

FAREHAM

BOROUGH COUNCIL

Report to the Executive Member for Planning and Development

Date: 02 May 2017

Subject: Response to Consultation: Housing White Paper

Briefing by: Director of Planning and Regulation

Portfolio: Planning and Development

FAREHAM BOROUGH COUNCIL'S DETAILED TECHNICAL RESPONSE (ANSWERS) TO CONSULTATION QUESTIONS IN THE GOVERNMENT'S HOUSING WHITE PAPER

	Questions and Detailed Technical Response
Question 1.a	<p>Do you agree with the proposal to:</p> <p>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?</p>
Response to 1.a	<p>The intent of the proposal is supported, however it is clear that in practice <i>'that the provision of health'</i> is a matter that the current planning system has little or no influence in or over. It is apparent that this is an area of increasing frustration from local communities where development is occurring, and where there is little clarity about when and how health infrastructure will be delivered.</p>
Question 1.b	<p>Do you agree with the proposal to:</p> <p>Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?</p>
Response to 1.b	<p>Whilst Fareham Borough Council is not currently a combined authority nor has an elected mayor, nor is in the process of producing a joint plan, it is part of PUSH (Partnership for Urban South Hampshire). PUSH is a body of local authorities, which continue to benefit from joint working. PUSH, in relationship to planning, is largely focused on producing evidence on strategic issues in the sub-region. This paper does not specially reference these types of arrangements, however further consultation on the proposed replacement of 'duty to co-operate' through 'statements of common ground' would be welcomed in order to ensure plan-making activities in whatever form are carried out with clarity and efficiency.</p>
Question 1.c	<p>Do you agree with the proposal to:</p> <p>Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?</p>

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Response to 1.c	Yes, revisions that provide clarity about the nature of evidence to support a 'sound' plan would aid the efficiency of local plan making. However, specific consultation on this would be welcomed, to ensure transitional arrangements avoid derailing those authorities that have already prepared an evidence base for plan making purposes when changes are implemented. It is also important to ensure that information requirements are clear for those parties promoting sites for consideration by the local planning authority, in order to avoid unnecessary delays.
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?
Response to 2.	The plan-making process needs clarity from the beginning of the process through to adoption of any type of plan, so all parties involved know what is expected of them and why. Under the current system, ultimately the Planning Inspector makes the decision whether a plan is sound or not, so it would make sense if this system continues to prevail, that the Planning Inspector should be able to clarify government guidance for the local planning authority throughout the plan-making process, as well as those other parties involved in the local plan process.
Question 3.a	Do you agree with the proposal to: 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?
Response to 3.a	Yes, however these expectations for accommodating older and disabled persons need to be aligned with the realities of what the planning system is able to deliver.
Question 3.b	Do you agree with the proposal to: 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?
Response to 3.b	The principle of a 'standardised approach' to assessing housing requirements in order to avoid unnecessary delays is supported. However the detailed implications of this measure on five-year housing land supply and the 'housing delivery test' are a matter of concern for Fareham Borough Council, especially given the issues surrounding the delivery of Welborne Garden Village (a strategic site allocation in a recently adopted Local Plan). Please refer to our overall response for further detail.
Question 4.b	Do you agree with the proposals to amend the presumption in favour of sustainable development so that: it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?
Response to 4.b	Naturally there is a concern that there is not currently sufficient clarity for situations where a local planning authority feels that it genuinely cannot meet its need and turns to neighbouring authorities to meet that need. For example, there are no provisions in this paper that place the onus on the authority that cannot meet its need to provide its neighbours with a suitable level of information to review and challenge. These scenarios have a significant

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	resource implication on the authority that is being approached by its neighbours, and is an issue that needs to be addressed.
Question 4.c	Do you agree with the proposals to amend the presumption in favour of sustainable development so that: 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?
Response to 4.c	No. There is also a significant concern that the list of policies in Footnote 9 merely focus on designations such as green belts or national parks, and more local designations valued by the local communities (in addition to local green space) which ensure individual settlements retain their character through controlled urban expansion avoiding settlement coalescence are potentially threatened.
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?
Response to 5.	Yes.
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)?
Response to 6.	Commonly, land assembly issues are not tackled early on by site promoters. Powers for local authorities to ensure ransom strips are avoided and powers for the acquisition of land to enable strategic sites to be released, where private landowners have failed to secure necessary agreements, would be welcomed. Fareham Borough Council would be keen to discuss this further with Government.
Question 8.	Do you agree with the proposals to amend the National Planning Policy Framework to: a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?; b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?; c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?; d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?; e) expect local planning authorities to work with developers to encourage the sub-division of large sites?

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Response to 8.	It is unclear how the sub-division of sites detailed in Question 8.e could be achieved through the paper. Also, the proposal in Question 8.d appears to be an arbitrary figure, rather than one which appreciates the nature of the local authority and the manner in which developers tends to advance sites. In relation to Question 8.b and 8.c, there needs to be careful thought as to how 'rural exception sites' can be made affordable for local people and meet local housing needs, without undermining local communities worries that this is general market housing occupied by people with no local connections. These sites are often green-field sites and on the edge of settlements. They often prove the most viable for development. Ensuring the capturing of land value up-lift often from agricultural values (existing use value) to enable 'villages to thrive' improvements to village infrastructure to be funded and meeting local housing needs should not be undermined by weak viability guidance or lack of transparency for local communities. Lastly, in relation to Question 8.a, care needs to be taken to ensure that neighbourhood planning and neighbourhood plans legislation does not cause conflict with local planning authorities and Local Plan legislation.
Question 9.	How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?
Response to 9.	Fareham Borough Council is working closely with the Homes and Communities Agency (Homes England), Solent LEP and DfT to ensure that Welborne Garden Village is delivered with the necessary infrastructure. We will welcome the proposals in the paper, and a continuing dialogue in relation to this strategic development.
Question 10.	<p>Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:</p> <p>a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?</p> <p>b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?</p> <p>c) appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt?</p> <p>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?</p> <p>e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?</p> <p>f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?</p>
Response to 10.	Please see previous comments in answer to Question 4.c. For your information, Fareham Borough Council does not have a green belt designation within its administrative boundary nor its neighbouring authorities.
Question 11.	Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt

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	boundaries are amended, in addition to the ones set out above?
Response to 11.	Please see previous comments in answer to Question 4.c. Fareham Borough Council does not have a green belt designation within its administrative boundary nor its neighbouring authorities.
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?
Response to 12.	Careful consideration needs to be taken in respect to Question 12.a, especially to ensure that these provisions do not jeopardise and undermine local plans, as well as suitable transitional measures are put in place if changes are pursued to ensure both neighbourhood and local plans in train can progress.
Question 13.	Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should: a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?; b) address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?; c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?; d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?
Response to 13.	General support for changes that ensure that an appropriate balance is struck between housing needs and density on brownfield sites, while achieving a viable development adhering to suitable space standards. Provisions to encourage site owners with brownfield sites with allocations and permissions unutilised need to be explored further in future proposals.
Question 14.	In what types of location would indicative minimum density standards be helpful, and what should those standards be?
Response to 14.	There is strong support for minimum space standards. It is suggested that there is a range of minimum national space standards and it is for the local authority to select suitable space standards for specific site locations, housing provision and the local context. Standards should ensure there is sufficient room for modern day living and accommodate necessary furniture, as well as provide appropriate storage and parking.
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)?
Response to 15.	Many of the provisions prior to Question 13 ensure an appropriate balance is struck between development needs and density on brownfield sites and the proposals outlined prior to Question 5 suffice. Fareham Borough Council have proactively produced regeneration visions, for example for Fareham Town

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	Centre, which set out our ambitions for land within their ownership, and would welcome provisions which enable the Council to deliver housing as well as achieve improvements to community infrastructure.
Question 16.	<p>Do you agree that:</p> <p>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?;</p> <p>b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?</p> <p>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?</p>
Response to 16.	Please refer to the Council's overall response and response to Question 28, 29 and 30.
Question 17.	<p>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:</p> <p>a) a requirement for the neighbourhood plan to meet its share of local housing need?;</p> <p>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?</p> <p>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?</p>
Response to 17.	Please refer to the Council's overall response and response to Question 28, 29 and 30.
Question 18.	<p>What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:</p> <p>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;</p> <p>b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and</p> <p>c) whether there could be lower fees for less complex cases.</p>
Response to 18.	Yes, the proposition to introduce a fee for planning appeals is welcomed. In answer to Question 18.a, the fee should reflect the scale of the development proposal and whether the site has a history of refusals.
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?
Response to 19.	Yes, there is general support for the intentions of this proposal, and the Council is pleased to read the progress cited in paragraphs A.87 and A.88. However, in the past, there has been little influence that the local planning authority can

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	apply to ensure high quality digital infrastructure is delivered, especially for smaller developments. Further clarity on the obligations on developers and infrastructure providers, so that local planning authorities can ensure positive policy changes are welcomed.
Question 21.	<p>Do you agree that:</p> <p>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?</p> <p>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?</p> <p>c) the basic information (above) should be published as part of Authority Monitoring Reports?</p> <p>d) that large housebuilders should be required to provide aggregate information on build out rates?</p>
Response to 21.	Yes, there is general support for the intentions of the paper. Amending the application form in answer to Question 21.a. is welcomed, along with availability of information relating to Question 21.b, 21.c & 21.d. However, please refer to the answer to Question 22 below, for a full response.
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?
Response to 22.	There are often site-specific issues (including land assembly and infrastructure provision), as well as how the development is financed and land acquired at play. Clearly it is in everyone's interest to ensure that the local community has clarity of what is happening with a development site, and when, and not to cause unnecessary uncertainty. Developers providing information that merely provides 'delivery estimates' and 'start dates' does not create certainty. Developers working with local authorities to ensure suitable land deals have been appropriately negotiated and secured, not to the detriment of the local community, in accordance with clear expectations from local planning authorities (i.e. local plan policies) and ensuring infrastructure provider requirements are met is essential to successful housing delivery. The earlier these expectations can be established, especially for site promoters who wish to have their sites included in local plans, (especially in the immediate five years), is essential.
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
Response to 23.	Please see previous comments to Question 22.
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?
Response 24.	Please see previous comments to Question 22.

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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.
Response to 25.	The general intentions of these proposals are supported, as long as shortening timescales assist delivery. However, the paper is silent on renewal of planning permissions, which is a common occurrence.
Question 28.	Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that: <ul style="list-style-type: none"> a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan? b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter? c) Net annual housing additions should be used to measure housing delivery? d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17
Response to 28.	Please refer to our overall response for further detail.
Question 29.	Do you agree that the consequences for under-delivery should be: <ul style="list-style-type: none"> a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?; b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?; c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?; d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?
Response to 29.	Please refer to our overall response for further detail.
Question 30.	What support would be most helpful to local planning authorities in increasing housing delivery in their areas?
Response to 30.	Please refer to our overall response for further detail.
Question 31.	Do you agree with our proposals to: <ul style="list-style-type: none"> a) amend national policy to revise the definition of affordable housing as set out in Box 4?; b) introduce an income cap for starter homes?; c) incorporate a definition of affordable private rent housing?;

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	d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?
Response to 31.	The Council is generally supportive of the policy direction that seeks to diversify products in the housing market. However, products such as starter homes are largely untested as a product, and their affordability appears uncertain at this juncture.
Question 32.	Do you agree that: a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products? b) that this policy should only apply to developments of over 10 units or 0.5ha?
Response to 32.	Flexibility in the nature of affordable home ownership products and a minimum of 10% is welcomed, in line with accommodating local housing needs.
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?
Response to 34.	More clarity on these aspects would help avoid delays in plan making and determining planning applications.
Question 35.	Do you agree with the proposals to amend national policy to: a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures? b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?
Response to 35.	Further clarity on these issues would be helpful.
Question 36.	Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?
Response to 36.	Further clarity on these issues would be helpful.
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?
Response to 37.	There is general support for proposals to 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.