

May 2017

Fixing our Broken Housing Market

Housing White Paper

Planning Officers Society (POS) response to Government consultation

Introduction

POS welcomes the focus on delivering housing, although would highlight the importance of planning for employment, community uses and infrastructure as well as housing and that these are appropriately funded.

Infrastructure

Although POS welcomes funding being made available for large scale infrastructure, to use a carrot and stick approach may have unintended consequences. We would highlight that the lack of infrastructure and facilities available to existing residential communities is directly affecting their attitude to development for future communities. This is especially important at a local level, including local roads, GPs, school provision etc. which should feature as highly as national infrastructure in Governments agenda.

The objections made to planners regarding capacity issues relate mainly to access to GP's and schools. These are two separate problems. There is often not enough room to expand existing schools within built up areas and the increase in demand creates a problem with supply. Government should encourage and showcase high density schools, although this requires financing. With GP's there is still an issue of increased demand but the problem of supply is usually as a result of funding and resourcing issues rather than availability of land. These issues are not going to be resolved by the development industry alone.

Whilst communities are concerned about views and effect on house prices these do not outweigh the ability to access core services. The availability of these services, together with the transport considerations are the main topic of discussion at planning committees across the country. In some cases they are the determinate of how sustainable a development really is.

POS would suggest that what is missing from the Housing White Paper (HWP), and hopes to see in the Autumn Budget is a method of capturing land value. Community Infrastructure Levy (CIL) and Section 106 (S106) combined only recoup a maximum 25% of uplift and achieving a higher level would make a meaningful difference to adequate infrastructure provision. It would open up more sites and challenge those who oppose development on the grounds of overcrowded GPs and schools etc.

POS would urge Government to connect directly with local councillors on these matters as they are in the difficult position of representing the community and aligning with the agenda set out in this HWP. The attitude of local councillors and communities is key to increasing an appetite for house building at a local level, and POS would suggest that investment in existing infrastructure as well as infrastructure serving future communities is a key aspect to this.

On a more strategic point POS encourages Government to use housing as an economic driver across the Country particularly in areas outside of the over heated South East. There should be strategic plan for housing across the country linking in with the Governments Industrial Strategy Green Paper (January 2017), Midlands Engine Strategy (March 2017) and the investment opportunities in the Northern Powerhouse. These economic growth plans seek to increase job creation and this should go hand in hand with housing numbers. This is needed to rebalance the economy, otherwise a system of delivering more homes will simply reinforce buoyant areas with yet more housing pressure (e.g. the South East and Green Belt areas). POS would urge Government to make long term investment and strategic housing decisions now which would pave the way over the next 10 - 20 years to rebalance the economy and use housing as an economic driver. Communities would reap the benefits from these decisions in years to come, otherwise there is a danger of creating the conditions seen in the South East housing crisis in the North of England in 20 years or so.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/611705/building-our-industrial-strategy-green-paper.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/598295/Midlands_Engine_Strategy.pdf

Strategic Local Plans

POS strongly supports the Government's emphasis on a more formal approach to strategic planning through joint strategic local plans. There are already some good examples of where this approach is being pioneered (e.g. West of England).

Although we are keen to support this approach, joint strategic plans should not be required to meet all of the tests of paragraph 156 of the NPPF, as this may be too much detail in some areas. It should be for groups of authorities to choose what they plan for jointly and the other strategic items may be planned for at a local area level. This point is made in more detail below in answer to Question 16.

Strategic plans should still allow for local planning authorities to progress a Area Action Plan or other plan- making document while progressing a strategic plan.

In order to support local authorities in this transition process, the Government should publicly highlight (e.g. through NPPG) the positive value non-statutory frameworks have in effective strategic planning and as a step towards more formal ways of working. POS can provide the Government with many examples of 'good practice' in this.

It is vital that for this to work, Government thinks through the practical implications for other national policy requirements either currently set out in NPPF or proposed as part of the planning reforms. For example, what are the implications for local planning authorities that choose to prepare a 'strategic' local plan with no subordinate 'optional' plans on the requirements around demonstrating a 5-year land supply calculations, meeting the new Housing Delivery Test, or the proposed 10% small site allocation? POS would be happy to help the Government work through these practical issues using our extensive knowledge

and experience in strategic planning. We have set out our thoughts in our POS Manifesto [http://www.planningofficers.org.uk/downloads/pdf/POS%20Manifesto%20-%20Plan%20Making_Aug15.pdf]

POS would also push the Planning Inspectorate to be more open when reviewing the soundness of a Local Plan. If for example, a Local Authority does not consider it necessary for them to include retail policies in their plan and this is justified, then there should not be a requirement at the examination stage. Although POS acknowledges that there is nothing in legislation which sets out that all policies need to be addressed, there is a culture of legal advice and track record of Planning Inspector decisions requiring all areas to be covered in order for a plan to be found sound. This is leading to Local planning authorities(local planning authorities) not taking any risks in preparing their Local Plan. POS would suggest that Local Plans should follow Government lead and be mainly focused on housing, employment and infrastructure to deliver great placemaking. If retail policies or others or example are not relevant then they should not need to be included.

Strategic Housing Land Availability Assessment (SHLAA) and Five Year Land Supply

There is considerable overlap between the Five Year Land Supply annual updating requirement in para 47 of National Planning Policy Framework (NPPF) and the Housing Delivery Test (HDT). In order to avoid overloading the system with too many requirements that saps local planning authority resources and overloads the Planning Inspectorate, POS strongly recommends that thought is given to seeing the HDT as an alternative to para 47 triggering the para 49 “presumption in favour of sustainable development” outcome as failure of the HDT as proposed will now have the same consequence.

The proposal to amend the NPPF to give local authorities the opportunity to have their housing land supply agreed on an annual basis and fixed for a one-year period, is welcomed in principle but the process should be proportionate and not onerous. POS is concerned that Planning Inspector may not have the resources to support this approach. However the Planning Inspector are better placed to comment in more detail on this.

POS seeks clarity as to how this would work with Strategic Local Plans. For example, only strategic sites will be identified through the joint local plan and the local authorities will therefore not be in a position to demonstrate that they can meet the full five year land supply, especially where no lower tier 'optional' plans are taken forward. However, this could potentially be addressed through the Annual Monitoring Review (AMR) process but a standardised approach should be introduced.

A second issue is how land supply is managed across a local planning area. local authorities currently preparing joint local plans are limited in the way that they manage land releases for housing because they are still individually responsible for meeting their own five-year land supply. Often the main reason that a joint plan is being prepared in the first place is because of limited land availability in parts of the Housing Market Area (HMA) or the authorities are progressing a strategic allocation, such as a new community, to meet the needs of the HMA. It would therefore make sense to allow local authorities that are preparing joint 'strategic' plans to be able to manage five-year land supply on a strategic basis across the joint planning area.

We are concerned about the requirement that at least 10% of sites allocated must be (0.5 hectare or less) and fear that this may have unintended consequences on local planning authorities struggling to make their breakdown of sites fit this criteria. The NPPF requires SHLAAs to look at sites 0.5 hectare or larger, although many smaller sites may be found through a call through sites on the brownfield land register thus could represent a big increase in workload.

Statement of Common Ground (SOCG)

Although POS recognises the value that a SOCG would have in helping to ensure that local planning authorities properly address strategic issues at the start of the process. POS would refer Government to our Plan Making Manifesto which sets out that if a local planning authority within a defined area (whatever the agreed geography is) is not participating then they should still be subject to any joint needs assessment carried out for housing, employment or infrastructure. This is perhaps a stronger approach and would deal with local planning authorities avoiding the evidence behind their housing

need. This approach would work well with the suggested standardised Objectively Assessed Need (OAN) calculation.

One of the incentives being considered by Government is access to funding (e.g. the proposed new Housing Infrastructure Fund) which is a significant incentive for local authorities to prepare an effective and deliverable SOCG but there needs to be a clear mechanism for dealing with local planning authorities who do not prepare an effective SOCG.

The Government should also consider other fiscal incentives to encourage joint working. Although there has not yet been a response to the CIL review, this encourages the Government to provide conditions for closer working between county councils and CIL charging authorities, and across strategic planning areas to improve infrastructure planning, particularly strategic infrastructure. A separate 'Strategic Infrastructure Tariff' (SIT) is therefore proposed for Mayoral Combined Authorities (based on experience in London with Crossrail) to help address this. POS would suggest that this could also be used where there are strategic 'joint' local plans in place or where strategic infrastructure priorities have been agreed as part of a non-statutory framework process, provided the appropriate governance/accountability structures are in place.

As one of the main reasons of a SOCG is to facilitate testing of the Duty to Cooperate early on in the plan-making process (and not at the end, as is currently the case), there will have to be some form of process to ensure that the SOCG meets the requirements as a first step towards the plan preparation.

Some examples of what a SOCG might look like is the Cambridge & Peterborough Memorandum of Cooperation (<https://www.cambridge.gov.uk/public/ldf/localplan2031/may2013dpssc/part1/Appendix%20N%20Memorandum%20of%20Co-operation.pdf>) which took two years to prepare. Another example of what this might look like is the West of England's Pre-Commencement Document - <http://www.westofenglandlep.co.uk/jsp> which was prepared on a shorter timescale but did not address the overall housing needs and how this was to be distributed.

Standard approach to Objectively Assessed Need (OAN) and Housing figure for Neighbourhood Areas

POS welcomes this and would be keen to work with Government further on this as it is important for this to be agreed by the sector in order for it to work well.

A clear methodology should also be set out for producing a housing figure for Neighbourhood Areas, otherwise much time will be spent debating various methodologies.

POS welcomes the requirement to plan for older and disabled people, although would question if this may duplicate building regulations which now deals with lifetime homes.

Housing Delivery Test (HDT)

POS is concerned that local planning authorities will be penalised for slow build out rates which are not in their gift as they are not house builders.

We are also concerned that the initial penalty for not meeting the HDT, requiring local planning authorities to draft an action plan may not work. It is likely that authorities who have not delivered a local plan will be the ones who are failing to meet the HDT. If they have not been successful in drafting the Local Plan, then POS would be concerned that requiring them to draft an action plan would also not be very successful.

The next step in the suggested penalty, that all proposals have a presumption in favour of sustainable development may have unintended consequences of creating a negative attitude towards delivery of housing within the community, local councillors and planners. It may be that the authority is under achieving due to the future standard methodology used to set housing target set by OAN calculation. Or by landowners or developers who for whatever reason have chosen not to implement permissions. It may also be that they are planning for bigger delivery numbers in future years. This point is also linked to the main point about the requirement to delivery infrastructure in order to deliver growth and new homes. This highlights the importance of getting the standard methodology for OAN right and communicating this with local councillors/communities.

POS would question how Government sees the HDT test working in areas covered by Green Belt? Although Green Belt should not be used as an excuse by local authorities not to plan for and deliver housing, if a district is mostly covered by Green Belt, it could reasonably not have a set of alternative sites. In any case, if there is potential for alternative sites then these should be found through the SHLAA and SHMAA process and reviewed at the district and wider strategic level, including the need for the duty to cooperate. Although POS acknowledges that the position failing to deliver housing numbers is creating a heated housing market, we would argue that a more strategic and larger than district level review of infrastructure investment and Green Belt policy designation is required to help move delivery forward and enable local authorities to meet this HDT.

Transition arrangements should be included in the NPPF

POS strongly urges Government to introduce transitional arrangements when introducing new national guidance. This would enable local planning authorities who have prepared policy documents under a previous set of national policies to have 12 months (minimum) to be able to submit their plan and be found sound. This would stop the unintended consequences of local planning authorities having to start again or some which may stop with their plan making in light of impending changes. POS would suggest the following wording should be included in the NPPF;

Inspectors will consider a Council's proposed plan against the national planning policy in place at the time. However, considerable/significant/substantial weight will be accorded to evidence and policy that has been prepared in accordance with previous national policy, where no significant public interest is prejudiced. In assessing significant public interest consideration will be given to the delay to getting a local plan in place, and the costs of any updated evidence required.

Green Belt

POS would encourage Government to be clearer on spatial policies such as Green Belt. A (subtle but important) change in NPPF is proposed; it currently states that "when preparing

plans, local authorities identified housing requirements should be accommodated unless there are policies elsewhere in the NPPF that indicate development should be restricted". The Government proposes to change this to "when preparing plans, local authorities identified housing requirements should be accommodated unless there are policies elsewhere in the NPPF that provide reasons for restricting development".

With the above change in mind, POS is concerned that there is not a strategic approach being taken towards GB. For example how do local planning authorities outside London deal with its housing needs (which are significantly inflated because of its proximity to London) if all its neighbours are in the same position, with extensive GB and significant needs. If all conclude they have exceptional circumstances because of the housing shortfalls, a significant number of incremental releases will happen through local reviews, undermining the overall integrity of the Metropolitan Green Belt. POS therefore believes that there must be some mechanism introduced and supported by Government to allow strategic 'city-region' wide reviews of the GB around London and other major cities.

POS is seriously concerned about the suggestion of GB releases being required to be replaced with new GB. This presupposes that the existing quantum of GB serves a purpose, whereas it is an urban containment policy first and foremost and so it is its existence, rather than its extent, that is paramount. It is also unnecessary and onerous to have a requirement to secure environmental improvements and increased accessibility to further GB. POS is concerned that a requirement to improve further areas of GB may actually delay the delivery of houses, especially where a land owner has no control over further GB areas.

Brownfield Land

POS very supportive of this. However, we are concerned that this may in some cases result in isolated sites being bought forward for development which would not be supported by infrastructure and would therefore not constitute sustainable development.

Densities

What is missing from the HWP is a specific expectation in the NPPF that all sites should be optimised. This would allow local planning authorities to encourage mixed use of sites vertically such as residential development above supermarkets.

POS would encourage Government to allow the density around transport hubs and town centres to be planned for and decided locally as part of the local plan and neighbourhood plan led system. If absolutely necessary a matrix approach could be provided as a guideline, similar to the approach adopted in the London Plan.

Building on public land

The Lyons Report set out that there is a maximum capacity that the private sector can cater for. Therefore Government needs to proactively engage local authorities and other public bodies to build housing. Although it is important to focus on large, medium and small private house builders as well as all players if a 250 - 300k per annum build rate is to be achieved. POS would strongly urge Government to make new housing delivered by local authority housing companies or other means, exempt from the right to buy requirements. This can act as a disincentive to those councils yet to engage in these programmes.

Janice Morphet has published a piece of research highlighting what motivates local authorities to build houses, and how they are doing this. POS would urge Government to encourage other local authorities to deliver housing and remove any blockages in terms of lending or investment.

https://www.researchgate.net/publication/303540721_local_authorities_build_housing_again

POS would strongly encourage Government to make new arrangements for S106 Legal Agreements on Council own Land. Currently local planning authorities are unable to enter into S106 obligations (agreements or unilateral undertakings) as they are contracts and a legal entity (ie the Council) cannot enter into a contract with itself. What is needed is a new document, a proto-agreement, that becomes an actual agreement at the point the land is sold.

Delivery of homes through SME Builders

POS supports the Brownfield Land Register and Permission in Principle, although acknowledges that the register is a new burden for local planning authorities and many may use the 20% increase in planning fees to help fund the register.

POS would suggest that a requirement on landowners to subdivide large sites as well as supporting small sites would also have a big impact on delivery of housing.

Rather than the suggested review of New Towns Legislation, POS would suggest that a review of Nationally Significant Infrastructure Project should be carried out as this may be a better tool to achieve the same outcomes, provided it is limited to council promoted new settlements or extended settlements.

Supporting developers to build out more quickly

POS would support a vacant land tax in England, similar to that being introduced in the Republic of Ireland.

<https://www.rte.ie/news/2016/0222/769973-site-levy/>

The Planning Inspectorate will need to support local planning authorities when securing delivery rates in S106/conditions at appeal (if that is what Government is intending) and resisting developments by developers which have a history of unimplemented permissions on the site as material planning considerations in terms of deliverability. POS is concerned about this approach as forcing a build out rate in a S106 could force a house builder into bankruptcy and we would question how likely it would be for a local planning authority to prosecute against non delivery of build out rates.

We would refer to our joint submission between POS/British Property Federation (BPF) to the Government Conditions Consultation, in particular our serious concerns regarding the S106 dispute resolution.

As mentioned above, POS would urge Government to incentivise local authorities to become developers and house builders. Many are wary of taking on additional borrowing and aware that they need to be self financing by 2020.

Design

Whilst POS supports the intentions of good design, we are concerned about the wording in the HWP, which seems to focus on the aesthetics of a proposal, design is wider than what something looks like. Good design should include a variety of place making elements such as landscaping, way finding, sense of enclosure, quality of public realm, activity onto street frontages, positioning of windows, natural surveillance, height, shading, daylight/sunlight etc.

Paragraph 1.46 sets out that clear 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. POS is seriously concerned about the unintended consequences this wording could have. Design advice in statutory plans will necessarily be high level, and design (especially 'how it looks' is subjective). Design advice for sites should not be in a statutory plan, but in a SPD or Planning brief, and tested through the development management process. This wording may lead to local planning authorities may not be confident in refusing a poorly designed scheme.

It is also important to note that it is not the responsibility of the local planning authority to produce detailed design advice for all sites, nor would the resources be available to provide this.

Importance of pre-application

POS can suggest many great examples of pre-application advice in particular using PPAs which have led to a speedier decision overall and higher quality housing schemes (e.g. London Boroughs of Croydon and Camden).

20% increase in planning fees

Whilst this is welcomed by POS there is a genuine concern that much of the additional income will be used to fund new burdens such as the Brownfield Land register, or be used to fill a gap if take up of pre-application advice and PPAs reduces.

We would also highlight the skills challenge in local planning authorities, there have been very low numbers of planners joining the profession in recent years and this is reflective on the acute shortage of senior/principle planners. Government should support recruitment into the planning profession and POS would be happy to help with this.

Appendix 1

Chapter 1 Getting plans in place

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?

Although POS is excited and wholeheartedly supports strategic plan making, we disagree with this having to meet the tests in paragraph 156 of the NPPF.

The NPPF paragraph 156 sets out that strategic priorities are the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

POS would suggest that the common strategic items would include the overall amount of housing and employment growth, the apportionment between the participating local planning authorities, the broad spatial strategy, key strategic infrastructure, and where relevant, the broad scale of change to GB boundaries. The other strategic considerations should then be left to individual local planning authorities' local plans or DPDs.

The advantage of this approach is that it keeps the focus of the joint strategy on the key decisions, and leaves as much other plan making as possible with the individual authorities. Thus they gain a clear strategic context but retain the maximum amount of

sovereignty. This is the approach groupings such as the West of England authorities are taking.

POS is concerned that sticking to requiring what is specified in paragraph 156 in a strategic plan would have negative unintended consequences. Essentially the current drafting in the HWP would require that any high-level strategy would have to have essentially the same scope as an old-style core strategy, which would be a backward step, excessive and unnecessary. This would also make it much harder to sell the idea of joint strategies to elected members, because strategies with such a scope would take away much more of their sovereignty and take a lot more resources and time to prepare.

b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?

Yes this would seem to be a sensible approach

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

Yes POS agrees in tightening the definition to what constitutes a sound plan and that should be kept to the minimum necessary with advice from Planning Inspector on what they need to examine plans for soundness. It seems that local planning authorities front-load and over-work the evidence to safeguard against fears that the plan will be found unsound. This can result in a waste of resources and delays in plan making. We support the idea of a proportionate amount of work being carried out by local planning authorities so that they can avoid spending hundreds of thousands on preparing evidence that is not needed by Planning Inspector inspectors.

Recommendation 25 of the LPEG set out that a smaller, more focused evidence base approach should be taken and this combined with an Early MOT approach. POS strongly supports this recommendation and would urge Government to include it in future planning reforms.

Government should consider that some evidence should be produced by key statutory consultees such as evidence around leisure and sport facilities be carried out by Sport England rather than all evidence being compiled by local planning authorities.

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?

POS would refer to our Local Plan Manifesto document. We have set out the main elements below;

- Local Plans should be prepared in 2 stages: the strategy followed by the detailed policies.
- The strategy stage is where the Statement of Common Ground (previously Duty to Cooperate) needs to be focused.
- Strategic Environmental Assessment and Issues and Options should only be applied to stage 1.
- The Planning Inspectorate applies the Soundness Test to stage 1 and signs it off.
- This leaves the drafting of the detailed policies that will deliver the strategy as a simpler process as it will be done in the context of a clear, agreed and sound strategy. The Planning Inspectorate's role at stage 2 would be to hear objections to the detailed policies.
- The carrying out of the Soundness Test at stage 1 and limiting future involvement of the Planning Inspectorate to considering objections to detailed policies, re-establishes a clear process for the plan to gain weight in decision making as it progresses through the system to final adoption.

http://www.planningofficers.org.uk/downloads/pdf/POS%20Manifesto_Plan%20Making_rev.pdf

Question 3

Do you agree with the proposals to:

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

Yes, there is a lot of evidence setting out we have an ageing population and therefore we need to plan strategically to accommodate these needs.

Although POS would welcome clarification on this point. We presume that the HWP is asking local planning authorities to plan for housing outside of the C3 use class, which is likely to be elderly persons care home or sheltered accommodation. The wording does not indicate that an element of C3 residential to be allocated to older or disabled persons?

In the above context POS would point out that an elderly persons care home, although there may be demand across the Country is not an affordable choice for many.

The real aim in planning for our ageing population should be to encourage older people to downsize from their substantial family homes and move into smaller, flexible and good quality accommodation. There is evidence that increased numbers of people over 65 are now renting properties. Government as a result of its Build to Rent consultation should include an element of accommodation for over 65s. As the longer term leases and commitment to rental levels may encourage older people to sell their substantial family homes and release valuable and much needed housing. It would also allow for older people to have access to funds to support them in their older years, which may help with adult and social care budgets.

This form of build to rent accommodation for older people should be designed with community interaction in mind and encouraged to be located in town/village centres where residents can connect with the community.

There are often properties which have restrictive covenants only allowing people over age 55 or 65 to move in and including shared facilities within these blocks. It would be positive for Government to encourage more of these properties which older people can down size into but be independent. This is not currently in national policy and is not what is drafted in the HWP. POS feels that Government should go further than requiring local planning authorities to only plan for elderly person care home places, the options available to older people should be diverse.

In terms of disabled persons needs there is a concern that much of this consideration has recently moved from planning to building control with the removal of the Code for Sustainable Homes. Although POS supports the provision of housing for disabled persons it is confusing to move this out of planning considerations and then back in. It may be best that this policy aspiration is dealt with by building regulations.

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

Yes, POS would agree with this approach in theory, although we strongly question the need for a five year land supply to be demonstrated, where local planning authorities are delivering on there Housing Delivery Test. If a local planning authority is failing the housing delivery test then the implications from this would be sufficient rather than having to debate a five year land supply at appeal and the wasted resources which goes into this. At the least POS would strongly urge that the bullet point 2 paragraph 47 requiring local planning authorities to update the five year land supply should be removed.

The resources required in planning departments to pro actively achieve the housing delivery test targets whilst maintaining a five year land supply is not practicable. The focus of a department should be on one or the other. It seems Government is keen to monitor local planning authorities on actual delivery of housing rather than theoretical delivery in plans, a shift that POS supports. local planning authorities should not be monitored and penalised from all angles. The unintended consequences of this could be a negative attitude to development from local Councillors and residents in areas where they have met their housing delivery test but not their five year land supply and therefore still end up with sanctions against them.

POS would also seek clarification whether plans which are older than five years in April 2018, i.e. plans adopted past April 2013 should then be using the standardised OAN. In which case this will affect a high proportion of local planning authorities. We would suggest moving this date back, especially as many local planning authorities are now reconsidering options regarding strategic local plans and waiting for consultation on standard approach to OAN which is likely to slow down current plan making.

Question 4

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

a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;

Yes, POS agrees with this. Although would emphasise that this only relates to suitable land. It may be that some land is not suitable due to its active use as employment land or its unsustainable location.

Paragraph A.42 talks about the presumption that brownfield land within a settlement should be developed. POS would make the key point that development should nevertheless be sustainable and not in an isolated location.

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?;

The current NPPF at paragraph 14 sets out that 'Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless specific policies in this Framework (NPPF) indicate development should be restricted' (footnote number 9 e.g. Green Belt).

POS notes that the wording of paragraph 14 is suggested to be changed to "when preparing plans, local authorities identified housing requirements should be accommodated unless there are policies elsewhere in the NPPF that provide reasons for restricting development".

POS would question what the subtle change in wording means in reality and seeks clarification on this point please.

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?

Agree

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

Agree

Question 5

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

Yes, POS welcomes this approach and the approach of not needing permission from SoS to sell land held for planning purposes at less than best consideration.

However, we would urge Government to go further and address the inability of local planning authority to enter into a s106 obligation (agreement or unilateral) with themselves. Government should allow in legislation a unilateral undertaking that is triggered as an obligation when the land is sold.

This needs to be a specific legal provision to trigger the s106 agreement in a way that it bites once the land is sold. local planning authorities currently have to use work-arounds, such as putting the obligations in the land sale agreement, but this is awkward, inefficient and can have unintended consequences.

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)?

POS generally supports the emphasis for local authorities to assemble land for housing and using examples such as land 'pooling' or readjustment.

In addition to examples in other countries, we feel that local authorities need a stronger set of tools with more bite to become more effective in assembling land and this should be done through increased CPO powers and introducing Compulsory Selling Orders (CSOs). It may be that local authorities choose to partner up with private developers to take forward land assembly using their funds and the Local Authority's powers.

POS would refer Government to our CPO manifesto paper;

<http://www.planningofficers.org.uk/downloads/excel/POS-Manifesto-CPO-Improvements.pdf>

This sets out that CPO powers need to be reformed and highlights that at present local authorities very rarely use the powers particularly to tackle stalled housing sites. The complexity of the system acts as a disincentive for local planning authorities to use CPO as a planning and regeneration tool. The resources, both financial and skills, needed to navigate the CPO process are beyond the means of many local authorities.

POS supports the Law Commission in its quest to simplify, consolidate and codify this area of law along the lines set out in its 2004 report.

A new CPO power (extract from POS manifesto CPO Improvements)

To enable local authorities to be more proactive in bringing unimplemented sites forward for development, the enabling powers for local planning authorities to use CPO need to include the circumstances where a site is a “housing site” and that development has not come forward after a “specified period”. If those conditions are met, then that should be a sufficient argument to justify a CPO.

A “housing site” would include the following:

- A site with a valid Planning Permission
- A site with an appropriate Permission in Principle
- A specific site allocation in a Development Plan Document (including a Neighbourhood Plan)

The “specified period” could be three years, to match the life of a planning permission.

The risk with this approach is that developers would not put sites forward for Local Plan allocations or would not make applications for Planning Permission or Permission in Principle on land that they wished to just hold. Other potential problem areas are where local plan allocations become stalled in the process and need to be moved forward. An effective tool to deal with these problems is needed and POS thinks it has a solution.

Unilateral PiPs

In our Permission in Principle paper (Red line submissions: a proportionate approach) we argued that local planning authorities should be able to issue a Permission in Principle unilaterally. The land owner would have a right of appeal. This would enable the principle of developing a site for housing to be established despite an obstinate landowner.

This change is necessary because a local planning authority is unlikely to succeed with the current CPO tests in these circumstances. The unilateral Permission in Principle and reset CPO test would be a very powerful pro-active tool for local planning authorities who are looking to encourage the delivery of additional housing opportunities within their area.

Compulsory Selling Orders (CSO)

POS would strongly urge Government to legislate for a Compulsory Selling Order. The local planning authority (or other regeneration bodies such as the HCA) would be able to do this on their own without a development partner, so it should be much quicker and cheaper. The process would be very like a current CPO, but the outcome would be an Order to sell the land with a specified minimum sales price which would be the existing use value. This would be set as part of the CSO process.

What would happen next needs to be considered very carefully. POS is suggesting two alternative approaches: a public body model and a market model.

CSO Public body model

In this model the land transfers to the CSO promoting body. They can decide to sell the land, with appropriate implementation clauses, or act as the developer, potentially with a partner. The owner would be compensated at the end of either process.

In the former approach, the authority would put the land on the market within a set period and must accept offers at or above the minimum sales price on the CSO. If the market offered more, that would be the realisation of any hope value that might exist for the original owner.

In the latter approach, the original owner is still entitled to the CSO existing use value as a minimum, but any additional value would be via an overage type mechanism. Essentially a real world residual valuation.

CSO Market model

In this model the land goes for sale in the market. To ensure that the land is sold in a proper manner, the sale should be either overseen by the CSO promoting body or handled independently.

To ensure that the development took place there would need to be a mechanism that if following purchase of the land by a new owner, the development had not commenced and progressed within a specified period, the CSO would come back into existence and the new owner would, like the original owner, be forced to sell the land at the CSO set price. An alternative could be that in such circumstances the Public Body Model would kick in. The land would become vested in the Council who would then manage the re-sale or carry out the development. Again, the new owner would be compensated at the end of either process.

CSO impacts

It is often the case with CPO that they are effective as much as a threat than as an actual process. The same would apply with CSOs. Land owners would know that they cannot simply sit on land that is needed for development. local planning authorities would have a much simpler and more accessible process to tackle any land owners that do. It would speed up the delivery of housing and give the public sector an effective tool to tackle land banking, particularly when combined with the previous suggestion of a new CPO enabling power. To further incentivise owners to get moving, the date for CSO valuation could be the date that planning permission was granted or a permission in principle was issued. This would remove any potential uplift from rising land values for land speculators over the period where the development site is land banked and act as a further disincentive to not play the land banking game.

Question 7

Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?

Yes, although POS would consider this to already be the case when drafting a local plan and considering where to accommodate new homes. The benefit of the Governments

estate regeneration national strategy is setting out best practice as many local authorities outside London would not have a great deal of experience in this form of development.

Question 8

Do you agree with the proposals to amend the National Planning Policy Framework to:

- a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?;**

Yes, POS agrees with this approach. However where there is not the appetite for a neighbourhood plan there should be communication perhaps through the Parish and Town Councils network to proactively bring forward small sites suitable for housing to add to call for sites on Brownfield Land Register or as part of the SLAA/Local Plan process. More communication should happen directly between Central and Local Government to engage with local communities and Parish and Town Councils to plan for their area and proactively suggest sites to be allocated 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?;**

Yes, POS supports this approach but not in GB land, (only in defined settlement areas within areas of GB) or in AONBs and National Parks other than for small scale development. For example, a minor application for seven homes can make a big impact on a small village compared to a town/urban area. The sensitivity of bringing new development into a village should be acknowledged and engagement with the community is key. If national policy is too strong in supporting housing and overrides the local community needs or considerations this may have unintended consequences and lead to negative attitudes towards growth.

- 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, POS supports this however sites should be required to submit viability evidence that the split between affordable and market housing is appropriate. Also that the properties

should be appropriately sized. Many housing schemes in rural areas propose large executive homes which are unaffordable and an inefficient use of land. Considering developable land is scarce in rural areas, family homes should be well laid out but not overly sized.

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?;

POS does not agree with the use of an arbitrary 10% target for small sites. We strongly resist this proposal it would result in a disproportionate amount of work for very little housing.

A 10% target would result in a huge amount of work by local planning authorities and may result in inappropriate sites being included in local plans due to pressure to meet this arbitrary target. This may result in negative attitudes in rural communities where inappropriate sites have been allocated for housing.

If for whatever reason Government does see it necessary to have a 10% target despite our consideration that it will result in unnecessary workloads, the policy should refer to "sites allocated for residential development in local plans or neighbourhood development plans, or granted permission in principle in brownfield registers".

Firstly, the Government hopes to see continuing expansion of neighbourhood plans, and in some places they will make up a substantial part of the housing supply. It follows that their contribution should be taken into account.

Secondly, where small sites are identified and granted PiP it would be redundant to also allocate them, and arguably would make the brownfield register pointless. Moreover, most local plans contain policy which effectively creates a presumption in favour of housing on sites within a settlement development boundary, so there is no need to individually allocate them.

If a policy is formulated on small sites, it should also make clear that the calculation of a windfall allowance should take place after the allocation/identification of small sites to ensure that there is no double counting.

e) expect local planning authorities to work with developers to encourage the subdivision of large sites?; and

The wording of this expectation needs to be carefully managed. local planning authorities cannot require landowners to sell half of their site. If a land owner is insistent on developing out a whole site then there should be no penalty for this. Other changes proposed in the HWP such as securing building out rates may help support the aspiration of getting large sites to be built out.

POS would welcome a definition of what is meant by a large site here, is Government considering anything above 10 units or a larger site e.g. above 50 units or 250 units?

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?.

POS supports this approach, although acknowledges that, whilst these approaches can work, where the conditions are right and the resources are available, they are not panaceas.

Question 9

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

POS supports the approach of existing and future garden communities.

However we would encourage Government to consider using the Nationally Significant Infrastructure Projects (NSIPs) route as a vehicle for Council backed large-scale housing schemes, as this could be a better alternative to the New Towns Act.

Question 10

Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:

- a) authorities should amend GB boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?**

Yes, although urge caution

POS is concerned that many local planning authorities will need to release GB even when all other reasonable options for meeting housing need have been explored (using brownfield sites, estate regeneration, underused public sector land, optimising density, exploring whether other authorities can help to meet need etc). This has been happening around London for example. There has been no strategic review surrounding London and other cities as to where the GB is performing a key role and where there may be exceptional circumstances to release GB due to its location close to a key arterial transport corridors or growth corridors for example.

Any releases should be carried out as part of a strategic review (as was the case in Nottingham). Otherwise around London each authority will nibble away at its own GB and the impact of small incremental releases, particularly on the border between London and the Home Counties will undermine the whole purpose of Metropolitan GB.

POS would refer government to our manifesto, we need to talk about the Green Belt

http://www.planningofficers.org.uk/downloads/pdf/POS%20Manifesto%20-%20Green%20Belt%20Policy_Mar15.pdf

b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining GB land?

No, POS does not agree with this approach.

A GB review should be carried out and only release sites that are necessary and can deliver sustainable development. Whilst we support GB policy and the improvements to the environmental quality or accessibility, the planning process can only go so far. It may be that the local plan sets out that part of a site in one ownership is made available for housing and part made more publicly accessible. However, a change in land ownership or watering down of the accessibility proposed by a landowner may not outweigh the benefits of a housing scheme as a reason for refusal.

Many local authorities are not in a position to adopt new areas of open space due to maintenance costs. Therefore the suggested improvements to the environmental quality or accessibility will mean landowners have a long term financial commitment to the area, and

this requirement is usually addressed by an estate management scheme and paid for by future occupiers.

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

POS agrees with this approach. However, all proposals would be subject to assessment throughout the Development Management process which will include reviewing the design, impact on amenity of wider area, access, height of a proposal and all relevant material considerations.

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?

POS agrees with this approach. However, all proposals would be subject to assessment throughout the Development Management process which will include reviewing the design, impact on amenity of wider area, access, height of a proposal and all relevant material considerations.

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

At present Neighbourhood Plans in areas within the Green Belt are often unable to make housing or other allocations even when there is strong community support for additional development because they are unable to amend Green Belt boundaries. This can be a source of considerable local frustration. Local Plan reviews are often out of synchronisation with Neighbourhood Plan preparation and having to wait for a local plan to demonstrate the need for a review of Green Belt boundaries could delay the preparation of a Neighbourhood Plan by some years. All Neighbourhood Plans are subject to both Independent Examination and the acid test of a local referendum. These two tests provide safeguards against an inappropriate scale or type of development. POS therefore considers that Neighbourhood Plans should be able to alter the detailed boundary of the Green Belt without the need for a Local Plan to indicate the need for an amendment.

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

POS would suggest the following wording;

When carrying out a GB review, local planning authorities should look to release land that provides the most sustainable form of development such as land which has been previously developed or which surrounds transport hubs.

The important shift is to be sure that any GB land released would provide the most sustainable form of development. We would also then urge national policy to make efficient use of the released land. It is very common to see a low density low rise development on previously GB sites. A more efficient use of land could be achieved if pushed by policy to balance the character and openness of the wider area and provide for an efficient use of land.

Question 11

Are there particular options for accommodating development that national policy should expect authorities to have explored fully before GB boundaries are amended, in addition to the ones set out above?

National policy could be stronger in directing mixed use developments, for example including residential above supermarkets/offices/retail etc. This is not something favoured by all commercial landowners, but could generate significant additional housing provision. This has been successfully delivered on many sites, so can clearly work. Where there are clear opportunities for this, developers should be expected to do so and a failure without sound reasons should result in a refusal of planning permission, clearly supported by policy in the NPPF.

We would refer you to our answer on question 6 regarding the use of CPO and CSOs. local planning authorities should be able to assemble sites which have been lying vacant for years, even with expired permissions rather than live permissions.

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?;

Most Neighbourhood Plans cover very small geographical areas, often a single parish, and there is no reliable methodology for objectively assessing housing need at such a detailed local level. Neighbourhood Plans are prepared with close community involvement from the “bottom up”. Unless a housing requirement for a local area is set out in an adopted Local Plan it should be a matter for the Neighbourhood Plan to sets its housing requirement.

Currently, qualifying bodies are free to include housing proposals or not. Many choose not to, because it can be problematic. But where they want to identify sites, either to meet local need or to benefit from social infrastructure improvements on the back of market housing, they should be able to obtain the local planning authorities's support.

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

Yes POS agrees that it is good practice to set out design expectations. The control of design is a common theme in NPs. Unfortunately, there have been more than a few poorly constructed and worded design policies in NPs, some going into far too much detail. There is therefore a danger with locally derived design codes that they will be too prescriptive and stifle creative contemporary design. Many get involved in NPs precisely in order to get everything looking as it always did. So there is a need for guidance as to how to prepare a Code that will actually encourage new and sometimes radical solutions that are nonetheless compatible with a site's context and the morphology of the place.

POS is concerned that the HWP consultation is only referring to design as a aesthetic consideration, rather than the place and quality of an area. We understand the need to include modern building methods, which will help build more homes. These modern methods may ben different to the established character of an area, and therefore the aesthetics change. However, any amendments to the NPPF on design should be carefully worded to be clear that the routes, spaces, sense of enclosure, way finding etc between

buildings, whether they are a modern construction or not should be a key consideration of design as a whole, not just aesthetics.

And agrees that the detailed design expectations should be in a design code or Area Action Plan (AAP). However, this is most appropriate for large scale sites and takes a lot of resources. There will be sites with no AAP or Design Code, either because the sites do not warrant it or due to resources.

It is not the place in these situations for the local plan to be used as a catch all with a design policy that can be interpreted to all schemes. Design policies in a local plan should be strategic and high level (this point relates to answer to 12 d below).

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

Yes, POS strongly supports the benefits of meaningful pre-application engagement where developers and communities can both be as flexible as possible on their respective positions.

This pre-application discussion should include local councillors and where appropriate Planning Committee Councillors.

POS would welcome this change to the NPPF as some local planning authorities are finding that some house builders are not understanding the value of pre-application discussions, which leads to consultation with the community becoming protracted when planning applications are submitted.

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

No, POS does not agree

Design advice in statutory plans will and should be necessarily be high level. Design advice for sites (even large ones) is at the SPD and planning brief level. local planning authorities cannot produce detailed design advice for everything. POS is concerned about this and would urge Government not to water down design advice in the NPPF.

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?

POS would support this approach, although we would question how necessary it is.

Although the Building for Life (BfL) assessment is nationally recognised much of the could be interpreted differently across the country. For example no. 3 public transport - does the scheme have good access to public transport to help reduce car dependency. Many rural housing proposals will score a low level on this but as identified in earlier questions new housing in rural areas is very important.

POS would suggest that the BfL assessment criteria should be adapted slightly in each local authority area to make it relevant. Similar to the approach at London Borough of Camden took. For example, no. 10 which refers to car parking, rather than gaining points to meet sufficient car parking, points were awarded when it was designed to be car free.

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?;**

Yes

However, occupiers of homes built at high density in areas close to a railway station do still own cars, especially outside cities in suburban towns, where Government is aiming this policy to have an impact. This puts pressure onto surrounding local road networks especially at weekends and when people who live in these areas do not commute using public transport. This highlights the need at a strategic level to plan for jobs in areas where there is high housing demand such as surrounding London as well as planning for homes. This will allow more people to work and live in close proximity to London without the necessity of a daily commute or straining the existing local road/bus infrastructure. Start up business spaces as well as office head quarters outside of London but next to railway stations should be encouraged.

As the Government's intention is to introduce higher densities than usually expected in suburban areas, there must be an appropriate amount of infrastructure provided. Including new housing requires, new schools, GP surgeries, hospitals and community centres. CIL does not, and was never expected to, generate sufficient income to pay for this. Nor does it command the joined up conversation needed to make this happen. The austerity cuts which have happened in services such as adult social care, education and the NHS outside of planning and development are having a big impact on communities' attitudes to growth and new housing. Central Government need to acknowledge this and invest in existing infrastructure in areas of key housing need as well as making investment funds available to areas of future housing growth.

On a separate point POS would suggest that the reference to where there is a shortage of land for meeting identified housing need is removed. As all housing proposals across the country should make efficient use of land in order to be sustainable, obviously balancing this with the character of the area. land is a finite resource and because an area has a five year land supply or is meeting the housing delivery test should not mean that they then build homes at low densities.

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

Although POS agrees with the intention of this, the decisions regarding appropriate density should be made at the local level. It is acknowledged that this is likely to be controversial in communities especially bringing higher densities in areas that would perhaps change the character of the area. Therefore the NPPF should clearly set out the intention to optimise (rather than maximise) densities but not include a minimum density level or if one is needed this is agreed through the local plan process.

However, the point made above that new homes close to train stations also require social, community, education and local road investment into infrastructure is still relevant.

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

Yes, POS agrees with this

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?

No, we do not agree that this change is made to the NPPF.

A flexible approach can currently be adopted by local planning authorities through the assessment of a proposal and balancing the harm of a proposal against the planning gains. The NPPF should not be watered down in this aspect. Each application should be assessed on its merits and where a proposal falls short of providing required open space or has a further impact on daylight and sunlight than is usually acceptable it is for the local decision makers to balance these considerations.

Question 14

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

POS welcomes using land more efficiently.

However, we would urge Government not to set arbitrary densities for all sites. An approach such as that used in London Plan (a density matrix that combines accessibility with character) should be used if a density guide must be provided.

Instead we would urge the NPPF to be drafted to make it clear that all sites should be subject to this requirement such as commercial uses which tend to be low rise and low density such as supermarkets, which should be provided with residential above.

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)?

POS supports the use of public land for housing.

This could include the use of innovative ideas on display at establishments such as the Building Research Establishment, in Watford. Ideas such as key worker accommodation for nurses built above NHS surface level car parks. This would allow staff to rent a small home close to work. It is unlikely that these properties are mortgageable, but at a cost of £60,000 each they could be installed by the NHS and rented to staff at an affordable level. Public bodies such as the NHS should be encouraged to provide these.

<http://www.zedfactory.com/zed-pod>

This can be supported through planning either by the use of permitted development rights or by relaxing space standards where accommodation is specifically linked to rental properties for key workers.

Chapter 2 - Providing greater clarity

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?;**

Yes, we welcome the opportunity for local planning authorities to have their housing land supply fixed for a one-year period, however,

No, we do not agree with the additional 10% buffer and we are concerned regarding the capacity of Planning Inspector to be able to support this approach.

POS does not see the reason why if a local planning authority chooses to have their five year land supply fixed for a year why this should then result in an additional 10% buffer.

This seems unnecessary and may well put local planning authorities off the process.

Therefore not solving the intentions Government has.

There are also unintended consequences of the annualisation approach, such as local planning authorities who are planning to meet their housing need through large sites are

unlikely to meet their short term five year land supply. But have big housing delivery numbers in the medium/longer term.

POS is concerned that the process for having your housing land supply fixed may be onerous and that Planning Inspector do not have the capacity to review these annually.

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

POS has no objection to Planning Inspector considering this, but is seriously concerned regarding their capacity.

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? :

POS would suggest that Planning Inspector consideration should only be of the approach pursued by an local planning authority in establishing whether a land supply position is robust and not about the supply figure itself.

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?;

Most Neighbourhood Plans cover very small geographical areas, often a single parish, and there is no reliable methodology for objectively assessing housing need at such a detailed local level. Neighbourhood Plans are prepared with close community involvement from the "bottom up". Unless a housing requirement for a local area is set out in an adopted Local Plan (i.e. it's share of housing need) it should be a matter for the Neighbourhood Plan to sets its housing requirement.

b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?

Yes, POS would support this approach but would make the key point that local planning authorities should be tested annually either through the Housing Delivery Test or five year land supply.

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?

POS would suggest that site allocations should not be required in the NPPF, but for local planning authorities to choose whether this approach is suitable for their area or a variety of different approaches may work well, including development briefs or masterplans. An local planning authority is unlikely to have the resources to maintain a site allocations document and use other innovative design briefs for large scale housing sites.

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;

POS welcomes the approach of charging a fee for appeals but would strongly urge that this money is ring-fenced and kept by Planning Inspector to increase the numbers of inspectors. Currently there is nearly a 12 month delay on getting decisions from Planning Inspector. This can lead to the community as well as local councillors trying to stall making any further decisions on a site until a decision has come from the Inspectorate, and delaying delivery of housing.

On a rough calculation we estimate that the additional revenue could generate up to £7.8 million, this would equate to approximately 100 new inspectors. These inspectors should also be used to assess the annual housing supply submitted by local planning authorities as discussed in question 16.

Although we understand the principle of refunding appeal fees if allowed, this would be a tricky financial situation for Planning Inspector. They would not be able to budget accordingly for resources with the threat of an unpredictable amount of income being refunded. It would be a challenge from an administration point of view and may have unintended consequences of appellants thinking that their scheme has not been allowed so that Planning Inspector can keep the fee they have budgeted for. Although POS is certain this would not be the case it may well be the impression appellants receive. POS would not suggest that fees are refunded but set proportionately according to size of proposal.

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

The fee could be proportionate to the size of the appeal scheme. That way SMEs appealing schemes of 50 - 100 units would pay lower fees than those appeal schemes at a level of large scale major development.

In addition POS would urge appeal charges to acknowledge the amount of unpaid work that local planning authorities do. We would suggest that applicants are not allowed a free go if the first application was appealed and dismissed. This would mean that appeals would need to be dealt with well within 12 months of the refusal but there are examples where an applicant has lost an appeal and then used their free go. This is particularly so for householders and other applications subject to the fast track appeal process.

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

Yes, as mentioned above appeal fees could be proportionate to the size of the appeal proposal or site.

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?

POS supports the idea of ensuring that digital infrastructure is provided in the right place at the right time. However we would question how much weight and bite planning policy would have in setting out how this will be delivered and accessible from a range of

providers. Perhaps it should be a declaration signed by the developer to ensure that all their new homes will be digitally enabled. This would then be picked up in building regulations and not a planning condition. The planning system should not be added to where other forms of legislation can take on the responsibility.

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?

Yes, although POS would urge Government to define strategic infrastructure improvements and make clear that these should increase capacity of infrastructure rather than improving an existing service or reducing delays etc.

Although POS supports the theory behind the approach that increased housing linked to strategic infrastructure, needs to go hand in hand with increased local infrastructure. Such as education, community and health facilities as well as local road and cycle networks etc. The CIL achieved through additional homes being built close to strategic infrastructure would not provide for this. It must be acknowledged that new homes become new places and therefore a place making approach with local infrastructure needs to be provided. The CIL review should seek to address this as well as other land capture solutions.

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?**

Yes, POS can see the value in this. However as acknowledged in the consultation developers are unlikely to know exact build out start dates and timescales. Securing build out rates is an aspiration in the HWP. It is not clear whether Government intends local

planning authorities to secure the build out rates in the application form as part of the permission. However, POS would question whether this type of a condition would meet the tests in paragraph 206 of the NPPF;

- 1 necessary;
- 2 relevant to planning and;
- 3 to the development to be permitted;
- 4 enforceable;
- 5 precise and;
- 6 reasonable in all other respects.

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?

Yes, POS agrees this would be useful. Much time is currently spent at local and county council level ascertaining the completion rate of properties. It would also be useful if a site was particularly contentious in a community to show the value and number of new homes this has given to the local area.

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

Yes, POS can see the value in this. However it is up to a local planning authorities how they publish their AMR and this should still be the case, whether they stagger updates through a year and the build out rate becomes part of the housing update. Although, we are concerned that this AMR data would essentially be the same as data provided for the Housing Delivery Test? POS would urge for clarification on the value of including this data in the AMR, is the intention to look at specific sites or developers?

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

Yes, POS agrees with this. The data should have to be updated on a central Government held website so performance can be viewed nationally of the top 10-20 house-builders. The large scale house-builders should be held to account by Government.

If house-builders are not delivering then any future planning permissions should be granted for a period of two years only.

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?

No,

POS considers this could have damaging unintended consequences. One of the main reasons why a site is not developed is due to the capacity and intention of the land owner/ developer, not the land constraints or nature of the permission granted. Although local planning authorities may find themselves granting planning permission for housing with little faith that it will be built out the land may change ownership and the new owner build out approved homes quickly. The benefit of a new owner buying a site with permission already granted removes a lot of risk and allows builders who do not have the upfront funds, skills and resources to gain planning permission to get started on a site.

The other consequence of this proposal is that local communities and councillors often deal with the same developers in an area and may have encountered an applicant on a previous site where either planning permission was strongly objected too, the construction phase disrupted the community, the site was not built out in accordance with the plans etc. Therefore separate sites histories will be brought into the consideration of what could be a much easier and plausible site to develop and the first time permission is being sought on the land. Local councillors should not be lobbied to refuse permission on the basis of what happened in another area of the borough, or even out side the local authority area.

In the situation where a local planning authority was considering refusing planning permission as it is not considered realistic that the housing will be built, this is likely to result in a protracted relationship with the applicant. It will be hard to move this relationship forward on a different site or if circumstances change. POS can see a lot of managers and senior managers time being spent on this.

POS would argue that if a site is not deliverable or is too heavily constrained then planning permission for housing would not be granted.

A more useful tool to achieve the intention of delivery on these sites is giving local planning authorities the tools to issue a compulsory selling order, so the land owner who has not implemented two or three planning permissions is forced to sell the site within the next six months. This would let a different landowner develop the site confident that a previous permission has been granted for housing.

It may also be worth considering removing the free go in fee regulations, so that developers think fully about their first planning application and do not delay things with resubmitting proposals once permission has already been granted. If applicants genuinely need to amend a scheme the non-material and minor-amendment route should be used. This would also help with resourcing of planning departments.

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.

No,

POS would suggest that it is more relevant to fine land owners for not implementing planning permissions, or allowing local authorities to start charging council tax after a period of say three years from date of permission granted.

The planning system is already complicated and should be made simpler, not adding more to it. An applicant's track record of delivering previous housing schemes would be a huge distraction and may have unintended consequences of house-builders trying to secure favourable recommendations by agreeing to large PPA fees or generally building relationships with local authorities, councillors and communities but not actually delivering on housebuilding. Or the opposite where a house builder has built out homes, but the community has objected or is upset at the way these have been built. This could lead to Councillors being under pressure to refuse planning permission not by reason of a lack of housebuilding but lack of quality or care and consideration throughout construction. There is a risk that this consideration will be abused and reinterpreted to suit a local situation.

If this was to become a material planning consideration then there would need to be clear guidelines and Planning Inspector would need to support local planning authorities in their

considerations as this would be an area where costs are likely to be applied for by the applicant.

It is also open to abuse where an applicant opens a new business and applies for permission under a different business name or set up companies who are not developers merely to apply for planning permission, thereby potentially nullifying these provisions.

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?

Yes, if taken forward then should only be for large scale sites.

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.

POS would suggest that if permission is shortened from three years to two years this should be a change nationally and not at the consideration of a local planning authority. This would remove another consideration at the planning application stage. If required a SME could submit to extend the life of the planning permission when it comes to the end of the two years. This should be a national change otherwise much debate may be had around viability, especially if it is a grey area whether the local planning authority actually considers the proposal will be built out. In cases of non-delivery, a shorter planning permission would have tangible benefits if the POS proposals around CPO were introduced.

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?

Yes,

However POS would argue that Compulsory Purchase Orders and Compulsory Selling Orders as set out in response to question 6 above and in our POS CPO Manifesto would be a better tool to use. As this would actually change the landowner rather than just removing a planning permission on a site.

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?

POS would question what happens to unfinished development.

On a scheme of twenty houses where ten were built, it is clear (and right) that the ten built are lawful and can remain. The problem is in a tower of twenty flats that is half complete (eg a concrete frame has been cast and the developer then goes bust) it should be clear that the frame is unlawful (no planning permission was granted for a frame only) and we can enforce against it. The development already carried out (s95(5)) must be development that is both severable and is complete (ie matches the approved plans).

It seems the courts have resisted to date any notion that if, by the end of the specified completion deadline, only part of a building has been built, the part built is in any way no longer unauthorised (*Cardiff County Council v National Assembly for Wales*, Davis J, 22 June 2006. In this case, an unsightly part-built garage, which the Council sought unsuccessfully to enforce against after the deadline in the completion notice). It is vital that the legislation is changed to make it clear that the planning permission only authorises the development as permitted and buildings must be completed (probably the right wording is substantially completed) and if they are not they are unauthorised. POS would consider this to be the position in current case law if you are looking at whether something complies with the approved plans. The same approach should be applied to a building subject to a completion notice where a part-completed building is left at the end of the process: it is unauthorised because it does not match anything on the approved plans and therefore is liable to enforcement action if expedient to do so.

POS would urge that there should be a presumption that failure to comply with a completion notice is justification for CPO.

POS is not best placed to comment on what impact this proposal will have on lenders willingness to lend to developers. But, it is clear that if permission is removed through a completion notice the site would be less attractive for future owners and funders. The CPO/CSO route would be a more effective tool.

Question 28: Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

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

Yes, POS would agree with this.

However, we strongly argue that there is no need for both an ongoing annual five year land supply test and a HDT. Government should choose one approach and not penalise local planning authorities through both approaches.

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, agreed subject to seeing the new standard methodology. Any standard method for assessing housing requirements should be confined to providing housing to house people: ie calculating population projections, household formation and migration movements and applying these (usually) to a strategic housing market area. It cannot be a tool to address market differences; it is too blunt a tool to do that. If government wishes to seek to do that it should embark on a programmed of regional planning. The planning system is not the tool to use, this has been set out previously in the Barker report.

http://webarchive.nationalarchives.gov.uk/+http://www.hm-treasury.gov.uk/media/D/2/barker2_interim050706.pdf

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

Assessing Five Year Housing Land supply has been a longstanding issue which was most recently raised by the Local Plans Expert Group. In responding to this question it is important to provide the context within which this matter should be considered.

The NPPF sets out at paragraph 47 that:

To boost significantly the supply of housing local planning authorities should:

- *Use their evidence to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.....*
- *Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15*
- *For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five year supply of housing land to meet their housing target;*

As can be seen the NPPF expects local planning authorities to illustrate how their housing target is to be delivered for the plan period. Nowhere does it suggest that the expected rate of delivery should be based on an annualised average, and there is no guidance in place which requires local planning authorities to use an annualised average. However, it has become custom and practice for local planning authorities, developers and Planning Inspectors to take an 'annualised average' approach to assessing five year housing land supply.

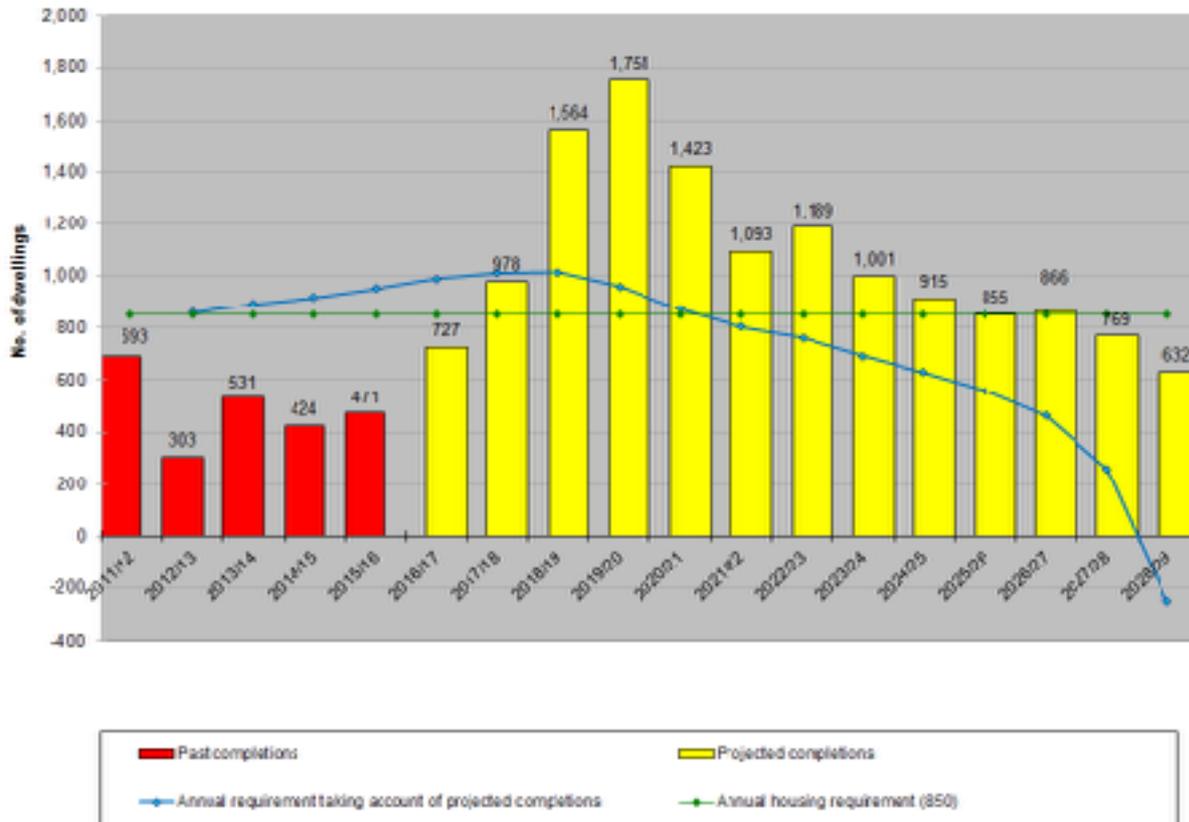
This approach actually runs counter to Government's stated intention that England's planning system is 'plan-led'. Part of a local planning authority's evidence to support its local plan is a housing trajectory which sets out where, when and how much development

is anticipated to be delivered across the whole of the local plan period. It therefore has the ability to be tested at a Local Plan examination, and often is.

The Housing Trajectory is informed by a number of pieces of information including:

- Information from developers/landowners in relation to when a site is likely to be available, and the rate of delivery of new homes once developed has commenced; and
- Consideration of the timescales for delivery of infrastructure that needs to be in place to facilitate development, through working with key infrastructure partners and includes identifying how such infrastructure will be funded and when that funding will be available.

Housing delivery is influenced by a range of factors and the reality is that housing will not come forward on an equal basis year on year, but will fluctuate. This is already recognised in Paragraph A.112 (page 96) of the White Paper which refers to the peaks and troughs in build out rates from one year to the next. As such applying an 'annualised average' approach to determine five year housing land supply is an artificial construct. To demonstrate this, an example of a local planning authority's Housing Trajectory is set out below. This clearly shows the 'peaks and troughs' referred to in Paragraph A.112 of the White Paper



Consequently, the Housing Delivery Test should not be based on an annual requirement if this is intended to be on the basis of the current ‘practice’ of using an annualised average of an up-to-date local plan’s overall housing target. This is an artificial method of assessment, does not reflect the realities of how housing development is brought forward over a period of time, and does not accord with S.38 of the Planning and Compulsory Purchase Act 2004 i.e. that the English planning system is plan led.

Not taking such an approach undermines the confidence that communities have in that Plan-led system. By following the ‘annualised average’ approach rather than the local plan trajectory approach can result in the submission and approval of major planning applications on sites which have not been allocated in a local plan, which can undermine the delivery of those sites that have been allocated. Furthermore, such sites can put pressure on, and use up capacity within, infrastructure because such sites have not been factored in to the strategic assessment of infrastructure as is undertaken in developing a local plan.

A particular challenge that the current ‘annualised average’ approach creates is for those authorities who have developed a realistic and deliverable strategy for its area which is to be delivered through the development of strategic sites, which in some cases cross local

authority boundaries, which provide for the most sustainable approach to delivery of housing from an environmental, economic and social perspective. Again, five year housing land supply based on up-to-date local plan trajectories would assist in preventing development that would undermine the delivery of such sites, which by their very nature, take time to build out.

The White Paper also identifies the resource issues that local planning authorities face. Dealing with planning applications that do not accord with the local plan diverts resources away from focusing on securing the delivery of high quality schemes that support the delivery of a Council's strategy.

In order to support such an approach there should be a similar requirement on promoters of local plan sites to provide the same information as is proposed in Question 21 in the White Paper. This information is critical in developing a local plan housing delivery statement and trajectory and to inform Infrastructure Delivery Plans. This information should be in the public domain and when considering both five year housing land supply and the proposed housing delivery test this would provide a much clearer base for holding developers to account when not bringing sites forward in accordance with the evidence provided to support the plan-making process. It would also provide a much clearer link between the plan-making and decision-taking parts of the planning process. This would therefore also provide the basis for Housing delivery Action Plans and for consideration by the Planning Inspectorate on a local planning authority's five year housing land supply if the local planning authority chose to take up the proposals set out in the White Paper on this matter. Furthermore, as the White Paper is advocating that local plans should be reviewed at least every five years then the housing trajectory would be capable of being reviewed as part of this.

It is recognised that this approach is only appropriate for those authorities that have an up-to-date local plan.

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

Yes, POS agrees with this for the reasons set out above.

Question 29

Do you agree that the consequences for under-delivery should be:

- a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?;**

No, this trigger is too high. POS would recommend 75% rather than 95%.

POS supports the approach of an action plan but is cautious on detracting resources away from plan making and is doubtful as to how much control local planning authorities can have on getting house builders to actually build. Local planning authorities can look at new or different housing sites to be allocated as a new approach, but often it is not that the originally allocated sites are inappropriate, it is the will, funding and capacity of house builders. In asking local planning authorities to draft an action plan, it is likely that new sites could come forward in a rush and without due consultation with the community. POS would warn that planning and place making is key to delivering good quality homes and places. We are concerned that quality of communities and place making could be at risk of adding as many housing sites as possible to a list in the hope that they will be built to meet a Housing Delivery Test.

POS would suggest that a financial incentive to implement permission would be more relevant, as mentioned previously that a local authority starts to collect Council Tax or the CIL increases over time. This would also incentivise communities to support new housing schemes in their area.

- b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?;**

No, this trigger is too high. POS would recommend 65% rather than 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%?

c) d) and e) should be on a rolling three years rather than twelve month periods.

Question 30

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

POS would recommend that the NPPF should make it clear that addressing housing need across strategic or housing market areas (however formed) must be an absolute requirement and avoid allowing local planning authorities to avoid difficult decisions by imprecise wording.

The CPO and CSO powers are the strongest tools that local planning authorities can use where permission has been granted but not being built out.

Local infrastructure needs investment in order to convince communities and local councillors that more housing should be supported.

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?;**

POS has no objection in principle but would suggest the below wording is used which would prevent the need for local plans to be reviewed. New wording in red plus reordering of definitions under the two sub-titles(also in italics)

Box 4: Proposed definition of affordable housing

Affordable housing: housing that is provided for sale or rent to those whose needs are not met by the market (this can include housing that provides a subsidised route to home ownership), and which meets the criteria for one of the models set out below. *The models are presented in two groups: those where the subsidy is provided through local authorities and registered providers (statutory subsidy) and those where the subsidy is provided by the market (market subsidy) as different policy considerations may apply.*

Affordable Housing: statutory subsidy

Social rented and affordable rented housing: eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the Government's rent policy. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is discount market sales and affordable private rent housing and other housing that meets the following criteria: housing that is provided for sale and rent at a cost above social rent, but below market levels. Eligibility is determined with regard to local incomes and local house prices. It should also include provisions to remain at an affordable price for future eligible households or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement. These can include Shared Ownership, equity loans, other low cost homes for sale and intermediate rent (including Rent to Buy housing).

Affordable Housing: market subsidy

Starter homes is housing as defined in Sections 2 and 3 of the Housing and Planning Act 2016 and any subsequent secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute at the time of plan-preparation or decision-taking. Local planning authorities should also include income restrictions which limit a person's eligibility to purchase a starter home to those who have maximum household incomes of £80,000 a year or less (or £90,000 a year or less in Greater London).

Discounted market sales housing is housing that is sold at a discount of at least 20 per cent below local market value. 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.

Affordable private rent housing is housing that is made available for rent at a level which is at least 20 per cent below local market rent. Eligibility is determined with regard to local incomes and local house prices. Provision should be made to ensure that affordable private rent housing remains available for rent at a discount for future eligible households or for alternative affordable housing provision to be made if the discount is withdrawn. Affordable private rented housing is particularly suited to the provision of affordable housing as part of Build to Rent Schemes.

b) introduce an income cap for starter homes?;

Yes

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

Yes

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

This is too short a transition period and please see answer to 31 a) above which avoids the need for local plan review completely.

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?**

POS welcomes the proposal not to implement a National Starter Homes Requirement and instead set out an “expectation” which provides flexibility to negotiate and agree with developers a viable affordable home ownership mix for each site. It is recommended that intermediate housing is included within the 10% mix.

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

Yes, although POS does not have evidence to show how much rural authorities rely on schemes of over five units to provide affordable housing. We would agree in principle to over ten units, but be wary that this may have unintended consequences in some rural authorities across the country.

Question 33

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

Schemes for 100% affordable rent should be exempt and small Rural Exception Sites (which may be 10-12 units) should be exempt. Also, the exemption should apply where site viability dictates that no affordable housing can be achieved, for example, where abnormal clean-up costs of a polluted brownfield sites would otherwise make a site unviable to develop.

Question 34

Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government’s view of what sustainable development means for the planning system in England?

Yes

Question 35

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

- a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?**

Yes

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

Yes, although this investment does require funding which cannot be met from CIL.

Question 36

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

Yes

Question 37

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

POS welcomes this approach but the definition of existing businesses are clearly defined, e.g. what is a community pub?

Question 38

Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?

Yes