

Technical consultation on updates to national planning policy and guidance

Submitted via email to: planningpolicyconsultation@communities.gov.uk

Introduction

The Land Promoters and Developers Federation (LPDF) is made up of a number of the country's leading land promoters and developers. Most members operate in the housing sector, but several also bring forward land for employment and other purposes. We work closely with public authorities, landowners (including private individuals, institutions, charities, public sector bodies and agencies), key stakeholders, local communities and house-builders to provide land for housing and therefore the supply of new, private and affordable homes.

Our members provide housing sites to the full range of house builders from the large national firms, medium sized regional firms, small local firms, RSLs and private landlords. We operate to remove the huge investment and risk involved in bringing land forward for development, which inhibits many landowners and house builders from operating in the market place. More information about the LPDF, including the Members and the important role they play in the housing market can be found on our website (www.lpdf.co.uk).

We welcome the opportunity to engage with the Government in relation to housing deliver and are committed to fulfilling our role in assisting the Government in tackling the housing crisis and progressing sustainable developments to urgently meet the significant unmet housing needs of the country, as the Government seeks to deliver the 300,000 dwelling per annum target nationally.

We set out our responses to the questions below.

Q1: Do you agree that planning practice guidance should be amended to specify that 2014-based projections will provide the demographic baseline for the standard method for a time limited period?

The LPDF agrees with the Government that the potential impact of incorporating the 2016-based projections will inevitably result in delays in the Plan-making process. Demurring from the 300,000 dwellings per annum target will inevitably encourage Local Planning Authorities (LPA) to plan for fewer dwellings. We have already witnessed a race to the bottom, as some LPA's seek to submit Local Plans in advance of the 25th January 2019 deadline for Plans to be examined without needing to include the Standard Methodology housing requirement.

The LPDF agrees that the planning practice guidance should amended accordingly.

Q2: Do you agree with the proposed approach to not allowing 2016-based household projections to be used as a reason to justify lower housing need?

The LPDF strongly agrees with this approach. However, the LPDF would go further and ask the Government to ensure that LPA's Local housing need does not represent a mandatory target – far too often it is simply a starting point that LPAs refuse to move away from in a positive way. Whilst Growth Deals are a way of encouraging positive planning, they should not come at the expense of boosting the supply of housing in the short term. Allowing LPAs to only demonstrate a 3-year supply of housing whilst using a housing need requirement that does not address previous undersupply of housing will not assist in achieving the Government's aims of significantly boosting the supply of housing. Planning Practice Guidance should be amended to state that planning for a number in excess of the Local Housing need should be the norm, not the exception.

Q3: Do you agree with the proposed approach to applying the cap to spatial development strategies?

The LPDF opposes the principle of capping Local Housing Need. As stated in the response to Q1 above, as it encourages a 'race to the bottom' mentality amongst LPAs that providing less housing than is demonstrably required is acceptable. This approach and rhetoric has also been applied in the application of the Housing Delivery Test calculations, where lower housing requirement figures than that which are required are being used to demonstrate whether LPAs are delivering the requisite number of new homes.

If the cap is to be applied to the total housing need figure within a spatial development strategy, then this will create the perverse situation where individual LPA's that have not put a Plan in place will, in effect, be allowed to get away with a lower housing figure by virtue of the fact that they have agreed to produce a spatial development strategy with other LPA's, rather than producing their own Local Plan that meets the demonstrable need and addresses any previous shortfall.

Q4: Do you agree with the proposed clarifications to footnote 37 and the glossary definition of local housing need?

Given the intention of the standardised methodology is to reduce the level of uncertainty and conflict over the housing need for an area, the proposed changes appear to be a sensible and pragmatic response to ensuring that the opportunities for debating this matter are appropriately limited. Members of the LPDF have already seen Councils and Planning Inspectors using "justified alternatives" to the Local Housing Need figure for the determination of planning applications and appeals; the proposed amendment to footnote 37 and to the definition of 'Local Housing Need' in the glossary will appropriately curtail discussions of alternative figures at the application/appeal stage.

The LPDF Members support the Government in making these proposed amendments and consider that they are vital in order to ensure that the principles behind the introduction of a standardised methodology are respected.

Q5: Do you agree with the proposed clarification to the glossary definition of deliverable?

The LPDF welcomes the intention to provide further clarification on the current definition of deliverable within the glossary of the NPPF. Whilst this definition is further elaborated on within the PPG, there is clearly an ambiguity as to whether or not sites with outline planning permission that are not major should be considered deliverable. The proposed changes intend to clarify that such sites are to be considered deliverable in principle.

The LPDF consider that in general terms, the status of sites with outline planning permission are less deliverable than those with a detailed permission, hence the differentiation made within the current guidance. This distinction is made as sites with outline permission cannot be considered deliverable until such time as they secure Reserved Matters approval. Indeed, the PPG 'Housing and Economic Land Availability Assessment' advises at paragraph 48 that information and clear evidence should be provided for sites with outline permission including current planning status, timescales and progress towards detailed permission. The LPDF consider that in practice, whether a site is major or not has no bearing on how deliverable it is and in some cases, outline permissions on smaller sites may be less likely to deliver within 5 years than those on larger sites. This may be for a number of reasons including the particular intentions of the landowner or viability for instance.

From experience, the LPDF are aware that the contribution small sites make to the 5 year housing land supply position within many authorities can be significant. In the recent Woolpit appeal decision in Mid Suffolk for instance (PINS Ref. 3194926), small sites contributed 858 dwellings to the 5-year supply, equating to just over 1.2 years supply. The guidance within the NPPF and PPG requires that housing land supply assessments are as robust as possible, so it is therefore considered that sites that are not major and which only have an outline permission should not be included as being deliverable in principle.

The members of the LPDF pride themselves on the delivery of their outline consents, and would be able to assist Local Authorities on providing the requisite 'clear evidence' on the timescales for delivery in a robust manner, based on their track records.

Q6: Do you agree with the proposed amendment to paragraph 177 of the National Planning Policy Framework?

The LPDF supports the clarification as to how paragraph 177 of the NPPF (2018) is designed to operate. Paragraph 41 and 43 of the consultation document clearly articulates that the way in which paragraph 177 has been operating since the adoption of the revised NPPF, following the People Over Wind decision, is not how government envisaged the paragraph operating. Clearly it was not the intention of the NPPF to stop development coming forward, and to remove the presumption where an Appropriate Assessment has identified that any impacts from proposed development can be mitigated through appropriate measures.

The amendment is therefore an important articulation and clarification of the Secretary of States intended interpretation of People Over Wind and paragraph 177 of the NPPF. As is clearly stated in the Technical Consultation the government has been aware of the problematic interpretation of the policy and the removal of the presumption since before the consultation on the NPPF (2018) closed in May 2018, and has made clear through the Technical Consultation that it was not the intention of the NPPF (2018) to remove the presumption in favour of sustainable development where impacts can be mitigated.