

## **Appendix A - Response to the DCLG 'Planning for the right homes in the right places' consultation 2017**

Note that each question asks for a 'Yes, No, Not sure / don't know' response before inviting wider comment.

### Proposed approach to calculating the local housing need

#### **Question 1 (a)**

**Do you agree with the proposed standard approach to assessing local housing need? If not, what alternative approach or other factors should be considered?**

Yes.

The key advantages of the proposed approach are its transparency and simplicity which will save time and money during Local Plan preparation and examination. It has been demonstrated that no system of estimating local housing need is perfect so a simple approach that arrives at an appropriate national total is of more utility than more complex, time consuming and expensive alternatives. Importantly the standard approach does not prevent Local Planning Authorities from seeking to deliver more housing than indicated by the standard approach where this is justified by local evidence. However these advantages would be lost if it is not made clear in national planning guidance that use of the standard approach to calculating local housing need will be considered to be 'sound' (i.e. that the resultant figure represents the objectively assessed housing need that the local plan must make provision for). No loopholes should be left open that would allow a Local Plan to be found unsound if the standard approach is used, for example by claims that the standard local housing need assessment for a district will not provide enough housing to achieve forecast economic growth without creating unsustainable patterns of commuting. The strength of using DCLG household projections means the methodology is consistent nationally and therefore less likely to be open to challenge. It would be helpful to have a similar approach using published datasets on economic growth to avoid lengthy disputes on how economic growth should be assessed as part of the overall calculation for housing need.

One area of uncertainty about the new standard approach relates to the 10 year demographic baseline referenced in paragraph 17 of the consultation and the guidance in the NPPF at paragraph 157 that Local plans must have a 15 year time horizon. Does this mean that future Local Plans will have a 10 year time horizon, or that they will still look as far ahead in terms of strategy, but only include a 10 year housing trajectory in regard to site allocations, or is the intention that the 10 year demographic baseline should be extended over at least 15 years?

Looking ahead we do have concerns that the standard approach will simply roll forward high levels of growth in districts that have in the past planned responsibly and positively for growth, whereas areas that have not been responsible and have restrained past growth, will roll forward low levels of growth into the future. There may be other unintended consequences of the standard methodology and Government should commit itself to a review of the working of the methodology with a view to refining it over time.

It can be expected that the new standard approach will deliver large amounts of additional land for housing development across England, in some cases up to a 40% increase in land supply. Such an increase will likely prove challenging to plan for by the local planning authority, and to deliver by the housebuilding industry. In this new world, it cannot also be

right to maintain the penalty requirement for an additional 20% housing site buffer to be provided where the development industry has failed to build enough houses to maintain a 5 year housing land supply. To do so would be to set up a system where if there is a delivery failure, the solution is to add even more housing supply in areas where there can be no demonstrable shortage of land.

Finally any amendment to the NPPF must specifically state that it will only be the 'baseline' figure that is used to assess and authority's assessed need and to calculate housing delivery requirements under 5-year housing land supply and any new housing delivery test as envisaged by the Housing White Paper, so as not to penalise those wishing to promote a higher housing provision to reflect their aspirations for economic growth or for other reasons, if this aspirational growth cannot then be delivered on the ground for whatever reason.

### **Question 1(b)**

#### **How can information on local housing need be made more transparent?**

National Planning Policy Guidance could be amended to require this information to be included in the Annual Monitoring Reports already prepared by each Local Planning Authority.

### **Question 2**

#### **Do you agree with the proposal that an assessment of local housing need should be able to be relied upon for a period of two years from the date a plan is submitted?**

No.

This is too short a period. Local Planning Authorities and Planning Inspectors should be able to rely upon the assessment of local housing need on which the submitted plan is based, during the full course of its examination. We submitted our Local Plan for examination in March 2014 and do not expect to adopt it until Spring 2018 and the proposed 2 year cut-off would have added further delay to the examination process as modifications to the Local Plan would have been required to address any increase or decrease in housing need.

Furthermore, s78 Planning Inspectors when considering planning appeals must be required to rely on the local housing need figure included in an adopted Local Plan within 5 years of its adoption, rather than any more recent standard local housing need figure. To do otherwise would encourage 'planning by appeal' from developers in circumstances where the standard local housing need figure has gone substantially up from the figure in an up to date Local Plan (one adopted in the last 5 years).

### **Question 3**

#### **Do you agree that we should amend national planning policy so that a sound plan should identify local housing needs using a clear and justified method?**

Yes.

The key advantages of the proposed approach are its transparency and simplicity which will save time and money during Local Plan preparation and examination. It has been demonstrated that no system of estimating local housing need is perfect so a simple approach that arrives at an appropriate national total is of more utility than more complex, time consuming and expensive alternatives. Importantly the standard approach does not prevent Local Planning Authorities from seeking to deliver more housing than indicated by the standard approach where this is justified by local evidence. However these advantages would be completely lost if it is not made clear in national planning guidance that use of the standard approach to calculating local housing need will be considered to be 'sound'. No

loopholes should be left open that would allow a Local Plan to be found unsound if the standard approach is used, for example by claims that the standard local housing need assessment for a district will not provide enough housing to achieve forecast economic growth without creating unsustainable patterns of commuting.

This is a foreseeable challenge to the proposed standard assessment approach and dispute over it, backed up by evidence documents, could discount the time and cost advantages gained by its introduction.

#### **Question 4**

**Do you agree with our approach in circumstances when plan makers deviate from the proposed method, including the level of scrutiny we expect from the Planning Inspectors?**

Yes.

The proposed approach to allow Local Plans to provide housing in excess of the standard local housing need assessment, but not to provide less, is sensible and proportionate. Issues which often arise in terms of capacity and constraints in one district in a housing market area would fall to be addressed by the required statement of common ground for that housing market area.

#### **Question 5(a)**

**Do you agree that the Secretary of State should have discretion to defer the period for using the baseline for some local planning authorities? If so, how best could this be achieved, what minimum requirements should be in place before the Secretary of State may exercise this discretion, and for how long should such deferral be permitted?**

Yes.

The Secretary of State should have discretion to defer application of the new standard approach for 5 year housing land supply calculations from the baseline date of 31 March 2018. This deferment should apply to all local planning authorities who have submitted their Local Plans for examination by that date and during the course of the examination. After adoption of the new Local Plan the housing need figure included in the Local Plan would apply to all 5 year housing land supply calculations until it is replaced by a new Local Plan or for a period of 5 years from adoption whichever is sooner. After 5 years if the Local Plan has not been replaced these calculations would be made in accordance with the latest figure generated by the standard approach to calculating local housing need.

It would not be conducive to public confidence in the planning system if the housing need figures included in a recently adopted Local Plan were to be quickly superseded for the purposes of calculating the 5 year housing land supply by a more recent standardised local housing need figure, whether need increases or decreases.

The consultation states in paragraph 48 that for local planning authorities without an up-to-date local plan in place by the 31<sup>st</sup> March 2018 planning decision makers must use the new standard approach in 5 year housing land supply calculations. This is described as an incentive to get plan making. To avoid confusion and dispute at s78 planning appeals, clear guidance must be provided on how this approach will work in detail. For example as the standard need will be based on 2016 or 2017 baseline data does this mean that there is no housing need backlog to be added in from earlier years in the Local Plan period? (assuming for example a plan period of 2011-2031, where a backlog has built up in delivery to 2016 or 2017).

**Question 5(b)**

**Do you consider that authorities that have an adopted joint local plan, or which are covered by an adopted spatial development strategy, should be able to assess their five year land supply and/or be measured for the purposes of the Housing Delivery Test, across the area as a whole?**

Yes.

But this approach should also apply where two or more Local Planning Authorities have agreed under a duty to co-operate agreement (and/or a statement of common ground - SoCG) that their housing phasing and housing trajectories should be considered together for planning decision making. This is the approach being pursued by Cambridge and South Cambridgeshire District Councils who have prepared separate Local Plans which both state that their housing phasing and housing trajectories should be considered together for planning decision making including for calculations of 5 year housing land supply. This exemption would cease to apply if the duty to co-operate agreement or SoCG were to lapse).

We made a strong case in support of this approach to our Local Plan examination hearings recently based upon the planned strategic urban extensions to Cambridge starting in Cambridge and only later extending into South Cambridgeshire. Whilst this circumstance may not be a common one, there will be other reasons why such an agreement would make excellent planning sense. If all affected authorities agree and there is no reduction in the overall 5 year housing land supply provision, national planning policy should not prevent what is a common-sense solution to the alternative, which locally, is unplanned speculative village development in less sustainable locations.

**Question 5 (c)**

**Do you consider that authorities that are not able to use the new method for calculating local housing need should be able to use an existing or an emerging local plan figure for housing need for the purposes of calculating five year land supply and to be measured for the purposes of the Housing Delivery Test?**

Yes.

**Question 6**

**Do you agree with the proposed transitional arrangements for introducing the standard approach for calculating local housing need?**

Yes.

Yes the proposed transitional arrangements are very important, being necessary, sensible and proportionate. They will provide clarity and avoid uncertainty and help to avoid expensive and wasteful disputation at Local Plan examinations. Two refinements are however necessary. First in regard to plans at examination and adopted in the last 5 years it must be made clear in national guidance that such plans once adopted will remain sound in regard to new standard local housing need figures until replaced by a new Local plan or the expiry of a 5 year period after adoption whichever is sooner. Second, it should be made explicit that these transitional arrangements also apply to s78 planning appeals. It would not be conducive to public confidence in the planning system if the housing need figures included in a recently adopted Local plan were to be quickly set aside by a s78 Inspector for the purposes of calculating the 5 year housing land supply by a more recent standardised local housing need figure.

## Statement of Common Ground

### **Question 7(a)**

**Do you agree with the proposed administrative arrangements for preparing the statement of common ground (SoCG)?**

Not sure / don't know.

The consultation document is not clear on who will be responsible for preparing and updating the SoCG. At paragraph 64 it states that every local planning authority will produce a SoCG for the housing market area, but at paragraph 70 it refers to local planning authorities working together to develop and maintain the SoCG. Furthermore paragraph 81 refers to the SoCG being reviewed and updated when each of the participating authorities reach four key milestones in the plan-making process. The housing market area (HMA) centred on Cambridge currently includes seven local planning authorities. This implies that the SoCG would need to be updated 28 times. Setting aside the implied heavy administrative workload involved it is unclear what would be the benefit of this mechanistic approach which could quickly yield multiple SoCGs for the same HMA and become a confusing assemblage of documents all being worked on to differing timescales.

A better approach would be to state that a SoCG should be prepared for each housing market area or other agreed geographical area within the proposed 6 and 12 month deadlines, and that this be updated as necessary for the whole HMA every 2 years. As an aid to the smooth running of Local Plan Examinations it would be helpful if a national map of HMAs or other agreed geographical areas could be centrally published and maintained by Government. It is suggested that where there is an elected Mayor for an area with multiple local planning authorities, that the HMA boundary should normally be the same as the boundary for the Mayoral Combined Authority, unless a different boundary can be robustly justified. For example for South Cambridgeshire, our relationship with West Suffolk in terms of travel to work data, identifies that it has been correct to consider that district to be part of our Housing Market Area although it is not included within the Combined Authority area.

Under this alternative arrangement local planning authorities on the boundary of one HMA would be expected to individually engage with the SoCGs being prepared for all the different HMAs it shares a boundary with. This may help reduce cross-boundary disputes and would reduce the administrative burden of engaging with the SoCG of all adjoining local planning authorities.

### **Question 7(b)**

**How do you consider a statement of common ground should be implemented in areas where there is a Mayor with strategic plan-making powers?**

No comment.

### **Question 7(c)**

**Do you consider there to be a role for directly elected Mayors without strategic plan-making powers, in the production of a statement of common ground?**

Yes.

Logically yes given their other responsibilities and powers. In the case of the Mayor of the Combined Authority for Cambridgeshire and Peterborough (which area differs from the current HMA incidentally), the Combined Authority has extensive transport powers and responsibilities and has commenced work on a 'Non-statutory Spatial Plan'. This allows scope for strategic planning and transport constraints and opportunities to be considered

together in the preparation of a SoCG. But this approach would not work so effectively if the HMA boundary is not the same as the Combined Authority boundary, although where there are direct links with areas outside of the Combined Authority, these should not be overlooked.

#### **Question 8**

**Do you agree that the proposed content and timescales for publication of the statement of common ground are appropriate and will support more effective co-operation on strategic cross-boundary planning matters?**

Yes.

The proposed content of the SoCG are appropriate as are the proposed timescales, but a clear definition should be provided as the meaning of the phrase 'unmet need' in regard to the distribution of need in the 12 month version of the SoCG. This must mean 'need for which sites have to be allocated in new plans', not, as development interests may claim, some type of hidden need or backlog of need which is additional to the aggregate of the standard local housing need assessments across the HMA.

It would also be helpful to be more specific about the required content and format of SoCGs. To be machine readable it is presumed that the SoCG will need to be in spreadsheet form. It would be helpful if a template spreadsheet could be produced. This would add to consistency of understanding of required contents, and to the clarity of presentation.

#### **Question 9(a)**

**Do you agree with the proposal to amend the tests of soundness to include that:**

- i) plans should be prepared based on a strategy informed by agreements over the wider area; and**
- ii) plans should be based on effective joint working on cross-boundary strategic priorities, which are evidenced in the statement of common ground?**

Yes.

As much clarity as possible needs to be given into the meaning of the words 'wider' under criteria i) and 'effective' under criteria ii). A lack of clarity will be filled by opposing views at Local Plan Examinations which will cause delay and so add expense to the examination process.

#### **Question 9(b)**

**Do you agree to the proposed transitional arrangements for amending the tests of soundness to ensure effective co-operation?**

Yes.

The proposed transitional arrangements are proportionate and likely to be effective. One further improvement could be made however to address the status of Local Plans adopted before the changes to the NPPF to be published in 2018. It would much reduce dispute at s78 planning appeals if the updated NPPF were to clearly state that up-to-date Local Plans (within 5 years of adoption) will remain 'sound' for all planning purposes even where their date of adoption is before the date of introduction of the updated NPPF.

This is a foreseeable argument that development interests may use to undermine or cast doubt on the status of otherwise up-to-date Local Plans in planning appeals.

## Planning for a mix of housing needs

### **Question 10(a)**

**Do you have any suggestions on how to streamline the process for identifying the housing need for individual groups and what evidence could be used to help plan to meet the needs of particular groups?**

The following comments are related to the question asked.

First that the disaggregated total need must not exceed the standard assessment of local need figure and must provide a balanced approach to meeting local housing needs. There is a significant risk that the total disaggregated housing mix would exceed the 'baseline' figure derived through application of the new methodology for assessing housing needs. In such circumstances, the local authority will either 1) have to commit to meet the total of all different types of housing and tenures identified or 2) justify why certain types of housing are to be prioritised for delivery over others. Where viability is not a consideration, the latter is likely to result in proponents of certain forms of housing challenging the priority applied. This has the potential to not only offset the benefits associated with the new methodology (above) and delay local plan production but also to significantly skew the resultant housing mix being delivered, and could exacerbate overall housing need. A common example of the issues which can arise here are where affordable housing need assessments find that affordable need amounts to a great majority of the total housing need forecast in a locality. In regard to paragraph 89, should not market purchase and private rented housing be added to the list of tenures to be examined?

Second, that the NPPF or other guidance must be clear on what elements of this housing will count towards satisfying the standard local housing need 'target' of a Local Plan. This has been a matter of dispute in regard to student accommodation in the past and with a richer mix of housing types and tenures now being developed such as co-housing and community housing schemes will remain an area of uncertainty and dispute if clear national guidance is not provided.

The new methodology proposed, identifies the number of homes, but there needs to be a next step as to how to interpret this figure into households by age group and size. This position would then set the baseline for the types of homes to be provided, i.e. older person households, affordable tenure, etc.

It would be useful for further guidance to be published alongside amendments to the NPPF, setting out the specific groups to be assessed as a baseline and the datasets to be used in the methodology. In particular:

- Assessment of affordable housing needs to be aligned to the overall standard local housing need figure. Previous methodology has been complex, which included calculating a backlog of affordable housing need and assumptions on overcrowding, homelessness and housing supply based on relets. This meant that the need for affordable housing was often a large proportion of the overall housing need, or in some cases above the objectively assessed housing need figure. South Cambridgeshire District Council and Cambridge City Council are currently undertaking analysis to understand the affordability of households in the area and what types of housing they could afford, rather than concentrating purely on social housing. Taking into account income data for the existing population, assumptions could be made for incomes of newly forming households and the types of homes they could access, either in the social or private sector.
- Housing for Older People – It would be useful to have a consistent approach to modelling older people's housing as part of the SHMA guidance. As part of the

Healthy Towns Initiative, South Cambridgeshire District Council have recently commissioned Sheffield Hallam to undertake research on the housing needs of older people. It is anticipated that this research will support the development of a methodology for understanding the types of accommodation required in terms of Older People. Again it would be useful to have a nationally recognised consistent approach.

- Further clarification/guidance is required on planning policy for traveller sites. There should be clear guidance on how to identify travellers who no longer travel and how local planning and housing authorities should deal with those who no longer meet the definition. Draft guidance is unclear as to the assessment of caravan dwellers and appears to confuse assessment of gypsy and travellers and that of caravan dwellers.
- Specialist housing, such as supported accommodation for those with learning disabilities is very difficult to project in terms of what types of accommodation to provide in the future. It would be helpful for guidance demonstrating how this information can be captured and the available datasets.

### **Question 10(b)**

**Do you agree that the current definition of older people within the National Planning Policy Framework is still fit-for-purpose?**

Yes.

The current definition allows for flexibility from those that are still active to those that are frail elderly. The overall assessment of older people needs to differentiate between those that require general needs accommodation (such as downsizer homes) to those with care needs. The definition defines older people as people over retirement age. As the age of retirement varies, it would be useful to have clarification on a specific age for older people within the NPPF.

### Neighbourhood Planning

#### **Question 11(a)**

**Should a local plan set out the housing need for designated neighbourhood planning areas and parished areas within the area?**

Yes.

Yes, but this should be in the form of a permissive encouragement to do so rather than being couched as a requirement for every Local Plan. This more flexible approach will enable local planning authorities to decide on this question themselves after sounding out the views of Parish Councils and other local bodies. On this issue we do not see a role for the Mayors of combined authorities who should not be concerned with such a local issue.

A permissive approach is also necessary to take account of the difficulty of estimating capacity in non-parished urban areas which will not have a full coverage of neighbourhood areas.

While it is considered that neighbourhood plans should be positively prepared and should where appropriate seek to address local housing needs, it is difficult to understand how these proposals would work in an area like South Cambridgeshire which has around 100 parish councils and meetings. This council could not rely on all of them bringing forward a neighbourhood plan to help provide the sites needed to meet the standard district-wide baseline local housing need. Furthermore because of our expanding economy much of our district-wide housing growth will be the result of migration from elsewhere which many



village residents will not recognise as constituting local housing need. A further complication is that many of our larger more sustainable villages are located within the Cambridge Green Belt and neighbourhood plans cannot amend Green Belt boundaries. At the other end of the scale, 55 of our smaller villages / parishes lack any shops, or schools and are not considered to be sustainable locations for any significant level of development. It follows that past and current development planning has sought to focus a significant proportion of planned growth into the most sustainable locations (urban extensions to Cambridge, new settlements and around our larger villages), which has also allowed for infrastructure provision to be made as efficiently as possible.

#### **Question 11(b)**

**Do you agree with the proposal for a formula-based approach to apportion housing need to neighbourhood plan bodies in circumstances where the local plan cannot be relied on as a basis for calculating housing need?**

Yes.

But only to help neighbourhood plan bodies who want to take forward a Neighbourhood Plan which will address local housing need issues to identify the broad extent of their local need. Such a formula would however need to make clear what its purpose is and is not. Otherwise there is a danger that such an approach would be relied upon by developers to justify unwanted village developments, or to justify changes to the Green Belt boundary in the next Local Plan review for villages inset within the Green Belt.

#### Proposed approach to Viability Assessment

#### **Question 12**

**Do you agree that local plans should identify the infrastructure and affordable housing needed, how these will be funded and the contributions developers will be expected to make?**

No.

Cambridge City Council and South Cambridgeshire District Council (Greater Cambridge) are well aware of the importance of infrastructure delivery to support growth. The submitted local plans of both Councils indicate the strategic infrastructure that will be required to support strategic development sites. We have prepared a joint Infrastructure Delivery Study to provide evidence to support our local plans, setting out our anticipated infrastructure requirements, likely costs, and potential funding sources, including from developers. At the strategic scale these costs and funding are likely to be estimates, which will be refined through subsequent planning processes often a number of years later. Our concern is whether it is possible or appropriate for local plans to be as specific as implied by the question. There is a risk of adding complexity and delay to plan making that will not contribute to speeding up delivery both in terms of up-to-date adopted plan coverage and housing completions.

The current expectation that local plans and their examination are informed by high-level viability evidence is considered to remain the most appropriate approach. It would be counterproductive to try to front-load the assessment of site viability as proposed. The viability of major strategic developments is likely to change significantly as large sites are developed out over time, enabling schemes to deliver greater community benefits or a more suitable balance of uses. Equally, the local plan policies and the viability assumptions underpinning these at the time of drafting, are also likely to be subject to changing economic conditions over the life (15-20 years) of the plan. Review mechanisms are therefore essential to account for changes in development viability over time.

Agree that in terms of affordable housing, the percentage of homes to be affordable should be set out within the Local Plan and that it should be free serviced land. However, in terms of funding for affordable housing, this is complex and dependent on the availability of funding and cross-subsidy and needs to be considered on a scheme by scheme basis.

### **Question 13**

**In reviewing guidance on testing plans and policies for viability, what amendments could be made to improve current practice?**

One of the main problems with development viability appraisals is the sensitivity to changes in values and costs over time. As a consequence, fixing cost and value over time as the consultation proposes will magnify any problems. In strong markets, developers may realise returns that appear excessive, and the community be deprived of much needed affordable housing, especially where the developer has successfully obtained planning consent with a reduced affordable housing requirement. In weak markets, fixed costs and inflexible policy requirements may prevent sites coming forward for development.

To make the process more transparent and consistent, publically available information on comparable schemes should be made available, and a more collaborative approach agreed between developers and local planning authorities to prevent inflexible, risk averse schemes that reduce the affordable housing provision, especially in strong market areas such as Cambridge City and South Cambridgeshire.

Review mechanisms should be a mandatory requirement in order that the level of affordable housing and other planning obligations can be balanced against the actual costs of bringing developments forward and the values realised for the open market housing and non-residential development elements. This will enable larger growth sites, which have substantial up-front infrastructure costs, to proceed with below policy compliant levels of affordable housing, if they are not supported by other infrastructure funding.

### **Question 14**

**do you agree that where policy requirements have been tested for their viability, the issue should not usually need to be tested again at the planning application stage?**

No.

The South Cambridgeshire Local Plan states that developments should deliver 40% affordable housing at a ratio of 70% rented to 30% intermediate housing. This policy being based on a viability assessment which showed that across the district this approach should be viable in most localities and in most circumstances. But as a planning authority we are well aware that local issues may affect scheme viability, such as unknown decontamination costs, lack of suitable infrastructure, lower than normal land values and the scale of other planning obligations needed to offset the impact of the development. It would be very difficult, expensive and time consuming to discover and take account of all of these considerations during the preparation and examination of a Local Plan.

Furthermore, if the affordable housing policies were to be established at local plan stage then (similar to CIL) these policies would likely need to be set at a sufficiently low level to take account of market changes over time. Such an approach would result in lower affordable housing levels than would currently be secured.

It follows that policy requirements impacting upon viability will still need to be tested on a site by site basis but following a standardised national review methodology to speed up the process. In addition, this standardised approach should be used to determine the level of

infrastructure funding needed to either improve viability or unlock stalled developments. This standardised review mechanism should also allow for infrastructure funding to be recycled where such policy compliant funded schemes deliver out-turn values that exceed the threshold needed to deliver reasonable developer profit.

What would be helpful both for the development industry and local planning authorities is if the Government was able to clarify whether 'site value' is the product of affordable housing policies or the other way around. Unless and until this is understood there will always be disputes at planning application stage.

#### **Question 15**

**How can Government ensure that infrastructure providers, including housing associations, are engaged throughout the process, including in circumstances where a viability assessment may be required?**

Engagement by all parties can be ensured through the use of a national standardised approach to viability assessment requiring a more collaborative and transparent approach and including mandatory review mechanisms. Utility providers should be required to engage with local planning authorities on this work.

However this ambition is difficult to achieve when, with a greater use of outline planning applications, many planning permissions are issued long before housebuilder or land promoter has engaged with an housing association.

#### **Question 16**

**What factors should we take into account in updating guidance to encourage viability assessments to be simpler, quicker and more transparent, for example through a standardised report or summary format?**

A standardised viability appraisal model, such as an upgraded version of the DCLG's own HCA DAT model, should be the mandatory model to be used in both local plan and individual scheme viability assessments.

It is often the case that housing associations are engaged much later in the process, and have little influence on the design and size of the properties. This can affect the viability of the scheme and the offers made by the housing association.

Furthermore clarification is needed as to the extent to which planning policies, including but not limited to affordable housing, are to have a direct influence on land value in the way that CIL does.

#### **Question 17(a)**

**Do you agree that local planning authorities should set out in plans how they will monitor and report on planning agreements to help ensure that communities can easily understand what infrastructure and affordable housing has been secured and delivered through developer contributions?**

Yes

It is agreed that the monitoring and reporting of planning agreements and infrastructure delivery is necessary and useful to local communities, but this does not need to be set out in every Local Plan. The provision of a requirement to report on planning agreements in legislation, similar to the requirement to report on CIL funds collected in CIL Regulation 62, would be sufficient to ensure this takes place without adding to the burden of requirements on local authorities at the plan preparation stage. The most practical method to do this would

be by the inclusion of additional details (in addition to what is already included) in the annual monitoring reports that every local planning authority have to publish.

In this regard account must be given to the fact that many agreements with developers are directly entered into by County Councils (CCs), and often District Councils (DCs) do not monitor or report on the subsequent delivery of these obligations. Many CCs already have their own monitoring and reporting systems set up, and it would be simplest if they were required to report on obligations they have entered into directly, without input from the DC. However, should there be a requirement on DCs as local planning authorities to monitor and report on CC obligations, provision must be made to require CCs to provide DCs with the information they need in an accessible format.

#### **Question 17(b)**

**What factors should we take into account in preparing guidance on a standard approach to monitoring and reporting planning obligations?**

Planning obligations are not new – most local planning authorities have many historic agreements, and there will be a wide range of database systems in use to store information on the obligations secured. It is therefore important that any standard approach set by government provides a high level framework, allowing authorities to adapt the details to their own existing systems and ways of working.

The government should consider what it is that communities generally want to know. The questions we receive from communities are mostly regarding total amounts of money secured, received and spent towards types of infrastructure/projects or in relation to specific developments. It would be best to focus the requirement to report on these areas. The question is overly narrow. The substantive issue is not the monitoring and reporting of planning obligations but removing pooling restrictions to ensure developments properly contribute to the cost of infrastructure necessary to mitigate their impacts.

#### **Question 17(c)**

**How can local planning authorities and applicants work together to better publicise infrastructure and affordable housing secured through new development once development has commenced, or at other stages of the process?**

Please enter your comments here:

The most appropriate place to report the delivery of affordable homes and infrastructure would be as part of the authority's monitoring report.

#### Planning fees

#### **Question 18(a)**

**Do you agree that a further 20 per cent fee increase should be applied to those local planning authorities who are delivering the homes their communities need? What should be the criteria to measure this?**

Yes. :

With Council budgets continuing to shrink, it is appropriate that local planning authorities should be able to recover the costs incurred in determining planning applications. This proposal is therefore strongly supported but should be taken forward without the need to meet certain criteria to enable the increase in the fees.

#### **Question 18(b)**

**Do you think there are more appropriate circumstances when a local planning authority should be able to charge the further 20 per cent? If so, do you have views on how these circumstances could work in practice?**

Yes.

Some additional fee income increase should be given to local planning authorities who are seeking to deliver strategic scale developments through Local Plan allocations, whether in the form of new settlements, sustainable urban extensions or major urban redevelopment schemes provided that each such development will provide at least 1,000 additional new homes.

**Question 18(c)**

**Should any additional fee increase be applied nationally once all local planning authorities meet the required criteria, or only to individual authorities who meet them?**

Apply to Individual authorities only.

A national increase should only be applied as a general incentive to maintain housing provision. The suggested criteria is that the fee increase would apply in the year following that in which the national housing completions total, meets or exceeds the aggregate of all standard local housing need assessments.

**Question 18(d)**

**Are there any other issues we should consider in developing a framework for this additional fee increase?**

No comment.

Other issues

**Question 19**

**Having regard to the measures we have already identified in the housing White Paper, are there any other actions that could increase build out rates?**

Yes.

Build out

It is suggested that Government consider removing the borrowing cap to free up Councils to borrow against their housing assets to directly build new housing across all tenures and give greater flexibility for investing 'Right to Buy' receipts into affordable housing. These measures would over time significantly boost housing delivery. In this regard, recent policy proposals, such as the required sale of higher value council homes, could affect any ambitions that Councils have for developing themselves and reduce the supply of social rented homes.

The principles set out in the Housing White Paper relating to 'Build to Rent' could enable accelerated delivery and the Council would welcome further clarification through the NPPF in this respect. Council-owned housing companies could play an important role in bringing such schemes forward but it would be detrimental to delivery if such companies were caught by legislative requirements, such as the right to buy.

Prematurity

The NPPF already provides policy guidance on prematurity at paragraph 216. The paragraphs on prematurity in the 'National Planning Policy Guidance' are not in themselves particularly helpful, and simply transferring them to the NPPF would not provide much of an incentive to support plan production.

The biggest factor undermining confidence in the planning system is not the difficulty local planning authorities have in justifying a refusal on grounds of prematurity, but the very substantial harm caused to public confidence when an adopted Local Plan is undermined when a 5 year housing land supply cannot be demonstrated. In South Cambridgeshire, a district of 100 villages and no towns, this situation has led to a rash of speculative housing applications in our less sustainable villages.