



Policy and Resources Committee - 24th April 2017

The Housing White Paper – ‘Fixing Our Broken Housing Market’ and Build to Rent Consultations (DCLG, February 2017)

Purpose of report

This report provides a summary of the Government’s Housing White Paper ‘*Fixing Our Broken Housing Market*’ and of the Build to Rent Consultation document, both issued by the DCLG in February 2017. It also makes suggestions in respect of the Council’s response to the consultation questions.

Attachments: Appendix A Draft Housing White Paper Consultation Response
Appendix B Draft Build to Rent Consultation Response

1.0 Background

- 1.1 The Government published its Housing White Paper – ‘*Fixing Our Broken Housing Market*’ and the allied Build to Rent Consultation document in February 2017.
- 1.2 The White Paper can be viewed at the following link:
<https://www.gov.uk/government/publications/fixing-our-broken-housing-market>
It is a long and complex document and is a mixture of policy announcements and policy proposals. It contains a range of housing and planning reforms that are designed to assist in the delivery of the government’s housing targets within this parliamentary period. It describes how the Government intends to boost housing supply and create a more efficient housing market whose outcomes more closely match the needs of all households and which supports wider economic prosperity. It also sets out a range of specific planning reform proposals for consultation. The consultation period runs until 2nd May 2017.
- 1.3 A report summarising the key elements of the Housing White Paper was presented to the Planning Policy Committee (PPC) on 3rd April 2017. Councillors from the Planning Policy Committee and Housing Policy Working Party will be further considering the potential implications and opportunities arising from the White Paper to assist in the formulation of any response that the Council may wish to make to the consultation, with a formal consultation response being prepared for endorsement by the Policy and Resources Committee at this meeting.
- 1.4 Whilst this report incorporates elements of the PPC report on 3rd April, it also provides details of the Build To Rent consultation document, as well as suggested responses to the consultation questions in both documents.
- 1.5 The Build to Rent Consultation can be viewed at the following link:

<https://www.gov.uk/government/consultations/planning-and-affordable-housing-for-build-to-rent>

The Government wishes to boost the supply of private rented housing through encouraging Build to Rent, making use of available institutional investment, offering quality and choice to tenants and speeding up development on regeneration sites. The proposals aim to remove the barriers preventing the faster deployment of capital available for investment into build to rent schemes. Acquisition of land, the predictability and speed of planning decisions and the negotiation of planning obligations, including affordable housing, are seen as the key barriers. The consultation period runs until 1st May 2017.

- 1.6 The Build to Rent consultation questions will be considered by the Housing Policy Working Party at its meeting on 12th April 2017, prior to submission to this Committee for approval.

2.0 Key Elements of the Housing White Paper

- 2.1 The Housing White Paper sets out a programme of reforms to tackle the long-standing national problems in the housing market and ensure that more homes are built in the right places.

- 2.2 The White Paper also outlines the changes proposed to planning policy and legislation required to implement the proposals, including a series of consultation questions relating to the new proposals in respect of Chapters 1 and 2 only. It also sets out some wider changes to national planning policy in relation to the definition of affordable housing, sustainable development and the environment.

- 2.3 Many of the changes proposed involve amendments to the National Planning Policy Framework (NPPF), which the government intends to revise later in 2017.

2.4 Chapter 1: Planning for the right homes in the right places

- 2.5 This chapter sets out proposals to ensure certainty and to simplify the planning system. Its focus is to ensure enough land is released in the right places, and that communities have control over where development goes and what it looks like.

- 2.6 The key measures in this section are summarised as follows:
- Set out in regulations a requirement for local plans and other local development documents to be reviewed at least once every five years;
 - Simplify plan making to improve transparency, making plans easier to produce and easier for developers to follow;
 - Consult on a requirement for local authorities to prepare a Statement of Common Ground, setting out how they will work together to meet housing requirements and other issues where these cut across council boundaries;
 - At least 10% of residential allocations in local plans should be 0.5 hectares or less;
 - Set out clear design expectations through local and neighbourhood plans, giving communities a stronger voice in the design of new housing;
 - Improve the availability of data on interests in land and consult on improving the transparency of contractual arrangements used to control land;
 - Amend national policy so that proposals should:
 - Make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing requirements;

- Address the particular scope for high density housing in some urban locations; and
- Ensure that the density and form of development reflect an area's character, accessibility and infrastructure capacity.

2.7 **Chapter 2: Building Homes Faster**

2.8 In order to build homes faster, the government plans to invest in making the planning system more open and accessible, and tackling unnecessary delays.

2.9 The key measures in this section are summarised as follows:

- Increasing nationally set planning fees and consulting on the introduction of fees for planning appeals;
- Requiring applicants to provide more information about the timing and pace of new housing as part of the planning application process. This is also intended to assist the monitoring process;
- Encouraging local planning authorities to consider how realistic it is that a site will be developed when deciding whether to grant planning permission for housing on sites where previous permissions have not been implemented;
- Amending national policy to encourage local planning authorities to shorten the timescales for developers to implement permissions for housing development from 3 years to 2 years;
- Reviewing compulsory powers to deliver stalled sites;
- Giving local authorities the opportunity to have their housing land supply agreed on an annual basis, and fixed for a one-year period;
- Ensuring infrastructure is provided in the right place at the right time by co-ordinating investment; government announcement of £2.3bn Housing Infrastructure Fund.

2.10 **Chapter 3: Diversifying the Market**

2.11 The government proposes to diversify the housing market to achieve the demand, choice and quality of housing that people want. This includes opening up the housing market to smaller builders and those who embrace innovative and efficient construction methods.

2.12 The key measures in this section are summarised as follows:

- Support small and medium-sized builders to grow, including through the Home Building Fund;
- Support custom build housing with greater access to land and finance, giving people more choice over design proposals;
- Support housing associations and local authorities to build more homes;
- Support a range of measures that encourage more build to rent developments.

2.13 **Chapter 4: Helping People Now**

2.14 This sets out how the government intends to tackle some of the impacts of the housing shortage on ordinary households and communities.

2.15 The key measures in this section are summarised as follows:

- Make renting fairer for tenants;
- Continue to support people to buy their own home through Help to Buy and starter homes;
- Introduce clear policy expectations that housing sites deliver a minimum of

10% affordable home ownership units, with local authorities working with developers to agree an appropriate level of starter homes, alongside other affordable home ownership and rented tenures;

- Broaden the definition of affordable housing in the NPPF to include affordable private rented housing and a range of low cost housing opportunities, including starter homes;
- Allow more brownfield land to be released for development, with a higher percentage of starter homes;
- Introduce a new statutory duty through the Neighbourhood Planning Bill to produce guidance as to how local authorities should meet the housing needs of older and disabled people.

3.0 Key Elements of the Build to Rent Proposals

- 3.1 Build to Rent schemes are generally purpose built, held in a single ownership, and intended for long term rental. The Government believes local authorities should be considering the potential of the Build to Rent sector to help meet the housing needs of their areas. It wishes to revise the National Planning Policy Framework (NPPF) to support Build to Rent. Build to Rent schemes are considered to be at a disadvantage in scheme viability terms as they have very different economic modelling from house building for sale, with long term rental income rather than short term sales receipts.
- 3.2 The Government also wishes to promote an emerging form of affordable housing called 'Affordable Private Rent' which is well suited to Build to Rent schemes. This involves Build to Rent schemes offering a proportion of homes available at a discounted level of rent as an alternative to other forms of affordable housing provision. This revision would not replace the need for Build to Rent schemes to meet any other planning obligations.
- 3.3 Changing the NPPF would give planning authorities confidence that Affordable Private Rent counts as a form of affordable housing in Build to Rent schemes and also allows developers more flexibility to negotiate where appropriate, such as greater rental discount but fewer homes, or different affordable housing products.
- 3.4 The proposal is that a minimum of 20% of the homes should be provided as Affordable Private Rent, at a minimum of 20% discount, provided in perpetuity. The government recognises that there is a risk that affordable private rent could be used instead of other types of affordable housing and is therefore seeking views on limiting its acceptability to Build to Rent schemes. They propose that Affordable Private Rent should be defined as follows:
'Housing that is particularly suited for providing affordable housing as part of Build to Rent schemes. It is made available for rent at a level at least 20 per cent below local market rent. Eligibility is determined with regard to local incomes and local house prices. It should include provisions to remain at a discount for future eligible households or for alternative affordable provision to be made if the discount is to be withdrawn.'
- 3.5 The Government expects that family-friendly tenancies of 3 years or more will become the norm (for those tenants who want one) in Build to Rent schemes and this could be secured through planning obligations.
- 3.6 Clawback arrangements would be specified in the S106 agreement, in case the developer were to exit the private rented market, to reflect the contribution the developer would have had to pay towards affordable housing if it had been a for-sale

scheme.

4.0 Consultation Responses

4.1 The Housing White Paper has been further considered by councillors from the Planning Policy Committee and the Housing Policy Working Party. The Build to Rent Consultation has also been considered by the Housing Policy Working Party. Due to committee and consultation deadlines it has not been possible to include councillors' comments in the attached suggested responses at Appendices A and B. It is therefore proposed that track changed versions of the responses will be tabled at the meeting to enable feedback from these to be reflected the Council's final response to Government.

4.2 The government has indicated in the White Paper that many of the changes proposed will involve changes to the National Planning Policy Framework (NPPF). It intends to publish a revised NPPF later this year, which will consolidate the outcomes from previous and current consultations.

5.0 Equality and Diversity Implications

5.1 There are no equality and diversity implications directly arising from this report.

6.0 Legal Implications

6.1 There are no legal issues arising from this report.

7.0 Risk Management

7.1 There are no immediate risks arising directly from the Housing White Paper or the Build to Rent proposals. However, the outcome of the proposals will require close monitoring.

8.0 Resource and Financial Implications

8.1 There are no direct financial implications arising from this report. However, some of the longer term proposals raised in the White Paper are likely to have a financial impact, for example the ability to increase planning fees (previously reported to Policy and Resources Committee on 13th March 2017).

9.0 Constitutional Implications

9.1 There are no constitutional implications arising from this report.

10.0 Customer Service Implications

10.1 There are no direct customer service implications arising at this time. The implications will require further assessment as the programme of reform set out in the White Paper starts to take shape through detailed changes to planning policy and legislation needed to implement the proposals.

11.0 Corporate Outcomes

11.1 The Housing White Paper and Build to Rent proposals are likely to have wide-ranging implications for the planning service and for the future provision of affordable housing; as such all corporate outcomes are likely to be affected by potential outcomes.

12.0 Recommendation

12.1 The Committee is recommended to:

(1) Acknowledge the key measures proposed through the Housing White Paper and Build to Rent Consultations

(2) Consider the consultation responses at Appendices A and B, subject to any amendments tabled at the meeting, and agree a final response to be submitted on behalf of this Council.

(Reason: To inform the development of planning policy and housing strategy through providing consultation responses to the Government's Housing White Paper and Build to Rent proposals)

Legal	Power: Planning Acts; Housing Acts; NPPF				
	Other considerations: N/A				
Background Papers:	Housing White Paper – link in report (para 1.1) Build to Rent consultation – link in report (para 1.4) Planning Policy Committee Report 3 April 2017 Item 6				
Person Originating Report:	Richard Palmer, Planning Policy and Conservation Manager ☎ 01832 74(2142) ✉ rpalmer@east-northamptonshire.gov.uk Carol Conway, Housing Strategy and Delivery Manager 01832 742078 cconway@east-northamptonshire.gov.uk				
Date: 6 th April 2017					
CFO		MO		CX	

Government Housing White Paper February 2017

'Fixing our broken housing market'

Draft Consultation Responses

Please note that suggested responses have only been provided to key questions in relation to East Northamptonshire Council.

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?

Paragraph 156 already requires Local Planning Authorities (LPA) to include strategic policies for delivering new homes required for their area. If the proposal is to require further commitment for the LPA to ensure delivery of these strategic policies it should be recognised that the strategic policies may be delivered through a number of different mechanisms that are not solely related to the LPA. For example in North Northamptonshire new housing delivery is being achieved through a combination of resources, including a joint core strategy and delivery unit, in addition to the local resource provided by the LPA.

The NPPF needs to reflect a LPAs ability to provide mechanisms to aid housing delivery particularly in areas where delivery has been difficult. As indicated, however, delivery is usually dependent on a number of key stakeholders, not just the LPA. Further clarity may be required to be incorporated into the NPPF wording to emphasise the responsibilities of other stakeholders in the process. For example utility providers (eg gas, electricity and broadband) and the responsibility they have in overcoming not just barriers to delivery, but also in assessing longer term delivery planning horizons for infrastructure to avoid a piecemeal approach.

Although there is not a specific consultation question, clarification is sought on the proposal in A.12 relating to a requirement for local plans to be reviewed at least once every five years. As referred to above, this LPA is currently preparing a Part 2 Local Plan to take forward the Joint Core Strategy (JCS). There are concerns that within a rigid timescale for review, there wouldn't be enough time for the Part 2 Local Plan to be produced, in advance of a review of the JCS. Whilst accepting the principle of requiring a review, there needs to be flexibility in timescales. Not all Local Plans will need reviewing every 5 years. It is considered that, rather than have a rigid timescale, the requirement for review should reflect local circumstances i.e. monitoring indicators that reflect local circumstances, and identify the circumstances where reviews should be undertaken.

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?

This is supported providing this occurs through a statutory process and does not extend to non statutory plans through alternative delivery mechanisms.

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

Proportionate evidence to support a plan is welcomed. A one-size-fits-all approach is not considered appropriate. Local discretion should be encouraged in assessing the requirements of local plans as

they will vary from area to area. This could better be defined through best practice outlining how a LPA should consider key principles for determining evidence base across the key areas/topics that are required to be addressed, perhaps referencing the requirements related to paragraph 156 of the NPPF as raised in Question 1 of this consultation.

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?

One key change could be to provide an opportunity to assess that plans meet legislative requirement test in advance of examinations. This would help ensure that plans do not enter into potentially lengthy examinations and fail basic compliance tests, for example around Duty to Co-operate or meeting SEA requirements and Statement of Community Involvement requirements. This could be achieved through early and continual dialogue with the Planning Inspectorate, also as part of a pre examination check, perhaps on a similar basis to the NPEIRS review of Neighbourhood Plans, which can be provided prior to plan examination. In addition, a number of these requirements will already have been met through the Part 1 Plan.

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?

We would welcome the introduction of clear policies for addressing the housing requirements of groups with particular needs such as older and disabled people. We consider that specific requirements need to be set if the needs, particularly of the increasing older population, are to be met.

It is difficult to persuade developers to make such provision, particularly for bungalows (both to mobility and fully wheelchair accessible standards), as they are seen to be 'land hungry'. Bungalows are often the property type of choice for older and disabled people, particularly in less densely populated areas, as they provide manageable but attractive accommodation which means residents can remain independent in their own homes for longer. They also encourage older people to downsize from family housing, thereby freeing it up for younger purchasers. If developers had to factor in a certain percentage of such accommodation it would be easier to insist that it was provided. Local authorities should set the percentage requirement in line with local need.

Specialist schemes for older and disabled people, such as sheltered housing and extra care schemes, both for sale and rent, also have a role to play and should be factored into larger developments such as Sustainable Urban Extensions and other strategic sites. Again, requirements should be set according to local needs.

The provision of evidence should be proportionate and pragmatic. Therefore although this proposal is supported, it is considered that further detail is required as to what this means in practice. Clear transitional arrangements will also be required in relation to adopted and emerging local plans.

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?

The introduction of the standardised approach will need to include clear guidelines as to how this proposal would apply to local plans that are at different stages of preparation, this may also require transitional arrangements where plans are at an advanced stage in preparation to avoid unnecessary delay.

In principle, however, it is recognised that there is a need for guidance on a standardised approach to assessing housing requirements, without any detail it's difficult to comment further. Notwithstanding this, any approach needs to be clear that it does not apply in areas that have an up-to-date Local Plan.

Concerns are therefore raised that unless it is made clear how it will operate, a standardised approach may be used to undermine adopted Local Plans, particularly in areas where it identifies a higher housing requirement than identified in an adopted Local Plan.

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?

Clearly the best use should be made of available land; however, this should not be at the expense of the design and place shaping principles which are essential elements of bringing forward new development.

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?

It is not clear what difference this would make. Clarity is also sought as to whether this proposal specifically relates to brownfield land.

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 consent which they have granted to themselves?

Yes, this is supported.

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?

This measure is supported, although Neighbourhood Plans already identify sites that are suitable for housing. Particularly in the rural areas, it is important that the community is supportive of new development so that it is fully integrated into the villages.

However, with limited financial resources, including the availability of neighbourhood planning grants, it is difficult to perceive that such plans can confidently address major housing requirements. It is also extremely unclear what role Local Plans should make in terms of allocations, particularly where Neighbourhood Plans that are aiming to provide allocations are running into difficulties.

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, this is supported by current policy in East Northamptonshire. Small housing schemes in rural areas can provide real opportunities for villages to thrive, supporting local services such as schools and shops as well as meeting needs and this proposal is therefore welcomed. However, some villages are reluctant to promote development.

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?

Yes, again current policy both locally and nationally already supports this approach. East Northamptonshire Council strongly supports and has already approved and developed schemes on rural exception sites which include an element of market housing to make the affordable housing viable. This has been very successful, delivering mixed tenure schemes to meet the needs of the village and further government support for this approach is welcomed. Proposals would need to clearly evidence how the inclusion of any market housing would be required to enable a rural exception scheme to be made viable. It is considered though that the market housing delivered on exception sites should be modest and provide homes which are affordable to local people.

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

This proposal is not supported. It is considered that this places too onerous a burden on LPAs, and could slow down Local Plan preparation. It will result in less windfall development, which would come forward if sites were suitable. Whilst the LPA is supportive of measures to diversify the market, it considers that this would be better achieved through policies to encourage windfall development.

Clarity is also sought as to whether this is a reference to 10% of sites or to 10% of the required additional housing capacity? And whether this is intended to apply to Neighbourhood Plans as well as Local Plans?

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?

This proposal is not supported. It places additional resource burdens on the local planning authorities and raises concerns about the relationship with the local plan process. A housing figure for a village relates to the sustainability of a particular settlement, and will vary across settlements. The most appropriate mechanism to identify housing requirements should be through the Local Plan process, relating to evidence on local needs, sustainability, infrastructure provision, etc.

It will be difficult to identify a housing requirement figure 'on request' outside of the plan-making process. Population and household projections are not produced at the level required to assess this demand and therefore local need could not be accurately reflected or be achievable/objective from a technical perspective. Neither is it clear how such proposals could, inter alia, accurately reflect infrastructure provision and capacity.

Should the Government progress this proposal, further guidance on methodology will be required.

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 clear design expectations; and that visual tools such as design codes can help to provide a clear basis for making decisions on development proposals?

This is supported, although recognised that Supplementary Guidance also has a role to play in this respect. For example North Northamptonshire is currently preparing a Place Shaping SPD, in partnership with the constituent LPAs.

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?

This is supported, providing that the proposal does not impact on the ability to ensure that the type and mix of new homes created achieves an appropriate community balance, including the provision of affordable homes.

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?

The consideration of design is complex and can be subjective across even relatively small areas within a LPAs administrative area. Again the level of work undertaken and evidence provided needs to be proportionate; otherwise it may contribute to delaying the plan making process. In addition where design principles have been taken on board, the importance of their objectives in decision making, particularly in respect of appeals needs to be given greater weight. Too often it is considered that greater weight is given to other principle objectives in reaching decisions.

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?

This is supported. Design standards, such as Building for Life, can help in the assessment of design quality but are often only as good as the person assessing the scheme. A design led approach using appropriately skilled experts to deliver and drive up the quality of schemes particularly from the large scale housebuilders would be supported. Such an approach requires appropriately skilled professionals within the LPA to engage with and proactively produce high quality outcomes rather than relying on assessment techniques.

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?

The efficient use of land will involve many issues. Land should be developed as efficiently as possible. However, the impact of development needs to form a key part of the consideration alongside density. Again there is no “one size fits all” solution, and this should not be imposed on LPAs from a national perspective. Clear good practice guidance can assist in helping deliver efficient an efficient use of land, but this should not be driven by density. The development impact should more easily be considered/evidenced through the local context, of which neighbourhood planning forms a key element. Retaining local character and adding value through design are viewed as key principles for delivering sustainable local planning in East Northamptonshire, where the quality of environment is valued alongside a proactive approach for meeting future development needs.

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

Well designed and appropriately located higher density development proposals would be supported in urban areas where there are good sustainable transport options and connections and supporting facilities.

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?

The wider benefits of good quality open space should be taken into account as a key consideration in good planning and place shaping. There are also clear health and wellbeing benefits. Open space is not just about the quantity of provision, but also its quality and how it is used.

Well-designed multifunctional open space can also play a role in enhancing the value of new developments and providing for features such as sustainable drainage. It may not be possible for existing open spaces to meet the demands of further high density development, new developments should therefore include quality open space provision to meet the needs of further demand raised through new residents, particularly where space is at a premium, open space provision should be multifunctional in use, combining good aspects of design to improve environmental impact.

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

A national approach setting out minimum density standards is not supported. The approach is more complex; LPAs should have the ability to evidence and provide a local approach, set against the realistic and deliverable housing requirements that are set out through agreed housing delivery targets in the LPAs adopted Local Plans. The appropriate density of development can, and will, vary across sites dependent on local circumstances, this needs to be recognised.

16. Do you agree that:

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

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

No, this is not supported. It is not considered to be a practical solution; due to the resources required to permit this to be undertaken. A better solution would be for the publication of clear guidance for calculating a 5 year supply nationally. The guidance should also outline requirements for engaging with the development industry and infrastructure providers, outlining how these key stakeholders would be expected to engage in the process.

There are also concerns raised as to whether the Planning Inspectorate has the resources to undertake the testing of this. If PINS re-instated guidance on calculating 5 year supply it is considered that this would remove the need to examine it.

17. In taking forward the protection for neighbourhood planning as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

a) A requirement for the neighbourhood plan to meet its share of housing need?

This proposal is not supported; refer to response to Q12a above.

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?

As indicated above there is not clear support for this proposal. Should it be considered it may penalise the incentive for a community to prepare a neighbourhood plan, as there would be little incentive to produce a plan in a LPA area that has persistently under-delivered and is not actively bringing forward a local plan in a timely manner.

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?

There is no general requirement for neighbourhood plans to include allocations.

18. What are your views on the merits of introducing a fee for making a planning appeal?

In principle this is supported, and would assist in meeting the administration costs associated with appeals, it may also deter “frivolous” appeals. In reality on many schemes this is likely to represent a small element of overall costs. On smaller schemes additional fees may have implications; generally, smaller scale development is promoted by smaller developers. A scale of fees based on size of development could address this. Fees could also be returned if appeals were upheld.

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?

North Northamptonshire already supports this approach through Policy10 of its adopted Joint Core Strategy. However, further support from Government would be welcomed, particularly in respect of rural areas, where delivery is a challenge. The issue of delivery, where not related to new development is not a planning matter and therefore cannot be so easily be addressed, it will require the full co-operate of broadband suppliers. Past experience has presented difficulties in engaging with this sector of the utility industry (along with gas and electricity suppliers) due to differences in planning timescales and no clear structures for communication.

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 will help to provide more reliable information. However, its value may be compromised in a number of circumstances for example where applications go to appeal or a revised planning application is submitted to amend the layout and housing numbers. LPAs would also need to provide the capacity to monitor and assess progress.

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?

This is welcomed, a requirement to provide this information clearly assist the LPA in undertaking land availability assessments.

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

Agreed, although it should be noted that information about projected build-out rates is already published as part of the LPA's housing trajectories.

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

This information would assist the LPA it would provide more detail in understanding how sites are progressing and may assist in highlighting delivery problems more clearly.

22. Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on

sites where there is evidence of non-implementation of earlier permissions for housing development?

No the primacy of the development plan policies (along with any other material considerations) should remain as the key determinant in respect of planning applications. It is difficult to see how realistic it would be to challenge evidence submitted as part of a planning application for site delivery. In relation to strategic proposals this is more acceptable, but difficult to see the merits for small and medium site proposals.

Further the definition of “realistic prospect” would need to be better defined.

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.

The approach in responding to Q22 also applies to this proposal. How would this be applied within a LPA’s area, a county or nationally? It is considered inappropriate to take an applicant’s track record into account. There would be nothing to prevent an applicant obtaining planning consent and then selling the consent to a developer with a poor track record.

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 is not supported; there should be a consistency across all planning applications. The proposal will unnecessarily increase administration workloads and is not seen as helpful in respect of larger strategic sites, which provide the majority of new housing delivery and due to complexity of issues often require longer time periods to get underway. The approach to effectively requiring a further submission in a shorter timescale will not assist in speeding up delivery.

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, this is accepted.

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?

Yes, accepted, providing the Local Plan refers to the Part 1 Local Plan.

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

Yes, this is supported; net annual completions should be the standard form of measuring housing delivery.

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

This is accepted, providing this relates to the adopted Plan.

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%?**

The consequences of this have not been modelled for the LPA. However, to impose rigid thresholds does give rise for concern as delivery is a complex issue and some factors may be beyond the control of the LPA, for example the state of the national economy and the impact that has on house building, shortages in skills to ensure delivery and market saturation levels. Further, trajectories rely to an extent on the accuracy of information made available through housebuilders. LPAs cannot force developers to submit planning applications or commence implementation. Similarly development can be dependent on a number external factors for which the LPA does not have direct responsibility, such as the timely delivery of major infrastructure provision.

The consequences of the above could therefore undermine the certainty provided through proactive local plan making and undermine the confidence of local communities.

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

Some of the barriers to delivery, such as the provision of infrastructure, have been addressed in earlier responses to the consultation questions.

Q31 Do you agree with our proposals to:

- a) amend national policy to revise the definition of affordable housing?**

We support a revised affordable housing definition to include starter homes as this is a product which will assist many first time buyers into home ownership, and will reduce the demand for other types of affordable homes such as rented and shared ownership properties.

However, it is unclear how Starter Homes will be administered. It would be preferable for them to be administered through the Help to Buy Agent, in line with Shared Ownership and other Help to Buy products.

We also have some concerns that starter homes, unlike discounted market sales, will not retain the 20% discount for future eligible households, and do not have any provisions for the discount to be recycled. It is now proposed that the discount should be repaid in full or in part if the owner moves within the first 15 years. Further detail is required on how this would work – what proportions will be expected to be repaid, at what points and to whom, and what will happen to the money – could it be recycled to provide other affordable homes?

We also consider that the affordable housing definition is somewhat confusing. It would be clearer if the 'social rented housing' and 'affordable rented housing' definitions were set out more clearly as sub-sections of the 'social rented and affordable housing' definition. The definition of 'intermediate housing' is also confusing and would benefit from a clearer distinction between sale and rented homes.

It would be helpful if there was a clause to enable the local authority to determine the type of affordable housing to be delivered on individual sites. This would avoid developers selecting the types of affordable products they most favour, rather than meeting the local authority's requirements.

b) introduce an income cap for starter homes?

The introduction of an income cap for starter homes, in line with that for shared ownership is welcomed. This will prevent households who could afford to purchase on the open market from accessing the product.

c) incorporate a definition of affordable private rent housing?

The incorporation of private rented housing into the affordable housing definition is welcomed. Private sector investment in affordable rented products such as Build to Rent will help to increase the supply of private rented accommodation which is of good quality, secure and affordable. However, affordable private rent should be restricted to Build to Rent schemes and not used as a replacement for standard affordable rent.

Q32 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?

We welcome the Government's decision not to introduce a statutory requirement for starter homes at this time as this will enable local authorities to consider how affordable housing to rent and buy can best be delivered to meet local needs. In principle, we would support that a minimum of 10% of all homes on individual sites should be affordable home ownership products. However, on some sites where viability is an issue, this may not be possible. Some sites will not deliver any affordable housing at all; others will only deliver 10% or less. It would not be appropriate to only deliver affordable home ownership products on such developments, with no affordable rent and 10% may, by default, become the target that developers consider they need to satisfy. It is therefore suggested that where sites deliver 20% affordable housing or less, it should be split equally between affordable rent and home ownership products. Where sites deliver in excess of 20% affordable housing, the remainder should be apportioned at the local authority's discretion, according to local circumstances.

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

The application of the policy to developments of over 10 units or 0.5 ha is welcomed in the urban areas. However, it is considered that affordable homes for both rent and home ownership in the rural areas should be encouraged on sites of 5 units or more, or in excess of 0.3ha. This is because many sites in the rural areas, whether exception sites or within existing settlements are smaller than 10 units. Often the villages are more expensive places to live and access to home ownership is therefore more difficult, particularly for first time buyers. The Government's aims to support small and medium sized sites and to help rural communities to thrive would be assisted by a lower threshold for affordable products on rural sites.

Q33 Should any particular types of residential development be excluded from this policy?

The proposals to exclude particular types of residential development from this policy are generally welcomed:

- i) It is appropriate that affordable products in build to rent schemes should be affordable private rent

- ii) In respect of supported housing, properties for outright sale and shared ownership can be included e.g. in sheltered housing and extra care schemes, and will provide suitable accommodation for people wishing to downsize. Affordable home ownership would not, however, be appropriate as part of residential care homes.
- iii) Individual custom build properties should be excluded but on larger custom build schemes there may be scope to provide affordable housing of all types e.g. if a developer were to purchase a parcel of land to deliver a number of custom build properties. Alternatively, there may be scope for the developer or landowner to pay a commuted sum, rather than the individual custom build purchasers
- iv) The delivery of affordable home ownership on rural exceptions sites should remain a matter of local discretion for the local planning authority.

Q23 Relates to whether the policy should be different in London from the rest of the country – no comment

Q24 Would it be helpful for government to produce non-mandatory model clauses for S106 agreement to give effect to Affordable Private Rent?

Yes, model optional clauses would be useful.

Q25 Is a transitional period of 6 months appropriate for the introduction of the policies? If not why not?

It is not yet clear what the implications of the introduction of the policies will be so it is not possible to respond to this question at this time.

Q26 relates to the Equalities Statement

We welcome the development of more rented accommodation and the offer of longer term tenancies to tenants. However the affordable private rented offer is not as attractive as affordable rented properties:

- Rents and service charges are not strictly enough controlled and the units may quickly become unaffordable
- It would seem local authorities will not have nomination rights and that developers could choose their own tenants, so it is unlikely that selection criteria will be advantageous to those on low incomes or those with protected characteristics
- If not tightly restricted to BTR, developers will start to offer it on other developments which may result in reduced numbers of affordable units being delivered. This will in turn impact on our ability to house the homeless and those on our waiting list.