



DISTRICT COUNCILS' NETWORK

Innovative and collaborative
solutions for people and places

Housing White Paper Fixing our broken housing market –DCN Response

Overview

The DCN

Our Network is a cross-party member led network of 200 district councils. We are a Special Interest Group of the Local Government Association (LGA), and provide a single voice for district councils within the LGA. We lobby central government, the political parties and other stakeholders directly on behalf of our members, as well as commissioning research, providing support, and sharing best practice.

The DCN represents the planning and housing authorities in district/county areas and are centrally placed to fully support and deliver the Government's housebuilding ambitions. We have a unique understanding of our localities and we call on Government to enable us to fully realise this central role through this White paper

Our work on delivering more homes

District Councils are at the heart of housing delivery. In 2015/16 districts accounted for around 45 per cent of the total number of housing completions in England. But they can do more to deliver housing locally, especially the genuinely affordable homes that their communities need. They need more fiscal freedoms to unlock their potential to deliver more housing. These include; amendments to the Right to Buy receipts, increasing the time available to spend them and the ability to retain 100 per cent of Right to Buy receipts to build new homes; lifting the borrowing cap for the housing revenue account; future certainty over rent setting policy and the sale of high value assets.

We recognises the central role of planning in delivering more homes and note that the Housing White Paper dedicates much of its four chapters to the planning system. We support the plan-led system as the vehicle for delivering more homes and have consistently argued that plan-making takes too much time, and is too expensive and complicated. The distractions of the five-year supply and planning by appeal is draining scarce resources from district council planning departments and reducing the credibility of the planning system in the eyes of local communities.

Infrastructure to support housing is also central and the DCN would underline the vital strategic importance of having the right infrastructure funding in place to ensure that residents can access services which are local to their new homes.

We made detailed submissions to Local Plans Expert Group to support the delivery of quicker and cheaper Local Plans, and we welcome that some of the recommendations have finally seen the light of day in the White Paper.

To shape our response to this consultation we held two workshop events that brought together Members and Officers to identify key issues our Councils have with the White Paper and to generate ideas as to how it could be improved.

Overall we welcome the publication of the White Paper and the opportunity to respond to its contents. In particular we welcome the change in tone from criticising planning departments for being a barrier to growth to recognising that there are a range of complex reasons why new homes are not being delivered, over which districts have limited control. The White Paper makes a good start in recognising the complex problems of the housing market and the need for all sectors to be part of the solution.

Our Submission

This submission builds on our previous work outlined above and draws on experience and contributions from DCN member councils.

The DCN welcomes the opportunity for discussion on any points raised in this submission with the DCLG officers. We are keen to work alongside the DCLG to unlock housing delivery and speed up growth. We can identify best practice and draw on the experience of our Members from around the country.

In summary our submission supports:

- The requirement for each part of country to have up to date local plan
- Allowing local authorities to increase planning fees by 20% from July 2017 if they invest income in their planning department.
- Giving the opportunity for local authorities to have housing land supply agreed on annual basis and fixed for one year.
- Reducing timescales for developers to implement permission from 3 to 2 years
- Supporting councils to use compulsory purchase powers for stalled sites.
- Working with councils to understand options for increasing the affordable housing supply.
- Replacing the starter homes requirement with a requirement that housing sites deliver a minimum of 10% of affordable home ownership units.
- Delivering a broader range of tenures though the Affordable Housing Programme.

The areas where we consider there is need for more discussion are:

- The standardised approach for calculating assessed housing need
- Protections for the green belt
- Encouraging higher densities for housing
- Fees for planning appeals
- The Housing Delivery Test
- Housing delivered though alternative vehicles to offer Right to Buy
- Extension of the Right to Buy though regional pilot

The areas we consider to be missing from the White Paper are:

- Amendments to the Right to Buy receipts
- Lifting the borrowing cap for the Housing Revenue Account
- Some key LPEG recommendations including the introduction of staged examinations of local plans
- The role of the new homes bonus in supporting housing delivery
- The ability of councils to set planning fees to ensure full cost recovery.

Our detailed submission will focus on these areas where we consider there is more room for discussion and the areas we consider to be missing from the White Paper.

We hope this submission helps Government to firm up the details of the Housing White Paper and shape the associated consultations on technical details.

The DCN have also responded to the linked consultation Planning and affordable housing for Build to Rent.

Contact for further information: dcn@local.gov.uk

District Councils' Network, Laydon House, 76-86 Turnmill Street, EC1M 5LG

DCN Detailed Submission

Areas missing from the white paper

The DCN has responded to the detailed consultations of the White Paper below. However we consider the following to be the main areas where the White Paper is silent or could contain further detail and therefore call on the Government to bring forward additional proposals in these areas to fully realise the housing ambitions of local authorities.

1. Fiscal Freedoms and the New Homes Bonus

We are disappointed to note the lack of general fiscal freedoms to unlock the potential of local authorities to deliver more housing. This includes the genuinely affordable homes that are needed. These include;

- Lifting the borrowing cap for the Housing Revenue Account (whilst there are some signals that certain councils will possibly be able to access greater flexibilities or 'bespoke deals' this does not appear to apply to all councils on a systematic basis).
- Amendments to the Right to Buy receipts – increased time to spend and retaining 100% of receipts.
- Combining grants with Right to Buy receipts

The impact of welfare reform on rental income and the individual, the future rent setting policy and the sale of high value assets are not explored in the white paper. The impact these areas will have on the development of future affordable rented accommodation provide by local authorities and the private sector must not be underestimated, especially in the supported housing sector.

In addition, the white paper could do more to support local authorities with stamp duty charged on multiple properties acquired on one development.

In the white paper the Government indicate a willingness to do bespoke deals with authorities that are keen to develop. The DCN believes that deals should be generally available to all district councils, not just on an exception basis.

Additionally the DCN is concerned about the absence of any meaningful reference to the New Homes Bonus within the Housing White paper. Previous Government reviews have concluded that the New Homes Bonus scheme is working well and making a difference to the delivery of housing, these changes will undermine those results in future. The loss of New Homes Bonus funding to councils will inevitably reduce the number of projects that promote housing and economic growth and improve the health and wellbeing of residents, and which, furthermore, increase support for local housing growth in localities. The New Homes Bonus should continue to be an important pillar of the Government housing strategy and must not be cut any further.

2. Local Plan Expert Group Recommendations

The cost and complexity of local plans and their examination continues to be a concern for many of our members. The amount of evidence required is often disproportionate and could be considered to be a waste of public money. The LPEG recommended a smaller more proportionate evidence base as follows:

25. A smaller, focussed evidence base – An amendment should be made to the NPPG to tighten the definition of the documentation which is expected to comprise the evidence base for the local plan. We recommend the following revised definition of the requirement for evidence to support a local plan: “Only such supporting documents as the local planning authority considers strictly necessary to show whether the plan is legally compliant, sound and in compliance with the duty to cooperate.”

We are disappointed that this recommendation is not being taken forward in the White Paper.

LPEG further recommended:

28. Early MOTs – We recommend revision to the NPPG to set out strong guidance to local authorities that they should commission two early assessments of the soundness of their local plans. The first should be undertaken at the formative stage of plan making, whilst the second should take place once a full internal draft of the local plan has been prepared prior to its publication. DCLG should undertake a review with PINS, PAS, DCN and POS to put in place a system which ensures that sufficient resources are available from certified providers to undertake this service.

We are disappointed that this recommendation which would effectively introduced staged examinations is not being taken forward in the White Paper

3. Full Cost Recovery of Planning Fees

We welcome the proposed increase in planning fees and would encourage our members to ensure that they are used to increase capacity in planning teams. However this is in effect only a reduction in the rate of public subsidy to planning applicants and does not go far enough.

We believe that having well-resourced planning services is in the interests of all concerned – the development industry, residents, businesses and the environment. The ability of district planning departments to fully recover the costs of the development management service through the local setting of planning fees is vital.

In clear cases of retrospective planning permission that is substantive, local authorities should be able to recover the full costs.

4. The factors in successful housing development

There is little in the white paper that explores the range of elements that impact on the success of housing development. It is not enough to build more houses. We need to focus on creating well planned communities with sustainable, high quality homes and the elements that make people want to live there- education, access to transport and local jobs. The white paper could go further on ensuring that new homes are of a good standard.

Members do not want to see a drive for growth in housing at the expense of the regeneration of existing stock. There are many poor quality homes that are empty as they are in less desired locations or of poor quality. Investment in regeneration and good quality new homes is needed.

The DCN want to see investment in housing, infrastructure and economic growth aligned. Building new homes and communities should be linked into the Industrial Strategy and social mobility strategy.

5. The duty to co-operate

How the duty to co-operate is working or failing is not addressed in the white paper. The lack of sanctions behind the duty to co-operate means it is substantially weakened.

6. Extension of Right to Buy

District Councils are concerned about the proposed requirement that homes delivered through alternative housing vehicles must offer Right to Buy. This requirement will threaten the viability of models which aim to provide affordable housing for the local community. Whilst the Government has signalled that there may be flexibility the DCN would strongly urge Government ruling out the extension of right to buy to these vehicles.

7. Viability

District Councils are concerned about viability issues, which are not explored in the white paper. There are concerns around developers claiming viability issues where affordable housing is required and also developers claiming a development is unviable shortly after obtaining permission or part way through the build.

8. CIL review

The proposed review of CIL and its relation to affordable housing is welcomed, as there is no detail in the white paper.

DCN responses to specific Housing White Paper questions

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

The DCN support the proposed changes to the NPPF but are cautious about the use of spatial development strategies allocating strategic sites. We query how spatial development strategies produced by new combined authorities or elected mayors can allocate strategic sites and how this will relate to local plans. We seek clarity over how public engagement will take place. The DCN agree with the revision to the NPPF to clarify evidence requirements.

It is important that there is sufficient flexibility in the policy/guidance to ensure that existing communities and or/ windfall developments can properly be allowed for.

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?

We support a review of examination procedures for all types of plan to ensure they are proportionate. We refer to the LPEG recommendations including the introduction of staged examinations of local plans.

As mentioned in the initial section of this submission (areas missing from the white paper) the DCN are calling for a simplification of the local planning process and to reduce the cost of producing local plans, which is felt especially in smaller authorities. Also to look at the detail of the evidence needed and focus on if the evidence is relevant to the local plan.

One other important change would be to "freeze" the national legislative and policy situation on submission of a Local Plan; far too much work and effort is expended – and delays caused – by having to deal with new Government policy, PPG changes ministerial statements etc. during the examination stage of a Local Plan, even if the changes are of little materiality to the Local Plan in question.

Some of our members feel strongly that the wider public interest should be delivering housing for the next generation and this message should be supported by Government. Some members feel this interest should override local objections.

The standardised approach for calculating assessed housing need

Question 3

Do you agree with the proposals to:

- a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?*
- 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?*

We support the requirement for local authorities to address housing needs of particular groups but would point out that the planning system already tries to achieve this so would question the need for a change in national policy. This amendment could be extended to include student accommodation too. A more pressing concern is to ensure alignment across Government policy as a whole, for example addressing older people's needs.

The Government will consult on options for a standardised approach to assessing housing requirements, with the intention that from April 2018 the new method will become the baseline for assessing five year housing land supply and delivery (in the absence of an up-to-date plan).

There is broad support for a Standard Approach to assessing housing requirements as one of the LPEG recommendations that has found its way into the White Paper. However, whilst detailed consultation on measures is always to be welcomed, there is a huge amount of consultation to occur, on the White Paper itself, plus a range of other promised consultations including the OAN methodology. We need a clear timescales for these consultations and subsequent changes in order to avoid a further extended period of uncertainty for plan-makers.

Some of our members have expressed concerns about pressing ahead with consultation on proposed housing sites and numbers in the next few months if the new methodology could potentially lead to significantly different numbers, and perhaps the need to go out again for a further consultation. In particular the proposed transition periods are not long enough to allow Councils to assess the implications of the new methodology for calculating housing need through their Local Plans. Whilst any delay in plan preparation is regrettable, it is perhaps understandable if some of our members pause and wait for clarity rather than risk progressing with a plan which may need substantial revision.

Whilst we welcome that the recommendations of the LPEG report are being taken forward by a commitment by Government to consult on options for introducing a standardised inclusive approach, specifically with reference to older people to assessing housing requirements, we have consistently made the point that changes such as these can cause unforeseen delays. We would not want any future standardised methodology to disrupt existing adopted plans and would encourage speedy consultation to reduce uncertainty and potential delay about how to calculate objectively assessed need.

Question 4

Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

- a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;*
- 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?;*
- c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy*

Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?

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

The DCN agree to the proposed amendments to the NPPF. The definition of “suitable” land will need to be clear and precise; many rural districts will have large areas of greenfield land which may be found to be inappropriate through HELAA work, but which may not be appropriate to allocate due to infrastructure constraints, for example. This must also guard against the potential to inhibit the development of brownfield land and/or large strategic sites. It also should be recognised that not all brownfield land may be suitable for development.

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?

The DCN agree to the proposed amendment. This would allow for LAs to make the best use of their landholdings to deliver homes more quickly.

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)?

Greater powers would be most useful. The most important element would be to enable this to occur rapidly, and with a much-speeded up process for dealing with ransom strips. It is vital that land held by other public sector bodies (or pseudo public sector bodies) should also come in to this category

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?

The DCN support the proposal to consider the social and economic benefits of estate regeneration. If it is incorporated into the framework it will provide useful guidance for district councils to refer to when planning for estate regeneration.

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

The DCN support the general principals of this proposed change. Members are calling for every home at windfall sites to count towards housing delivery.

Members are also interested in exploring a way to measure homes released/vacated by permanent moves into nursing homes and those staying in student accommodation for the initial years after university.

Some of our members have concerns over question 8b and the likely requirement for LPAs to have a policy supportive of small “windfall” greenfield sites. There is a view that this could decimate the supply of “exception” sites in many smaller/rural areas. Why would someone put forward their site as an “exception” site if they could get full value (and presumably no affordable housing) for up to 10 greenfield dwellings?

The 10% target seems arbitrary and without justification. We suggest that perhaps a percentage target be replaced with an objective to increase the supply of residential sites of half a hectare or less to stimulate the SME sector.

Some of our members are already supporting SME’s to deliver more on smaller sites and access resources available through the HCA. Land supply is not the only factor affecting SME delivery - cash flow, planning, skills and materials shortages are all involved.

Question 9

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

The adoption of New Town or Development corporation principals or zonal planning or local development orders could all support high quality development. More will be gained if such powers are also able to be applied in relation to large scale urban extensions rather than just new garden towns and villages.

Protections for the green belt

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

- 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?*
- 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?*
- 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?*

We welcome the continued commitment to protect the green belt and the proposed changes to the NPPF to clarify the process for authorities that wish to put forward development within green belt boundaries.

Green belt boundaries should only change through reviews over wider areas than single local authorities and safeguards must be in place to ensure that development is sustainable, affordable and delivered in a timely manner, and without prejudice to the renewal of brownfield land.

However we consider that there is a wider need for a national reassessment of the role and purpose of green belts. The original policy consisted of two strands; the first to constrain the sprawl of cities into the countryside, and the second to redirect this growth to new settlements which were properly planned with appropriate facilities and transport links. Over the intervening period the first strand has been rigorously adhered to whilst the second has taken a lower profile with the result that there is nowhere for some districts to direct their growth. Some of our member districts are made up of over 90% greenbelt which makes it virtually impossible to deliver an adequate amount of new homes within their boundaries.

The proposals in relation to the 'exceptional circumstances' in which Green Belt boundaries can be amended has led to concerns from some of our members about the potential for unintended consequences in some Districts, as these proposals are likely to increase development pressure in less constrained areas of the district.

Other members are concerned about how the duty to co-operate will work in an area where neighbouring authorities have lots of greenbelt land and are unable to deliver their housing need. There is concern that green belt protection will displace growth into neighbouring authorities.

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?

No response.

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?;

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?;

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

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

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?

The DCN supports the proposals to amend the NPPF. Clear design expectations will help district councils to ensure development is acceptable to the local community and also provides high quality homes. A widely accepted design standard could be useful in this approach. District councils already offer early preapplication discussions and welcome this approach of involving the local community in the design of their area.

This proposal will need to be introduced with care as the neighbourhood plan request for housing number is not straight forward, particularly if the existing Local Plan has aged, and the new emerging plan has not yet reached a stage of deciding on a settlement hierarchy and spatial distribution options. There could be SEA problems with reasonable alternatives if a parish number is fixed too early and it could fetter the discretion of an LPA for, say, a significant increase in housing numbers in the locality.

Some of our members feel that proposal d (making it clear that design should not be used as a valid reason to object to development) is unnecessary. If development accords with the development plan, there is already a presumption in favour of development. Potentially creating legal issues; just because the NPPF suggest it is not valid reason for refusal, it would still be a material consideration and would need to be taken into account.

Encouraging higher densities for housing

Question 13, 14 and 15 -Combined answer

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?;

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?;

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?;

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?

Question 14

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

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)?

The White Paper proposes amending the NPPF to ensure that plans demonstrate a strategy for maximising the use of suitable land in their area and to make efficient use of land and avoid building at low densities.

We support the principle of making efficient use of land, although it should be noted that it may not be appropriate to build at high density in some of our more rural districts due to their local character. Councils should have local discretion on the correct density for new developments, taking into account the local context, housing need and infrastructure.

There may also be scope for high density developments in some villages and market towns – even without high-frequency public transport connections, many high quality and attractive village and town centres are traditionally high density.

It will be important to consider the role of design in securing more effective use of land, by for example making better use of roof and cellar spaces. Good design and layout will be vital and it is worth noting that some of the most desirable properties are Victorian residences which were often built at high density but with good design and internal space standards. Good design is vital to our members, and districts require more teeth to refuse schemes which are poorly designed. It is imperative that we do not allow the push for new homes to become the creation of substandard design homes for the future.

We must bear in mind that many urban sites are poorly located for residential use and development would generate high volumes of car traffic and long commutes. We have long held concerns over the use or conversion of employment sites to housing which can have a detrimental impact on the economic base of an area. District Councils want to build communities, not just homes. Therefore, it is essential that employment land is protected, rather than turned into new homes if it is not suitable for that purpose.

The public sector could make a greater contribution to the supply of housing land if a One Public Sector approach is introduced which would allow key public sector land holders to release land below market value to other parts of the public sector. This could stimulate a flow of land from say the MOD or NHS to district councils who could deliver new homes either directly, through arm's length companies, or via housing associations.

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?;

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

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?

The DCN support the proposal for local authorities to have their housing land supply agreed on an annual basis and fixed for a one year period. We question why a 10% buffer is required as this undermines the objective of fixing the land supply.

The option should be available to be taken up locally as needed.

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?;*
- 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?*
- 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?*

The DCN agree with the requirement for the neighbourhood plan to meet its share of local housing need.

b) The DCN do not agree that a Housing delivery should be introduced –please see the answer to question 28 and 29.

c) In support of 17a) it is considered preferable to have the allocations in the plan for absolute transparency.

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;*
- b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and*
- c) whether there could be lower fees for less complex cases.*

The DCN is broadly supportive of the introduction of fees for planning appeals. We agree that it should be on a sliding scale with less fee for smaller developments. We question whether the fee of £2000 suggested will deter the larger house builders.

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?

We welcome proposals to ensure that digital infrastructure keeps pace with house building. We recognise the importance of digital infrastructure in building communities and attracting businesses. It is important that the amendment to national policy does not introduce further complexity and delay into the system.

More information is needed from government on how policy requirements could be met in circumstances where all but the most significant digital infrastructure installations might fall outside planning control. It is also noted that it is unclear on how *planning* powers could have influence on the range or choice of providers.

Question 20

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

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

We welcome the proposals to link strategic infrastructure to new development. Infrastructure is essential for new developments and any opportunity to link strategic infrastructure to development should be taken at the local level.

There is a real issue and concern from the communities that infrastructure is not delivered but the housing is. There is a need for service providers to work closely with local planning authorities in drawing up local plans and then to continue this dialogue through to delivery.

Holding developers to account

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?*
- 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?*
- c) the basic information (above) should be published as part of Authority Monitoring Reports?*
- d) that large housebuilders should be required to provide aggregate information on build out rates?*

The supply of information on start date and build out rates could be a useful piece of information for district councils and could assist with the 5 year land supply. However, this information will not incorporate all the factors that can change the start date and build out rates and our members would welcome clarity as to how this information would be provided. There is no tool that local authorities can use to penalise developers if they do not meet the proposed build out rates.

It is not necessary to include this in the planning application form, it could instead be part of the NPPF for larger sites. Members feel that smaller sites should not have the administrative burden of producing this information.

Some of our members are calling for a charge being made on developers if building at a site is delayed.

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?

This proposal is subjective and that does not fit with the purpose of reviewing a planning application. There could be unintended consequences of this proposal.

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.

This proposal is subjective and that does not fit with the purpose of reviewing a planning application. There could be unintended consequences of this proposal.

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?

This proposal is subjective and that does not fit with the purpose of reviewing a planning application. There could be unintended consequences of this proposal.

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

The DCN is supportive of proposals to reduce timescales for developers to implement permission from 3 to 2 years.

However there is a need to be aware of unintended consequences – will it for example discourage the number of applications being submitted.

On a larger site 2 years might not be long enough so a larger site might need to have 3 years. The definition of a 'start' should be clear.

Question 26 and 27 combined answer

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?

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?

District councils already work closely with developers on stalled sites. The DCN supports the principle of enhanced and streamlined measures around CPO powers as it will enable some stalled sites to be released, particularly if a developer is not willing to renegotiate a scheme. However some members have concerns about the use of Compulsory Purchase Orders if a site has stalled for a good reason such as site viability.

The Housing Delivery Test (Question 28 & 29)

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?*

The DCN has considerable concerns around the concept of the proposed delivery test. The local authority should quite correctly be held to account on establishing the policy and sites allocations to enable delivery and for the regulatory process to grant permissions, but we have concerns that they will be held to account in the way outlined in the White Paper. The DCN is concerned that if the government proceeds with this delivery test as outlined it may only seek to make the situation worse; by undermining the status of the local plan and the 5 year housing land supply and exacerbate the landbanking and unimplemented permissions situation.

There is a clear consensus amongst district councils that the balance between the tools for districts to encourage delivery of sites that they have no control over and the consequences for districts of non-delivery is not evenly matched. There are a wide range of issues affecting the delivery of housing and these are different for each area. The test does not accommodate these issues. We note that the Housing Minister in response to questioning from the DCLG Select Committee indicated that where local authorities have done 'all that they can', they will not face penalties. It is unclear how this intention by the Minister will be reflected in the Housing Delivery Test and would welcome clarification.

There is a need for a more realistic assessment of how much control districts have over land that they do not own. Many of our member councils have allocated and permitted more than enough homes to meet their objectively assessed needs but these are not being delivered by volume house builders, land promoters and landowners.

There is nothing in the White Paper to suggest that developers will be directly penalised if they do not deliver on their sites. We are concerned that the focus of the housing delivery test will be primarily on local government with a limited role for the volume housebuilders. This is difficult to accept when the vast majority of planning consents will be for privately owned sites over which district have little or no control. In order to make the test more equitable it must be more flexible and take into account local issues with delivery and allow for exceptions where these can be evidenced.

If a local plan exists then the DCN feels that it should be used as a baseline for delivery. Some of our members are concerned that though the test they could be penalised for having an ambitious Local plan.

Given the strong concerns raised by district councils about the housing delivery test, the DCN calls for planning authorities to be consulted fully on the details of how the housing delivery test will work in practice.

Question 29

Do you agree that the consequences for underdelivery 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%?*

On the consequence for housing delivery our members feel that an action plan will create too much administrative burden and that presumption in favour of sustainable development is a suitable consequence.

Question 30

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

The DCN welcomes the question asking what support local planning authorities need to increase housing delivery in their area. Districts can play an important enabling role in delivery and also deliver housing themselves if the right support is available.

Our members have suggested a range of options to us that would enable them to increase housing delivery:

- Go further than the proposals in the White Paper and simplify and streamline the planning process, remove red tape and reduce the number of planning conditions.
- Enable delivery of new homes in national parks
- Publish national guidance on viability to speed up calculation.
- Compulsory purchase of land at previous value
- More support from the Government to assist councils in their role of enabling housing growth, and those that want to build affordable homes that their communities need.
- Government to support the delivery of housing through alternative housing vehicles by the removal of a requirement to offer Right to Buy. This would make plans viable and enable local councils to deliver the affordable homes that their communities need, the right homes in the right places.
- Government support on provision of infrastructure, especially GP surgeries which are slow to be provided.
- Clarification on funding including CIL and the long term future of New Homes Bonus

- Changes to the CIL to enable it to be used to fund infrastructure first, which will win hearts and minds and make development easier.
- More skills and expertise from the HCA to help unlock sites.
- An ATLAS for specialist areas such as small site and SME's.
- Grant funding from HCA and the recognition that not all schemes can repay. Grant repayments to be over a longer period, such as 20 years.
- A move to a bespoke package for housing delivery for an area developed with the HCA rather than bidding for individual pots of funding.
- Other departments (MOD, National Parks, Environment Agency) to accept their responsibility for speeding up building from supplying land and infrastructure to responding to planning application for development on a flood plain.
- More focus on place making and visionary planning
- Making Local plans less complicated. Local plan process to take into account the size of the authority so smaller authorities have a simpler structure to follow.
- Government to do more to persuade the community that new housing is needed.
- There should be a statutory requirement for infrastructure providers to assist in the delivery of a local plan within a recommended timetable. Many providers and statutory bodies slow down the process by having limited information and dialogue with LPAs or requiring unrealistic timetables to deliver pieces of evidence. For example, Sport England require a 9 month timetable to put together an open space and play pitch assessment and strategy.
- The most important kind of support for local authorities is to form Local Delivery Vehicles with access to very significant loan funding (at low PSBR rates) to forward-fund infrastructure, influence delivery rates and take landowner willingness to work with such an LDV into account, in making allocations and planning decisions. This would de-risk many sites and enable them to be parcelled out to a range of builders, small medium and large for more rapid development.
- More investment in training to increase the supply of skilled labour into the construction sector.

An important factor to enable local authorities to speed up development is a better understanding of the role of external agencies such as Highways and the Environment agency in slowing down development. This will help with planning how to overcome these factors and speed up development.

District Councils are concerned about the proposed requirement that homes delivered through alternative housing vehicles must offer Right to Buy. This requirement will threaten the viability of models which aim to provide affordable housing for the local community. Whilst the Government has signalled that there may be flexibility the DCN would strongly urge Government ruling out the extension of right to buy to these vehicles

Affordable Housing

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?;*
- b) introduce an income cap for starter homes?;*
- c) incorporate a definition of affordable private rent housing?;*
- d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?*

We consider that the impact of welfare reform on the delivery of new homes, provision of supported housing and on the affordability of rent for the individual tenant is not sufficiently addressed in the White Paper.

We support the ambition in the white paper to deliver a wider range of tenures through the Affordable Housing Programme. However, we want to emphasise the importance of providing genuinely affordable housing for rent and purchase to meet local housing need.

In reality affordable housing may not be affordable to those most in housing need. Some of our members would like to see affordable rents (outside of the HRA) and affordable home prices set in relation to the local wage and the local LHA rate.

The DCN want to stress the role of secure, good quality and affordable housing in resident's wellbeing. For example the role of housing in health is essential with adaptations to enable residents to live in their own home delivering savings to the NHS. District council have an important role to play in planning for meeting housing need for the aging population in their area.

(a/d) The amendment of the definition of affordable housing is welcomed as it adds in a further category – affordable private rent – to affordable housing options. However, we stress in our consultation response to the separate consultation 'Planning and affordable housing for Build to Rent' that affordable private rent should be tied to build to rent only and should not be applicable to other schemes to avoid it being used in other developments where a higher percentage of affordable homes are sought.

A key concern for members is that the definition of affordable rent and proposed definition of affordable private rent (in the linked consultation Planning and affordable housing for Build to Rent) can lead to rents that are not truly affordable as there is no reference to the LHA rate. In order to ensure the rents are affordable for the local area the definition needs to include that the rent should be set at or below the LHA rate and take account of local wages.

As mentioned in the DCN response to the Planning and affordable housing for Build to Rent consultation, for affordable private rent housing the definition should be revised to say *'rent up to a level at least 20% below market rent or at or below the Local Housing Allowance level, whichever is lower'*.

Some members feel that the definitions relating to the % of market rent for Affordable Rent and Private Affordable Rent would be better if they were the same.

Some of our members are concerned about the administrative burden of the affordable private rent, for what is only a small proportion of all affordable housing to be delivered.

b) The DCN supports the cap on starter homes. Some of our members feel the cap, rather than being the same across the whole country (apart from London) could be linked to average local wages. However, members wish to point out that there is a lack of mortgage products available for starter homes.

d) The transitional period needs to reflect the local plan if the change is to be include within the local plan. Allowing for a transitional period that aligns with other proposals in the white paper is sensible; however it may also risk a hiatus if the secondary legislation, fleshing out the details for Starter Homes, is not put in place fairly quickly.

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?*
 - b) that this policy should only apply to developments of over 10 units or 0.5ha? Question 33*
- Should any particular types of residential development be excluded from this policy?*

The DCN support the move away from the previous starter homes policy in a new development towards a more flexible approach of 10% of all homes for affordable home ownership products in developments over 10 units or 0.5ha. We remain concerned that the inclusion of starter homes within the definition of affordable housing will reduce the level of other affordable housing tenures provided in the district.

However, the proposals should be voluntary in order to give district councils the freedom and flexibilities they need to deliver the right homes for the local community and manage the viability issue.

The number of units over which the policy applies is not the only way to go about providing affordable home ownership products. The proposed policy could drive the numbers of homes down below 10 on smaller sites to avoid the provision of affordable homes. In these cases the developers should be required to make a contribution towards local amenities etc.. unless they can prove that it makes the development unviable.

Question 33

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

District councils need the freedom to choose which residential developments are excluded from the policy at a local level.

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?

The DCN agrees with this proposal.

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

A) The DCN agree with this proposal. Planning policy should be amended to better assist with adaptation to increasing temperatures e.g. through passive building techniques (solar orientation, natural ventilation) and should more actively promote more energy efficient/ insulated homes to help keep people cool in hotter weather as well as keeping them warm in winter. We believe that Planning Policy should also encourage water efficiency and drought

adaptation. The planning policy should not only focus upon the buildings themselves but should address open space issues too as good quality green space could help significantly in various ways (flood management, reducing urban heat effects, assisting biodiversity adaptation through green corridors).

B) The DCN agree with this proposal. For flood risk a level of resilience is already built into the NPPF but for other effects of climate change this is not the case. We would urge that it is made as clear as possible what effects of climate change need to be included, and to what extent.

Question 36

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

The DCN support this proposal. We would like to urge government to set out clearer in the paragraphs concerned that the Sequential Test and Exception Test need to be passed for development in areas known to be at risk of any form of flooding – too often surface water flood risk does not get the same weight as fluvial flood risk, whereas it does not matter for the homeowner where the flood waters originated from.

There is concern that under the current system owners of homes built after 1st Jan 2009 still face difficulties getting insurance, even if the development is built with appropriate flood resilience and resistance, and therefore meets the requirements of paragraph 103. The reason for this is that insurers use maps to assess the flood risk, and only sporadically the formal process of changing these maps is successfully completed – for this the developer has to convincingly demonstrate that the flood zone map / surface water flood risk map is inaccurate. An alternative would be to get insurers to fully acknowledge the merit of resilient and resistance measures, so that home owners that have had these resilience and resistance measures installed can get affordable flood insurance even if the maps available show their property is at risk of flooding.

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?

The DCN support this proposal, however members feel that it must be made clear that it is for the new development to undertake the mitigation to reduce the effect of the noise, not the existing user. It is often the case that longstanding existing businesses are adversely impacted by new residential development in proximity: when occupied, the residents use the Environmental Protection Act to complain and the responsibility for mitigation is then the responsibility of the business and this jeopardises local economic recovery.

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?

No comment