apply for major developers on large sites. A reduction in the life of a planning permission from three to two years is also being considered as a means of bringing sites forward faster, as well as greater use by LPAs of Compulsory Purchase Powers on stalled sites.

Commentary

- 2.23 In considering delivery and barriers to building out sites, the White Paper recognises that the planning system is only part of the problem and this realism is welcome. Supplementing the blunt tool that is the 5 year land supply calculation with the more nuanced approach of the housing delivery test should enable a better understanding of why development doesn’t get built and prompt more achievable sites to come forward. This mechanism should spread the responsibility for unbuilt sites between LPA and developer –ie if it doesn’t get started then the planning permission will not be renewed – and could, if drafted and applied effectively, help to reduce landbanking. The penalties for an LPA failing to allocate or permit sufficient land to meet the housing targets are clear and a continuation of the current approach.
- 2.24 The announcement of more resources for planning departments through ring-fenced fee increases is welcome, although somewhat ironic given the swingeing cuts experienced by many planning teams in recent years resulting from cuts in local authority budgets. It will take time to rebuild capacity.

- 2.25 Finally, the matter of planning conditions is always rolled out as an explanation for delays in bringing forward development and some comment is needed. It is the case that applications for planning permission need to be accompanied by sufficient information for the development to be properly assessed, and then certain works need to be done before substantive development can commence, for example the provision of sewerage infrastructure or access. If the developer does not provide all the necessary information up front at the application stage, the LPA will need to require it by condition to be submitted subsequently – usually prior to commencement. If the developer does not provide a detailed schedule and timetable of all the works to be done, particularly including necessary infrastructure, the LPA will need to require it by condition to be submitted subsequently – usually prior to commencement. The requirement for pre-commencement conditions to be agreed by a developer will not speed up the provision of the information, which is the cause for the delay, but may instead introduce further delay whilst this matter is negotiated. The most effective remedy for delays around the provision of information is for the preparation and collation of this to be done at an early stage in the process, ideally at pre-application, and for LPAs and agents to agree the scope of this then.

Diversifying the Market

- 2.26 This section of the White Paper focuses on facilitating a step change in the housing market. The section summary explains “We want to diversify the market to achieve the amount, quality and choice of housing that people want. This includes supporting new and different providers, more innovation in methods of construction, and developing new investors into residential development”.
- 2.27 The first matter considered is the need to support and expand the number of small and medium sized builders, who registered only 18,000 homes in 2015 which is a fall of over 60% since 2007. Provision of small sites is identified as a key to expanding this sector and whilst it is not proposed to require LPAs to maintain a ‘small sites register’, as previously considered, an Accelerated Construction Programme is proposed in which Government will work with developers, owners of public land, lenders and manufacturers to bring forward sites quickly. This will include promoting more custom and self-build.
- 2.28 The White Paper also looks at how to diversify the housing sector to offer better tenure choices. The private rented sector is identified for growth, with plans to amend the NPPF to require LPAs to plan proactively for Build to Rent. To support housing associations to build more, the Government will set out a rent policy for social housing landlords (housing associations and local authority landlords) for the period beyond 2020 to help them to borrow against future income, and will undertake further discussions with the sector before doing so. There is a commitment to work with local authorities to understand all the options for increasing the supply of affordable housing.
- 2.29 Finally the scope for increasing productivity and innovation is considered. The house building industry is identified as being less productive than the

wider economy, having been slow to modernise, but there is potential for considerable growth and the build-offsite model is discussed and promoted.

Commentary

- 2.30 The matters raised in this section of the White Paper go beyond previous discussions on housing shortages, which has focused mainly on numbers, and takes a more comprehensive look at the extent of and reasons for sectoral failure. The recognition of this is welcome.
- 2.31 Given the nature of the Broads and the preponderance of small sites, the issues discussed here are relevant and it is likely that custom and self-build will become increasingly common in the area.

Helping people now

- 2.32 This section of the White Paper focuses on immediate actions which will be taken by Government to address immediate housing issues. The section summary explains “The housing market is creating challenges for households across the country. The long-term solution is to build more homes but that will take time ... (the) Government will help people now, tackling some of the impacts of the housing shortage on ordinary households and communities”.
- 2.33 A number of measures are outlined which aim to support people to buy their own home, including the £8.6BN Help to Buy Equity Loan scheme. Affordable private rental (i.e. not available through a Registered Social Landlord) will be brought into the definition of affordable housing, as will Starter Homes. Discounted starter homes are part of the proposals and these are aimed at first time buyers with a household income of less than £80,000; and a repayment clause will apply if the house is sold within 15 years, in order to prevent speculation. The NPPF will be amended to encourage more starter home development on brownfield land, with the definition of brownfield extended for this purpose to include unused leisure centres and retail sites. Furthermore, the NPPF will be amended to ensure that any proposal on employment land that has been vacant, unused or unviable for a period of five years, and is not a strategic employment site, should be considered favourably for starter home-led development. A £1.2Bn Starter Home Land fund will be used to promote starter and other affordable housing on brownfield land, whilst in rural areas partnerships with local authorities are expected to bring land forward. Starter homes, with appropriate local connection tests, can be acceptable on rural exception sites. The mandatory requirement for starter homes on all developments over a certain size, which had been proposed, has now been dropped, but there is instead a requirement for all housing development to include a minimum of 10% of affordable units.
- 2.34 Looking at the rented sector, support is also proposed for affordable rent and Rent to Buy properties, along with safeguards for tenants.
- 2.35 The recently set up Community Housing Fund aims to provide new housing in areas affected by high levels of second home ownership, and local authorities

are encouraged to make better use of their powers to bring empty homes back into use.

- 2.36 Finally, the Government is introducing a new statutory duty through the Neighbourhood Planning Bill for the Secretary of State to produce guidance for local planning authorities on how their local development documents should meet the housing needs of older and disabled people.

Commentary

- 2.37 The recognition in the White Paper that providing affordable housing (in the widest sense of the word) is not simply about building starter properties, but in making them affordable (in the widest sense of the word) and is welcome in that it looks at multiple aspects of the problem. The availability of finance to complement increased provision of lower cost housing should also make that housing more attractive to developers to construct. Whilst this may be positive, it should, however, be noted that the provision of affordable housing will always be subject to viability arguments.
- 2.38 It is relevant to note here that the Government is also consulting on a proposal to create new permitted development rights which would allow the conversion of agricultural buildings to residential. It is proposed that this would allow conversion of up to 750sqm, for a maximum of 5 new dwellings, each with a floor space of no more than 150sqm. The Government is seeking views on how best to ensure these properties meet local need. Were this proposal to go ahead it could have a significant impact on the Broads.

3.0 Conclusion

- 3.1 The Housing White Paper seeks to take a broad and comprehensive approach to the issue of housing and identifies various factors around planning, construction and affordability/sales which impedes delivery. It is notable that it does not simply seek to blame the planning system, but apportions responsibility for the failure across all sectors. A number of the measures are positive, particularly for rural areas and at the lower cost end of the market, and the commitment to the development plan is welcome. In addition, LPAs are being encouraged to be more proactive as well as working more closely with their communities.
- 3.2 Overall the White Paper is balanced. It is noted that the proposals are simple principles of intent at this stage and the content of the detailed regulations will need to be looked at carefully.
- 3.3 The White Paper is a consultation document, with the consultation period closing on 2 May 2017. It is accompanied by a set of 38 questions. A proposed response to the questions will be provided for the meeting on 31 March 2017.

Background papers:

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Broads Authority response to Housing White Paper consultation

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?

The plan-led system relies on this approach, which is supported in principle, however in areas such as the National Parks and Broads (identified under footnote 9), this approach is neither achievable or desirable. Other mechanisms are more appropriate, including duty to co-operate on providing housing need and windfall sites.

- 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?

Yes.

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

Yes. This will also help to support the preparation of Neighbourhood Plans. However, will the evidence be limited to this definition or will there be scope to address locally important issues?

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?

No comment

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?

Yes. Greater emphasis on Building for Life would complement this.

- b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?

Yes, in principle. The calculation of OAN for the Broads (and the National Parks) has been complex due to the boundaries not following parishes or settlements or even postcodes and the absence of projections and demographic data at this level. Clarification of how this should be undertaken would be welcome.

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?

Yes. The definition of “suitable” land will need to be clear and should prioritise previously developed land.

- 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?

Yes. The definition of areas of restraint should be reinforced.

- 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?

Yes. Strongly agree. But please remove the brackets around the Broads. By virtue of having its own Act to protect the landscape, it is at the same level as National Parks. There is no reason to have brackets.

- d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

No comment other than to say the numbering should be continued throughout the document to help with ease of reference.

Question 5

Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?

Yes. This would be a useful adjunct to increased land assembly powers.

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)?

No comment

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?

Yes.

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?

Yes, but need to be in conformity with the Local Plan otherwise development may be unsustainably located.

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?

Yes, in general this can be supported, but infrastructure could be an issue for some areas. Better to approach this through the 10% small-sites allocation so infrastructure can be addressed.

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?

This has a role to play, but should not be an opportunity for excessive development in the countryside and should be considered only when all other options have failed. If such sites are available they should be coming through the Local Plan process.

d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?

The principle is acceptable and will help to diversify the market which is important for delivery in rural areas. Caution should be exercised to ensure that this would not result in unsustainable allocations simply to meet the 10% target. It is noted that in the Broads, where development is constrained by flood risk and other designations, a 0.5ha site would actually be quite large.

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

Yes, where this will expedite development coming forward. Regulations on how this will be achieved, and the definitions, will be required

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?

These do not seem to be the most appropriate mechanisms for small sites as they are time consuming to prepare. Small sites may be better addressed through the Local Plan or Neighbourhood Plan approach, or as an exception site..

Question 9

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

No comment.

Questions 10 & 11.

No comment

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?

Currently SHMAs do not calculate at a parish level, so the standardised methodology will need to address this. There are concerns about the accuracy and validity of breaking data down to such a level in rural areas, and the data will need regular updating to remain valid

b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?

Yes.

c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?

Yes.

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?

Yes. Encouragement of local design codes produced in liaison with local communities will reassure communities.

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?

Yes

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?

In principle yes, but regard must be had to the local surroundings.

b) address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?

No comment

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

Yes in particular affecting the setting of protected landscapes.

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?

Yes.

Question 14

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

No comment

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)?

No comments

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?

No. It is not clear why this is required and there is already a buffer (of 5% or 20%).

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

Yes. The Planning Inspectorate need to be resourced to provide this in a timely manner at a reasonable cost to the LPA.

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?

It could be either; the former would be preferable.

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?

Potentially, but this is likely to be a disincentive to Neighbourhood Plan production in some areas and could increase the cost. Habitats Regulation Assessments will need to be undertaken for example. Further, if this route were to be taken forward then Neighbourhood Plans would need to be in conformity with all policies of the Local Plan rather than just the strategic policies to ensure sustainable development. The examination process will need to be changed to become more akin to the Local Plan process to reflect the consequences of allocating or not a site for development.

- 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?

Yes.

- 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?

No preference.

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;

It could be related to the application fee, as is a ground (a) appeal against an Enforcement Notice

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

The purpose of the fee is to discourage frivolous appeals and a refund arrangement will not support this. There is already a costs mechanism which is effective.

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

Yes.

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?

Yes. Again, the setting of nationally important landscapes will be a crucial factor to consider.

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?

No comment.

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

No comment.

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?

It would be useful, although how these would be enforced is questionable

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?

Such monitoring data would be useful for calculating OAN.

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

Yes but who comes up with the proforma for housebuilders to fill out? A national one? What will make the housebuilder respond and to our deadline?

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

It would be useful, although there would need to be guidance provided on the basis of the calculations.

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?

Yes

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.

Yes, this could be useful in bringing sites forward.

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?

No comment

Question 25

What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.

This approach would be supported.

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?

No comment.

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?

No comment

Question 28

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

a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?

Yes

b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?

No comment. We have no experience of being without a local plan.

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

Yes. There is no other appropriate mechanism. However when this says 'additions' does this mean 'completions' and/or 'permissions'?

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

Yes

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?

No comment

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%?

No comment

c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?

No comment.

d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?

No comment.

e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

No comment.

Question 30

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

Delivery in the Broads is steady and meets the annual need. There is a need for more affordable housing, but local land values frustrate this and so too does the more than ten dwelling threshold (as our average size of residential applications is around 2).

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?

Yes, the increased diversity is welcome.

b) introduce an income cap for starter homes?;

Yes, but the income cap should reflect local circumstances and be related to average wages.

c) incorporate a definition of affordable private rent housing?

Yes.

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

Yes

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?

Yes. This is welcomed.

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

No – in the Broads most sites are under this threshold (average of 2 dwellings per application). There could be provision for a commuted sum for sites under 3 units.

With regards to A127 – please clarify between guidance. The NPPG says that ‘contributions should not be sought from developments of 10-units or less’ which is 11 or more. This sentence says that the 10% AH amount should be applied to sites of 10 units or more. So here is a contradiction that needs clarifying.

Question 33

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

Build-to-Rent and exception sites.

Question 34

Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy

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

Yes.

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?

Yes.

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

Yes – this is especially important in the Broads

Question 36

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

Yes

Question 37

Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development?

Yes

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?

Yes

Other comments on the White Paper

- 2.44 – replace local planning authorities with another term. The Broads Authority is a Local Planning Authority but does not have CPO powers.
- A52 – suggest this is clarified by what is meant by ‘small undeveloped sites within settlements’. Are open spaces at risk? Are Local Green Spaces at risk? Is amenity space at risk? Are gardens at risk? Or should this be previously developed land?
- A136 says ‘We therefore propose to make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change’. But unlike other such commitments where it is obvious what to do and how to do this or there is the potential for a methodology (such as OAN for Neighbourhood Plans) this seems to not have any guidance committed to on how to do this. How would we do this?