

**Epsom & Ewell Borough Council  
Licensing & Planning Policy Committee  
Response to the Housing White Paper  
April 2017**

**Question 1**

*Do you agree with the proposals to:*

- a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?*

**Answer:** The Borough Council agrees that local planning authorities should continue to set out the strategic priorities for the local plan area as currently set out in National Planning Policy Framework (the NPPF) Paragraph 156.

However, the Borough Council recommends that the proposal be amended to so that the responsibilities for planning for deliverable allocations that respond to / take account of planning constraints are shared equally among the local planning authorities that are responsible for the wider housing market area (rather than an administrative area).

The Borough Council notes that there is a possible issue with the use of the term "requirement". It is unclear whether this equates to "a rationalised housing need figure" or the objectively assessed need figure in its raw untested form. The Borough Council objects to the latter definition.

- 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?*

**Answer:** The Borough Council agrees with this proposal.

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

**Answer:** The Borough Council believes that this proposal is unnecessary. The NPPF is already sufficiently clear on this matter.

**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?*

**Answer:** The Borough Council considers that existing requirements are proportionate and sufficient.

**Question 3**

*Do you agree with the proposals to:*

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- 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?*

**Answer:** The Borough Council considers that this proposal is unnecessary. The NPPF provides sufficient flexibility for such requirements to emerge through the local plan making process. The Borough Council offers its own Local Plan policies (on this matter) as evidence of how the NPPF already meets this requirement.

- 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?*

**Answer:** The Borough Council welcomes the introduction of a standard approach to assessing housing requirements. However, a health warning should be applied as the resultant housing requirement will be untested or rationalised against local planning constraints.

**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?;*

**Answer:** The Borough Council disagrees with this proposal. Whilst it may be desirable and sustainable to optimise the use of developable land; maximising the use of said sites will neither be desirable nor sustainable in all cases. The Borough Council believes that seeking to meet crude quantitative growth objectives will not provide a solution to the nation's current housing malaise. In Epsom & Ewell, the Borough Council has placed the delivery of qualitative growth ahead of base numbers. As a result the Borough has been able to consistently meet its adopted housing targets whilst maintaining the distinctive character and appearance of the Borough. We advocate our strategy to you as an alternative to this proposal.

- 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?;*

**Answer:** The Borough Council is opposed to any proposal that seeks to secure development in crude quantitative terms at any cost.

- 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*

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*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?*

**Answer:** The Borough Council is broadly supportive of this proposal but notes that other Surrey local planning authorities may have extraordinary policy conditions, such as SANGS, that also act to restrict development.

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

**Answer:** The Borough Council believes that the text is already sufficiently clear and that the proposal is unnecessary.

**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?*

**Answer:** The Borough Council supports this proposal. Putting two-tier authorities on the same footing as unitary authorities and Urban Development Corporations will assist us in assembling sites and delivering development. Measures, such as this, which empowers local authorities, is welcomed.

**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)?*

**Answer:** The Borough Council acknowledges that local authorities could play an important role in land assembly. The Borough Council believes that such a role could be particularly useful in urban areas where multiple private landownerships present the single biggest obstacle to optimising the development potential of sites.

On that basis, it would be reasonable to assume that greater and more easily accessible compulsory purchase powers would benefit the process. However, in our experience exercising these powers can require a significant resource commitment from the local authority.

**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?*

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**Answer:** The Borough Council believes that it is unnecessary to amend national planning policy. Existing planning policy, whether national or local, is sufficiently flexible and expansive to meet this objective, without the need for more specific policy references.

The Borough Council, as a historic social housing provider is all too aware of the need and benefits of securing the regeneration of existing social housing estates. The Borough Council continues to work with local registered providers to secure and deliver such improvements.

**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?;*

**Answer:** The Borough Council has no specific comments on this particular proposal.

- 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?;*

**Answer:** The Borough Council has no comments on this particular proposal.

- 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?;*

**Answer:** The Borough Council has no comments on this proposal.

- 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?;*

**Answer:** The Borough Council broadly supports the principle of this proposal, as much of its housing supply is derived from smaller sites. However, by their very nature, delivery of such sites is difficult to predict for a variety of reasons including, land ownership and access to finance. It could be challenging to demonstrate the deliverability and developability of 'small site allocations' over the plan period.

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

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**Answer:** The Borough Council considers that the introduction of such a measure could provide developers with an avoidance mechanism for making contributions towards affordable housing. We highlight that the development industry is already adept at such practises by themselves. On that basis the Borough Council does not consider such an amendment necessary.

*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?.*

**Answer:** The Borough Council fails to understand what this would achieve beyond design policies and guidance already contained within its Local Plan and how it would translate to quicker delivery. On that basis, the Borough Council does not support this proposal.

**Question 9**

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

**Answer:** The Borough Council has no comments on this particular proposal.

**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?*

**Answer:** The Borough Council strongly disagrees with this proposal. The revision of Green Belt boundaries should only be contemplated upon the conclusion of a robust assessment against its stated purposes. Where such evidence demonstrates that the Green Belt continues to perform strongly it will provide a strong constraint to quantitative growth. In such circumstances crude growth figures must not serve to override the status of the Green Belt.

In the absence of a strategic planning tier, within which to consider the strategic redistribution of growth to where it can be accommodated, this proposal is unsound. The Borough Council recommends that this proposal is not taken forward.

- 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?*

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**Answer:** The Borough Council considers this proposal unnecessary. It would appear that this proposal conflates the objectives of Green Belt policy with those of similar but entirely different policies relating to landscape and ecological matters.

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

**Answer:** The Borough Council is broadly supportive of this proposal.

*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?*

**Answer:** The Borough Council considers this proposal to be counterintuitive as it has the potential to provide an open door for types of development that would otherwise, in normal circumstances, be considered inappropriate. On that basis the Borough Council believes that proposals brought forward under Neighbourhood Development Orders be determined in the same way as any other development proposal in the Green Belt.

*e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?*

**Answer:** The Borough Council disagrees with this proposal. The local planning authority remains the correct body to determine the detailed boundary of the Green Belt.

*f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?*

**Answer:** The Borough Council disagrees with this proposal. Green Belt land that has been previously developed may still perform strongly against the purposes of the Green Belt. Consequently it would be illogical to consider such sites ahead of poorly performing sites, which are not previously developed. The Borough Council supports the current, evidence based approach to this issue.

**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?*

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**Answer:** As the Green Belt serves a strategic function and provides benefits beyond local administrative boundaries, the Borough Council would suggest exploring the option for accommodating development in alternative locations outside of the local planning authority area which may be less constrained.

**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?;*

**Answer:** The Borough Council broadly supports this proposal but is of the view that any 'housing requirement figure' provided can be supported by the necessary infrastructure and can be accommodated in suitable locations that accord with the local authority's Spatial Strategy.

- 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?;*

**Answer:** The Borough Council considers that this is already implied by existing national planning policy and guidance. On that basis the proposed amendment is considered unnecessary.

- 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?;*

**Answer:** The Borough Council raises no objection to the principle of the proposed amendment but considers that this is already implied by the existing Framework and guidance. The Borough Council currently offers a pre-application service which it promotes. This amendment is not considered necessary.

- 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*

**Answer:** The Borough Council questions whether this is necessary.

- 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*

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*clear that this should be reflected in plans and given weight in the planning process?*

Answer: The Borough Council has no objection to the principle of this proposal. Our Local Plans in the past have followed similar approaches advocated by the Government of the time. The Borough Council would encourage flexibility to ensure that policies can adapt to updates and editions.

**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?;*

**Answer:** The Borough Council disagrees with this proposal. There are a multitude of reasons why higher density developments are not appropriate in all locations. These can range from the harmful impacts upon visual character and appearance, historic townscapes and landscapes, lack of infrastructure capacity, lack of interest from the development industry (for a higher density product) and viability. The Borough Council supports the current approach set in the NPPF, which allows for local evidence and market signals to inform development densities

- 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?;*

**Answer:** The Borough Council considers it unnecessary for national planning policy to make such a requirement. Comprehensive redevelopment of low-density urban housing is already possible through existing NPPF policy. The key requirement is not having a policy in place but rather having sufficiently robust evidence to demonstrate that such proposals are genuinely deliverable and developable. Such evidence can come forward through existing Strategic Housing Land Availability and urban capacity study exercises, which can then logically inform site specific allocations (alongside other evidence -

- 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?;*

**Answer:** The Borough Council considers that the NPPF already contains an appropriate level of guidance on these matters. It is unnecessary to expand it



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further to address specific issues emerging from high density development proposals.

- 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?*

**Answer:** The British planning system is already built upon providing a flexible policy response to development proposals. Consequently, the Borough Council considers this proposal unnecessary.

**Question 14**

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

**Answer:** The Borough Council considers that the identification of indicative minimum density standards is best left to individual local planning authorities. A national 'one size fits all' approach would be inappropriate and not fit-for-purpose; as it would fail to take account of local evidence on (among other factors) visual character and appearance; infrastructure capacity; and development viability.

**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)?*

**Answer:** The Borough Council agrees that there are opportunities for local planning authorities to better optimise the use of existing public sector sites and within urban locations more generally, further amendment is unnecessary.

**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?;*

**Answer:** The Borough Council does not support this proposal and cannot see the short term 'benefit' of reaching a 1 year agreement given the 10% uplift required. Furthermore, this approach would be to a disadvantage to authorities such as Epsom and Ewell that have a strong record of past delivery.

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

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**Answer:** The Borough Council would seek further information on the resource implications as well as reassurances that the Inspectorate would be able to undertake such a role within a timely manner and commit to a consistent approach to examination

*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?*

**Answer:** The Borough Council does not support this proposal.

**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?;*

**Answer:** There are no current or proposed neighbourhood plans within Epsom & Ewell. However, the Borough Council would seek further clarity on how a Neighbourhood's share of local housing need would be calculated. We highlight that the geographic areas that might be covered by any potential neighbourhood plan (within Epsom & Ewell) are relatively small (for example they may only cover a handful of streets) and that consequently providing an individual housing target may be neither viable nor practical.

*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?*

**Answer:** The Borough Council understands that this proposal would result in Neighbourhood Plans not being protected in areas where the Local Planning Authority is unable to demonstrate a 5 year supply of housing or a record of adequate recent delivery. The Borough Council strongly objects to the principle of a housing delivery test (refer to Question 29).

*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?*

**Answer:** The Borough Council seeks further clarity on how a Neighbourhood's share of local housing need would be calculated. We reiterate that the geographic areas that might be covered by any potential neighbourhood plan (within Epsom & Ewell) are relatively small (for example

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they may only cover a handful for streets) and that consequently providing an individual housing target may be neither viable nor practical.

**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;*

**Answer:** The Borough Council is broadly supportive of the proposal to introduce fees – on the grounds that it could provide a viable source funding that could help the Planning Inspectorate to continue to function in its present format. The Borough Council agrees that any fees should be appropriately structured to ensure that proportionality with the type and scale of development under consideration. On that basis, it may be appropriate to base the fee structure on the cost of application.

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

**Answer:** The Borough Council agrees that any fees should be appropriately structured to ensure that proportionality with the type and scale of development under consideration. On that basis, it may be appropriate to base the fee structure on the cost of application.

The Borough Council is broadly supportive of proposals to refund fees subject to an appeal being successful.

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

**Answer:** The Borough Council is broadly supportive of this proposal.

**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?*

**Answer:** Our local plan already contains infrastructure enabling policies that are sufficiently flexible enough to accommodate such proposals.

**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*

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*development opportunities which strategic infrastructure improvements offer for making additional land available for housing?*

**Answer:** The Borough Council broadly supports this proposal however, infrastructure improvements should not be used to justify crude and unsustainable quantitative housing growth as such a scenario could lead to an adverse impact upon highly valued environments and local economy.

**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?*

**Answer:** The Borough Council broadly supports this proposal. However, we recommend caution. In our experience as a CIL authority, the planning application stage (of the development process) is the most ideal point in the process to estimate start dates and build outs. This is particularly true of smaller scale developers but equally applies to national building companies.

Whilst such information may provide an indicator, to use for monitoring and projection purposes, its reliability is open to question. If this data were to be used as an indicator, who do the DCLG intend to hold to account? Whilst the Borough Council would welcome the ability to penalise developers for 'time-wasting', the benefits (to delivery) of any such penalties are dubious at best. We would like to highlight to the DCLG that in many cases, delay is typically caused by external factors – such as availability of labour, material and finance. These are areas that the local planning authority cannot directly influence or intervene upon.

- 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?*

**Answer:** The Borough Council is broadly supportive of this proposal. We would ask the DCLG to note that much of this information is already supplied to local planning authorities where CIL has been adopted. In our experience, the CIL process provides a highly logical mechanism for securing and monitoring this type of data - critically, the Levy itself resources data collation and analysis (the 5%). It would be counterproductive and illogical to introduce a new mechanism. On that basis we recommend that this measure is developed through the existing mechanisms already available through CIL.

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

**Answer:** Please see the Borough Council's response to Question 21b). The Borough Council already monitors this data through a combination of CIL (as the Collecting authority) and Local Plan annual monitoring report. It would be counterproductive and illogical to introduce a new mechanism. On that basis we recommend that this measure is developed through the existing mechanisms already available through CIL.

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

**Answer:** The Borough Council is broadly supportive of this proposal.

**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?*

**Answer:** The Borough Council does not agree with this approach, as experience has indicated that such sites can and do deliver. Often non-implementation is due to factors outside of planning. Furthermore, the Borough Council would be concerned of the implications of withholding permission on this basis, where all other aspects of a proposal are considered acceptable in planning terms.

**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.*

**Answer:** The Borough Council would question whether such a 'use it or lose it' approach would unfairly penalise applicants when non-implementation may be for reasons outside of their control.

Furthermore, such an approach may deter sites coming forward as applicants may wish to limit the number of applications they submit due to fears of future withholding of permissions.

The Borough Council would question how the 'delivery performance' of individual applicants would be monitored as developers are unlikely to pursue sites solely within one local planning authority area.

**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?*

**Answer:** Notwithstanding the concerns raised in the responses to Questions 22 & 23, the Borough Council is of the view that were such a proposal pursued that it would be most appropriately applied to larger sites, specifically those brought forward speculatively; namely outside of the local plan site allocation process.

**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.*

**Answer:** The Borough Council notes the intention of this proposal. However, we highlight that non-implementation or delay (to commencement) is most frequently caused by matters (typically related to securing finance) that are beyond the control of the planning system. Imposing shortened timescales for the initiation of development is therefore unlikely to have the desired effect of 'speeding up house building'.

Indeed, there potentially harmful (unintended consequences) to this proposal. These could be particularly harmful to smaller developers. A frequently encountered scenario is when a developer commences a housing development early (within the suggested two year period, or indeed the current three year period), without having secured all of the necessary finances needed to complete the development; in doing so they take the risk of delay, as further finances are secured 'on the job'. We would highlight that commencement of development is a normal trigger point for developer contributions and/ or CIL. Whilst it is a legitimate expectation that private enterprises manage their finances in a timely manner to accommodate payments towards community infrastructure, our experience (as a CIL collecting authority) suggests that smaller developers (and even some larger development companies) remain at high risk from this area.

In conclusion, whilst the objectives behind this proposal are welcomed, it is considered (on the basis of our experience) that by itself it will be ineffective. If the Government wishes to increase the speed of development it will also need to address the financial institutions and mechanism that serve the private house building industry.

**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?*

**Answer:** As set out in our answer to Question 25; non-implementation and delay are in most cases caused by external factors (typically finance related) that are mostly beyond the control of the planning system. Whilst the objectives behind this proposal are welcomed, the measures are by themselves unlikely to have apposite impact on this particular issue.

Should the Government be committed to introducing this measure then the Borough Council suggests that parallel measures be introduced upon financial institutions to encourage them release monies to facilitate the completion of stalled developments.

**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?*

**Answer:** Please see our answers to Questions 25 and 26. The bulk of the problems (and solutions) associated with non-implementation and delay is not with the planning system but with financial institutions and mechanisms. Should the Government be committed to introducing this measure then the Borough Council suggests that parallel measures be introduced upon financial institutions to encourage them release monies to facilitate the completion of stalled developments.

**Question 28**

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

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

**Answer:** The Borough Council raises strong concern to the proposals relating to the housing delivery test; as such we recommend that the responses to Questions 28 & 29 be read together.

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The Borough Council considers the situation to be such: like many other local planning authorities we are in a position where our identified annual housing requirement (using the demand-based need methodology) far exceed previous delivery rates to unprecedented levels. Any forthcoming delivery test needs to focus on the ability and capacity of the market to consistently deliver such significant numbers of new homes year on year across a housing market area/ region or indeed the Country. In this situation, notwithstanding the significant challenge of identifying sufficient land to meet this housing requirement, there is a real risk of Local Plans committing to housing targets that have no realistic prospect of being achieved. On that basis, the Borough Council objects to this proposal.

**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%?*

**Answer:** The Borough Council strongly opposes this proposal. The Borough Council remains committed to the delivery of new homes. It is noteworthy that it has in the recent past exceeded its annual housing target. On those occasions when under delivery has occurred, the causes have been unrelated to the supply of land but rather factors outside of the Local Planning Authority's control. Notably these have included the wider economic factors that impact upon the development industry and its financial backers.

Without significant change to the remit of Local Planning Authorities beyond its role as an 'enabler' of development it is unclear what effective actions it could take to address short term under delivery. Experience from the 2008/09 economic recession has shown that it has taken between 2 to 3 years for the market to re-establish itself and start delivering. Furthermore, the Borough Council is of the view that any increase in the availability of land supply would not result in a corresponding increase in delivery of new homes.

When preparing its Local Plan policies and determining planning applications, the Borough Council already applies the principles of 'presumption in favour'. Therefore the Borough Council is concerned by the terminology and implications of points c, d & e of Question 29. Further clarification is required



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on what would or would not constitute the 'strong reasons' for not granting planning permission for housing.

**Question 30**

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

**Answer:** The Borough Council would welcome an extended period of stability in national planning policy. Our experience suggests that the NPPF in its existing format and wording is capable of delivering planned for growth. Equally, our experience of the CIL is that it provides a sound platform for securing contributions from development for the community infrastructure required to support growth. On that basis, the best support would be to allow us the opportunity to get on with things.

**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?;*

**Answer:** The Borough Council strongly disagrees with this proposal.

For the purposes of clarity the Borough Council states that it does not consider the proposed additions to the list of affordable housing definitions to constitute genuine affordable housing. The provision of such products (starter homes, affordable private rented housing and discounted market sales) will not help to meet affordable housing need. Previously national planning policy has justifiably and consistently not included this type of product as a form of affordable housing. There is no evidence to demonstrate that this position has changed. Consequently, it would be unsound to expand the definition of affordable housing to include products that fail to meet affordable need.

Critically for the Borough Council the proposed additions will be unavailable to families on our housing register. These products will not help reduce our clearly identified need. The majority of applicants to the Borough Council's Housing Needs Register need, and can only afford, rented accommodation. Evidence demonstrates an overwhelming need for social rented accommodation. Our evidence clearly shows that there is limited latent demand for additional low cost home ownership housing options within our housing market area. Such products will be suitable only for those able to secure mortgage finance. For the majority of applicants to our Housing Needs Register, who are, or who have a recent history of homelessness; accessing home ownership is beyond their reach.

The Borough Council believes that nationally there is a role for cheaper market housing but that this should not be at the expense of genuine affordable housing. The emphasis must be upon the market delivering

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cheaper housing across the board. This could be achieved by negotiating realistic purchase prices for development land with landowners.

*b) introduce an income cap for starter homes?;*

**Answer:** The Borough Council reiterates that ‘starter homes’ are not a legitimate form of affordable housing – they are simply a discounted open market product that will only benefit those households who are able to secure mortgage finance. If the government intends starter homes to have any impact on meeting affordable housing needs then the pricing and income caps must be set to reflect those households that have a genuine affordable housing need. On that basis the Borough Council recommends that the responsibility of setting an income cap fall to the local planning authority/housing authority. This is considered a sound approach as it would allow local differences (in housing need and income) to be fully taken into account.

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

**Answer:** Should the government proceed with this proposal, the Borough Council would only be supportive of a definition (for affordable private rent housing) if it actually defined an end product that secured housing for those with a genuine affordable housing need. On that basis, such a definition must encompass how the product would be secured and remain affordable in perpetuity; how it would interface with people on the Borough Council’s Housing Needs Register; and how rents would be maintained at genuinely affordable levels. For the purpose of clarity an 80% market rent product is in most cases unaffordable to people on the Borough Council’s Housing Needs Register.

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

**Answer:** Should these proposals be brought forward the Borough Council would welcome a transitional period – primarily to provide sufficient time for it to introduce suitable and appropriate measures to address the harmful impacts of these proposals. Contrary to the proposal, the Borough Council suggests a longer transitional period – April 2020.

**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?*

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**Answer:** Whilst the Borough is supportive of potential changes to national planning policy that would allow it, as the local planning authority, to identify an appropriate level of affordable housing provision on individual site, it is opposed to this proposal. As set above, the Borough Council is opposed to proposals that blur the distinction between market and affordable housing – on the basis that such measures are ineffective in meeting the housing needs of those at greatest need.

The Borough Council also believes that national planning policy is an entirely inappropriate mechanism for setting such targets/ thresholds. Our nation is highly diverse, and whilst the proposal may work in some districts and boroughs it will fail in others. One size does not fit all. Consequently, the Borough Council recommends that the government maintain the current approach, which we have applied with some success, of allowing local planning authorities to set their own targets based on sound local evidence and market signals.

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

**Answer:** The Borough Council strongly disagrees with this proposal. We remain very concerned about the nature and potential adverse impact of this proposal. We strongly believe that the current approach, where local planning policies provide the opportunity for development viability evidence to be assessed at a local level when necessary is sound and consistent with the guidance set out within national planning policy. We believe that it is inappropriate and unnecessary for national policy to dictate the threshold. One size does not fit all, and raising the affordable housing threshold in our Borough (and many others) will have a harmful impact upon our ability to meet to meet the needs of those with a genuine affordable housing need.

**Question 33**

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

**Answer:** Should the Government pursue this approach then the Borough Council believes that it should apply to all forms of residential accommodation – including specialised housing for the elderly, close care facilities, student accommodation and housing in multiple occupation. Restricting these measures to the C3 Use Class will only compound its ineffectiveness in meeting genuine affordable housing need.

**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?*

**Answer:** The Borough Council would welcome such clarification, in particular in relation to the environmental dimension to achieving 'sustainable development' given the underlying focus of the Housing White Paper for quantum over quality.

**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?*

**Answer:** The Borough Council considers this specific reference unnecessary as the existing Framework is sufficient in its current form.

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

**Answer:** The Borough Council consider this proposed amendment to the Framework to be unnecessary.

**Question 36**

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

**Answer:** The Borough Council would welcome further clarification on this matter.

**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?*

**Answer:** The Borough Council fails to understand the necessity of this proposal – Local Plan policies and local decision making do this already.

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**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?*

**Answer:** Although the Borough Council does not feel the need to take a view on this specific proposal, we ask the DCLG to note that the absence of transition periods present both planning authorities and the development industry with a number of well understood problems. Such 'big-bang' approaches to change are best avoided.