

Response ID ANON-1R1Y-UK7Z-X

Submitted to Levelling-up and Regeneration Bill: Reforms to National Planning Policy
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Introduction

A Personal dataThe following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.1. The identity of the data controller and contact details of our Data Protection Officer The Department for Levelling Up, Housing and Communities (DLUHC) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk 2. Why we are collecting your personal data Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.3. Our legal basis for processing your personal dataThe Data Protection Act 2018 states that, as a government department, DLUHC may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.4. With whom we will be sharing your personal dataDLUHC may share your personal data with external organisations, for purposes relating to this consultation, including analysis of responses. Any data shared with organisations outside of DLUHC will be anonymised where possible.5. For how long we will keep your personal data, or criteria used to determine the retention period.Your personal data will be held for two years from the closure of the consultation.6. Your rights, e.g. access, rectification, erasure The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:a. to see what data we have about youb. to ask us to stop using your data, but keep it on recordc. to ask to have all or some of your data deleted or correctedd. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.7. Your personal data will not be sent overseas.8. Your personal data will not be used for any automated decision making. 9. We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will remain on the Citizen Space server and/or be transferred to our secure government IT system for two years of retention before it is deleted. Please confirm that you have read and agree to the privacy notice

Please tick to confirm:

Yes

B What is your name?

Name:

Duncan Bowie

C What is your email address?

Email:

duncanbowie@yahoo.co.uk

D What is your organisation?

Organisation:

Highbury Group on Housing Delivery

E What type of organisation are you representing?

Interest group or voluntary organisation

If you answered "other" please provide further details:

Chapter 3

1 Do you agree that local planning authorities should not have to continually demonstrate a deliverable five year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than five years old?

No

Please set out the reasons for your answer:

The requirement should be maintained. The requirement should be on a rolling basis with an annual review. However the failure of a local authority to fully meet this requirement should not generate a presumption in favour of sustainable development on sites not specified in the Local Plan or included in the most recent 5-year land supply. It should be recognised that some LAs do not have the development capacity to meet in full their assessed housing requirements, which is why an improved framework for collaboration between LAs in the same housing market area is essential. The Government's proposals in relation to inter-LA strategic planning are inadequate.

2 Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

No

Please set out the reasons for your answer:

The previous approach to buffers and penalties was not helpful.

3 Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on?

No

Please set out the reasons for your answer:

The 5 year land supplied should be kept under review on an annual basis and should have regard to an annual update of the assessment of housing requirements. This should include an assessment of the backlog of unmet need as well as projections of future housing requirements.

Or is there an alternative approach that is preferable?:

see above

4 What should any planning guidance dealing with oversupply and undersupply say?

Answer:

Oversupply may relate to specific housing outputs and usually relates to housing outputs being unaffordable by most households in housing need. LAs should be required to revise planning policies which have enabled inappropriate housing outputs as well as to take measures to bring any surplus units into effective occupation.

5 Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

Answer:

We do not support any provisions relating to neighbourhood plans which override policies in an adopted Local Plan. However the deletion of 14c and 14d is acceptable.

Chapter 4

6 Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

Yes

Please set out the reasons for your answer:

Yes. It is essential all plans should relate to the full range of assessed housing requirements in terms of affordability, tenure, dwelling type and appropriate location and should support the required employment, transport, utilities and social infrastructure required by both existing and new residential communities.

7 What are your views on the implications these changes may have on plan making and housing supply?

Answer:

There needs to be a greater focus on types of housing output rather than on crude numerical unit output.

8 Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs?

Yes

Please set out the reasons for your answer:

The critical point is that objective housing needs assessment needs to be consistent across England. Local housing targets should reflect different levels of planned growth and development capacity. This will inform collaboration across LA boundaries. This also requires a consistent approach to assessing residential development capacity. The Greater London authority's past approach to a regional SHMA and SHLAA are a useful precedent and could be the basis of new national guidance. No authority with residential development capacity should be able to opt out of meeting housing requirements including contributing to meeting housing requirements in the wider housing market area.

Are there other issues we should consider alongside those set out above?:

see above

9 Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

No

Please set out the reasons for your answer:

LAs should be required to review green belt boundaries where there is unmet housing need and ensure any new residential development within the Green Belt not only meets sustainability criteria but is focused on meeting the most urgent housing needs in terms of affordability, tenure and type.

10 Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out-of-character with the existing area?

Please set out the reasons for your answer:

There is a requirement for clear national guidance on development density. The density matrix included in the London Plan between 2008 and 2021 is a useful starting point. This allows for incremental increases in density in appropriate locations, but if implemented properly, stops inappropriate densification including hyperdense developments.

11 Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?

No

Please set out the reasons for your answer:

The existing soundness tests should be maintained together with clearer guidance on the required evidence base for plans. We oppose the proposed amendment to para 35a

12 Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation?

No

Please set out the reasons for your answer:

As stated above, we do not support the proposed changes to the soundness tests.

If no, which if any, plans should the revised tests apply to?:

13 Do you agree that we should make a change to the Framework on the application of the urban uplift?

No

Please set out the reasons for your answer:

There is no rational evidence based justification for the urban uplift.

14 What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

Please set out the reasons for your answer:

There is no requirement for any specific guidance if the urban uplift is removed.

15 How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

Please set out the reasons for your answer:

The only method for dealing with this issue is to require LAs to prepare joint strategic plans within a housing market areas (which should be delineated in Government guidance) and to carry out a joint SHMA and a joint SHLAA. In the case of metropolitan areas, this needs to be on a metropolitan area basis. Special arrangements are required for the London City region incorporating the Wider South East housing market area.

16 Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply?

No

Please set out the reasons for your answer:

Under the arrangements set out above, this would not be required.

If no, what approach should be taken, if any?:

17 Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?

Yes

Please set out the reasons for your answer:

As set out above, national guidance on assessing development capacity and responding to perceived constraints is essential. A site being within a Green Belt boundary should not be seen in itself as an absolute constraint, where development would meet other sustainability objectives..

18 Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

No

Please set out the reasons for your answer:

Permissions are not guaranteed to generate appropriate output within the plan period. The criteria should relate to whether a development proposal is in conformity with the adopted Local Plan, not whether or not permissions for other schemes are outstanding.

19 Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

No

Please set out the reasons for your answer:

see above

20 Do you have views on a robust method for counting deliverable homes permissioned for these purposes?

Please set out the reasons for your answer:

The Government should examine local trajectories for conversion of permissions into completed units and the basis for setting housing targets based on local capacity studies which include discounting potential output on both small and large schemes which are unlikely to be delivered within the plan period. The GLA developed methodologies on both these aspects.

21 What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

Please set out the reasons for your answer:

We do not support the process of applying housing delivery tests.

Chapter 5

22 Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions?

Yes

Please set out the reasons for your answer:

This is essential. There needs to be a clear definition of affordability for social rent based on local lower quartile incomes. The current definition of affordable housing as 80% market value or 80% market rent is absurd and should be dropped with immediate effect.

If yes, do you have any specific suggestions on the best mechanisms for doing this?:

The case for social rented housing as a separate land use class should be considered. LAs should be required to be explicit as to the type of housing required on individual development sites, with the aggregate of requirements to be consistent with meeting needs assessed at a district wide level. Where there is a shortage of development capacity, priority should be given to the most urgent needs, which will normally be for social rented homes.

23 Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

Yes

Please set out the reasons for your answer:

24 Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

Answer:

We do not support a 10% target being applied to all LAs as the balance between small and larger sites will vary widely between local authorities.

25 How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

Answer:

The current text is satisfactory.

26 Should the definition of "affordable housing for rent" in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

Yes

Please set out the reasons for your answer:

The critical issue is the provision of social rent not 'affordable' housing as currently defined. Policy should relate to housing outputs, not the nature of the provider. Clearly there is a need to diversify the range of providers and the identification by the LA of small sites should encourage development by smaller developers, including smaller house-building firms as well as 'community-led' organisations..

27 Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

Answer:

This should not be necessary. Speedier planning decision processes (and lower or zero planning fees) would have a much more positive impact.

28 Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

Answer:

Grant for smaller housing associations and cooperatives and community land trusts focusing on social rented provision would be most useful.

29 Is there anything else national planning policy could do to support community-led developments?

Answer:

This is not primarily a planning policy matter.

30 Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?

No

Please set out the reasons for your answer:

Making planning permission personal to the applicant represents a fundamental change in the English planning system, as permission is attached to the site. The proposal is completely unworkable and any planning decision based on views aboutan applicant's past performance will be subject to legal challenge.

If yes, what past behaviour should be in scope?:

See above comment.

31 Of the two options above, what would be the most effective mechanism?

Neither

Please set out the reasons for your answer:

see above comment

Are there any alternative mechanisms?:

32 Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly?

Yes

Please set out the reasons for your answer:

Government action as set out in para 35a) would be helpful, The factors referred to in para 35b) and 35c) are matters which could inform a LA decision making process and it would be reasonable for a LA to seek a speedier delivery timescale if practical. However the focus should be the form of housing output and we would not support a switch from social rent to market homes solely on the grounds that the latter maybe more profitable for the developer or more deliverable in the short term than the former.

Do you have any comments on the design of these policy measures?:

see above.

Chapter 6

33 Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

No

Please set out the reasons for your answer:

This is an absurd proposal as beauty cannot be defined. Aesthetics are a subjective matter. Any design factors must be measurable if they are to be part of a planning decision making process by the local authority. This can be covered by design guides and explicit design and standards requirements set within national guidance and supplemented by Local Plans and local design guides. A mandatory national minimum space standard is essential.

34 Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places' to further encourage well-designed and beautiful development?

No

Please set out the reasons for your answer:

see above.

35 Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

Yes

Please set out the reasons for your answer:

Clarity is essential if planning decisions in regard to design matters are to be justifiable.

36 Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes?

No

Please set out the reasons for your answer:

It is unnecessary to focus on one specific design option, especially one which encourages increase in the size of existing homes rather than the creation of new homes.

If no, how else might we achieve this objective?:

This is a matter for local design guides, together with other aspects for appropriate intensification/densification..

Chapter 7

37 How do you think national policy on small scale nature interventions could be strengthened? For example in relation to the use of artificial grass by developers in new development?

Answer:

No comment as these proposals have not been discussed by the Highbury Group on Housing Delivery.

38 Do you agree that this is the right approach to making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?

Yes

Please set out the reasons for your answer:

Clearly food production land should not generally be used for development for other land uses.

39 What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

Answer, including any supporting information:

No comment as this has not been given detailed consideration by the Highbury Group.

40 Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?

Answer:

No comment (as above)

Chapter 8

41 Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

Not Answered

Please set out the reasons for your answer, including any views on specific wording changes to the existing paragraph:

No comment

42 Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

Not Answered

Please set out the reasons for your answer, including any views on specific wording changes to the existing paragraph:

No comment

43 Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?

Not Answered

Please set out the reasons for your answer, including any views on specific wording changes to existing footnote 54:

No comment

Do you have any views on specific wording for new footnote 62?:

44 Do you agree with our proposed new Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

Not Answered

Please set out the reasons for your answer, including any views on specific wording changes to the proposed new paragraph:

No comment

Chapter 9

45 Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system?

No

Please set out the reasons for your answer:

The timeline is unreasonable unless resources of LAs and the Planning Inspectorate are increased significantly and decisions by DLUHC and the Secretary of State are more timely.unless

If no, what alternative timeline would you propose?:

46 Do you agree with the proposed transitional arrangements for plans under the future system?

Not Answered

Please set out the reasons for your answer:

No comment

If no, what alternative arrangements would you propose?:

47 Do you agree with the proposed timeline for preparing neighbourhood plans under the future system?

Not Answered

Please set out the reasons for your answer:

No comment

If no, what alternative timeline would you propose?:

48 Do you agree with the proposed transitional arrangements for supplementary planning documents?

No

Please set out the reasons for your answer:

LAs should be able to prepare SPDs as and when required.

If no, what alternative arrangements would you propose?:

Chapter 10

49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?

Yes

Please set out the reason for your answer:

While this is a useful scoping for national policies, it is difficult to comment further until a draft is available. Any national policies should be subject to consultation and parliamentary debate and approval. They should not override policies set out in approved local plans and in the London Plan.

50 What other principles, if any, do you believe should inform the scope of National Development Management Policies?

Answer:

No comment

51 Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

Yes

Please set out the reason for your answer:

Carbon reduction measures are a matter for national policy. The other two matters (allotments and town centres) are appropriate for local determination not national policy.

52 Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

Answer:

A definition of affordability linked to local incomes for social rented housing (such as 30% net income of lowest quartile households) together with definitions of affordability in relation to intermediate housing and other sub-market housing outputs.

Chapter 11

53 What, if any, planning policies do you think could be included in a new Framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?

Answer:

The publication of a national spatial plan which includes regional content supplemented by advisory regional plans, which set out economic, housing, transport, infrastructure and environmental priorities, with the funding and delivery plans to ensure implementation.

54 How do you think the Framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

Answer:

see above. This must be supported by adequate research with priorities and funding based on evidence of need and development potential, rather than by political opportunism.

55 Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

Yes

Please set out the reason for your answer:

However this must be based on appropriate development and optimisation of development capacity not by objective of maximising unit out-turn within existing urban areas.

56 Do you think that the government should bring forward proposals to update the Framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups feel safe in our public spaces, including for example policies on lighting/street lighting?

No

Please set out the reason for your answer:

This is a matter for design guidance rather than the NPPF.

Chapter 13

57 Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

Answer:

We support proposals for making planning policy more accessible. Publication of summary documents including spatial images would be helpful. The material published in relation to the 1944 Abercrombie County of London Plan is a good precedent!

58 We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

Answer:

There needs to be a comprehensive assessment of the impact of proposed policy changes on groups with protected characteristics. This should include an analysis of the distributional consequences of proposed policy changes both in terms of income groups and spatial distribution, if this is to be consistent with the Government's levelling up objectives.