

## **Draft revised National Planning Policy Framework consultation response**

Submitted via email to: [planningpolicyconsultation@communities.gsi.gov.uk](mailto:planningpolicyconsultation@communities.gsi.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.

Founder Members of the LPDF are: Axis Land Partnerships, Barwood Land, Catesby Estates, Gallagher Estates, Gladman Developments, IM Land, Landform Estates, Lands Improvement Holdings, Lone Star Land, Manor Oak Homes, Pigeon Investment Management, Ptarmigan Land, Richborough Estates, Rosconn Strategic Land and St Congar Land. The LPDF therefore have a very considerable wealth of knowledge of the English planning system and the practical application of national planning policy.

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 and the important role they play in the housing market can be found on our website ([www.lpdf.co.uk](http://www.lpdf.co.uk)).

We welcome the opportunity to engage with the Government in relation to the revised draft National Planning Policy Framework (dNPPF) and accompanying guidance contained in the draft Planning Practice Guidance (dPPG) and the Housing Delivery Test (HDT) Draft Measurement Rule Book. We sincerely hope the consultation responses will be conscientiously considered.

We 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 comments in the order that they appear in the 'Consultation Proposals' document that accompanies the dNPPF below.

Q.2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

The LPDF welcomes the Government's continued focus on contributing to the achievement of sustainable development, and the continued presumption in favour of sustainable development containing the tilted balance.

The provision of housing leads to significant benefits across all three strands of sustainability, including: economic benefits – in terms of jobs, expenditure in the supply chain and in the local economy post-construction; social benefits – in terms of meeting housing needs, providing open space and increasing the viability of local services and facilities for all; and environmental benefits – in terms of retaining and enhancing habitats and respecting the historic environment.

Paragraph 11 has sensibly been re-ordered. However, we do have a few specific comments/concerns in terms of the drafting of this paragraph:

- 11(a) - we consider that Local Planning Authorities (LPAs) and the Planning Inspectorate (PINS) would benefit from guidance in terms of the level of flexibility required in Local Plans to adapt to '*rapid change*'. In the view of the LPDF and many across the industry for too long national policy has failed to recognise the value of reserve sites to overcome problems on the delivery of other sites. Reserve sites are a significantly underused method for increasing flexibility and reducing the adversarial nature of planning – which arises when Local Plans fail. They would also give LPAs more options when faced with situations where allocated sites are unable to deliver the anticipated level of affordable homes. If used to provide flexibility in the region of 25% above the identified housing need, we are of the view that reserve sites would: significantly reduce the number of appeals linked to five-year housing land supply (which disenfranchises so many communities with the planning system); provide longer-term certainty for LPAs, communities and the development industry; and would reduce the cost and time pressure on PINS, allowing them to apply greater resources to advancing Local Plan Examinations in Public (EiPs). The simple way to articulate this would be to include a footnote to the words sufficiently flexible which reads "*sufficiently flexibility can be achieved through various means which may including the use of reserve sites to provide the potential for up to 25% additional capacity in the event of delivery problems*".
- 11(b) – whilst the Government is pushing LPAs to provide for OAN, as a minimum, it remains a very significant concern that there remains a provision which still permits intentional under-provision without that need having first being assigned to another neighbouring LPA. In the context of a national housing crisis, that intentional policy supporting under-provision and under-delivery of housing is in our view wholly inconsistent with Ministerial Statements on housing need. That is not to say housing needs have to be met within a restricted area such as National Park. But the Local Plan for the National Park should not be allowed to proceed until the unmet housing needs from that area have been first been assigned elsewhere through a

signed agreement. The threshold test of underproviding against OAN where there *are 'strong reasons'* to restrict growth, should be removed. If not that, then at the very least it should be replaced by a test of "*exceptional circumstances*", which is a test well understood in planning. The "*strong reason for restricting supply*" is too lax a standard. Added to which it then links to footnote 7, and consequently includes the Green Belt. Green Belt is rightly afforded protection; however, its protection should not be at the expense of achieving sustainable patterns of growth and leading to extensive private car use and environmental impacts. And, especially when housing needs are not being met in an LPA, it should be utilised. Many LPAs have designated land in the Green Belt for new housing (Cheltenham 5,000 new homes), Birmingham (6,000 new homes). It is therefore not credible to suggest that Green Belt should not be a source of land for new homes when they cannot be met sustainably elsewhere (either in that LPA or elsewhere in the Housing Market Area (HMA)). Due to the significant limitations on growth in Green Belt areas, they have some of the greatest housing pressures and affordability issues. As such, any Plan delivering below OAN should be required to have an appropriate agreement with neighbouring LPAs to meet the OAN of the HMA in a sound manner before it can be adopted.

- 11(d) – the reference to *policies 'most important for determining the application'* also appears open to interpretation and is likely to be the subject of significant uncertainty and case law in decision making. It is also unclear at which point a reason becomes a '*clear reason*', which again introduces a significant level of subjectivity into this process.
- Footnote 7 – we welcome the proposed move to a '*closed list*', however ask that consideration is given to the use of the terminology '*irreplaceable habitats including*', as this appears to leave an element of uncertainty into what may be introduced by LPAs or third parties as forming an '*irreplaceable habitat*' unless it is more tightly defined – and preferably made a closed list.

Q.3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

Whilst we do not have a strong view on this, we would consider that there are benefits in terms of the legibility and clarity of the NPPF to set out the guiding core principles at the outset.

Whilst we do not doubt that the document read as a whole still encompasses these principles fully, the succinct nature of the current NPPF was helpful in this regard.

Q.4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

In relation to paragraph 14, Neighbourhood Plans are becoming increasingly common, and by limiting the ability of LPAs and the development industry to respond to shortfalls in housing provision in these areas could lead to unsustainable patterns of growth.

In our view the three-year supply policy test should be removed. It operates in practice to reduce yet further the supply in areas which are already suffering a delivery issue. Our experience is that many NDP housing sites are selected for the wrong reasons and often have delivery problems which the parish council or steering group have ignored, overlooked or were just not aware of; and that the Examination process for NDPs is insufficient to deal appropriately with such issues.

The allocation of sites in an NDP is therefore not an appropriate reason to require only a three-year supply. Added to which there is incentive enough for NDPs to be produced by parish councils and others as they receive a significant proportion of CIL.

If the three-year policy is retained, paragraph 14 should be re-drafted to refer to *'its up-to-date identified housing requirement'* and should confirm that, in terms of the methodology, the three-year supply requirement would be consistent with the five-year housing land supply for the LPA in relation to the requisite buffer. The requirement for a buffer could be applied to paragraph 14 by simply adding a footnote which explains there is a need to add a buffer in accordance which the approach taken in paragraph 74.

The threshold for failing the HDT in paragraph 14(b) should mirror the position for Local Plans. As explained below it should be set at 90%, albeit we agree there should be transitional arrangements stepping up to that level in 2018 and 2019. Setting the permanent level in NDP areas at 45% is wholly inappropriate and indicates a lack of commitment to housing delivery in what will soon be very large parts of the country.

Q.5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that hasn't already been consulted upon?

The LPDF fully supports the principle of a Plan led system where Plans are succinct and regularly kept up to date. However, speeding up the plan making process must not come at the expense of positively prepared, justified and robust Plans being put in place. There are several examples at the moment where LPAs are rushing their Plan preparation timescales, in order to ensure that Plans are put in place prior to an emerging rise in housing numbers as a result of the forthcoming standardised objectively assessed housing need (OAN) formula. Notwithstanding the almost immediate early review mechanisms being suggested, such Plans should not be considered robust when they are quite clearly seeking to avoid addressing their housing needs.

Having made submissions to the previous Housing White Paper and Standardised OAN consultations, we do not propose to repeat the points made there in this submission. However, we do note the new plan-making framework which defines strategic priorities and allows authorities to plan for these in the most appropriate way, such as a strategic plan produced by LPAs working together or independently or by an elected Mayor or combined authority.

We welcome the emphasis in paragraph 23 that reviews should be completed no later than five years from the adoption of the plan. However, the phrase *'likely to require earlier review if local housing need is expected to increase in the near future'* is not precise enough and should be amended to *'will require earlier review'*. This change of wording will make it clear that Plans need to be sufficiently flexible to respond quickly to the production of such evidence, ensuring that both strategic and local policies are kept up to date and respond quickly to emerging housing needs.

We also note that fact that to meet the test of soundness, authorities will need to prepare and maintain a Statement of Common Ground as evidence of the duty to cooperate being met. However, we are concerned that the wording in paragraph 36 a) remains vague and subject to broad interpretation. In particular, a Plan can be considered Positively Prepared even though a Plan-making authority has only sought to *'meet as much as possible of the areas objectively assessed needs'*. We see no reason to depart from the guidance within the current NPPF, which correctly states that Plans should seek to meet objectively assessed development requirements as a starting point, with unmet needs being considered thereafter *'where reasonable to do so'*. Departing from this starting point will not encourage the production of positively prepared Plans and only serve to exacerbate the failure of Plans to deliver their OAN.

Following on from this, we are very concerned that the justification test has been amended *from 'the most appropriate strategy'* to *'an appropriate strategy'*. It is unclear as to why this change has been included and as stated previously, we remain concerned that such a change will lead to Plans being put in place that are best, temporary fixes and at worst ineffective in dealing with the pressing need for housing. We would request that the wording in the current NPPF be retained for this test.

However, we do welcome the changes to the *'effective'* test to emphasise effective joint working, as evidenced by the Statement of Common Ground, provided this is accompanied by the suggested change of wording to the justification test.

We would query the requirement in paragraph 37 that the test of soundness will be applied to local policies only. It is unclear as to why policies within a strategic plan would not be subject to the same tests.

Q.6 Do you have any other comments on the text of Chapter 3?

We welcome the emphasis in paragraph 34 of the dNPPF - and related dPPG on viability ('viability and Plan making', page 5) - that all contributions and costs should be factored in at the Plan-making stage to ensure that aspirational Plans are deliverable. We also welcome the recognition that viability assessments should not be required for policy compliant proposals.

Engagement with viability assessment at the Plan-making stage is already an important part of our members' investment, to ensure deliverability is properly reflected in the Plan-making process. We therefore endorse the need to *"have regard to the total cumulative cost of all relevant policies when agreeing a price for the land"* (dPPG page 6).

We also strongly agree that establishing as much certainty as realistically possible about infrastructure delivery requirements for allocated sites at the Plan-making stage is important. This level of certainty will be informed by:

- the level of resources that Plan-making authorities are able to dedicate to viability assessment, including the ability to engage with owners and promoters; and
- the fact that full detail is unlikely to be available at the Plan-making stage on site-specific infrastructure costs and the nature of the development itself – since this detail is very often only available when the Plan-making process has provided the certainty needed in many cases for making the significant technical and financial commitment.

We therefore agree, in that context, that every allocated site should be subject to *"proportionate viability assessment"* (dPPG, page 4, 47 and 48) and that Plans and policies should reflect the fact that viability may need to be considered at the application stage. Requiring full details on all aspects of a proposal would be excessive and cumbersome at the Local Plan allocation stage.

We agree that the typology approach to area wide viability assessment is workable (dPPG, page 5), but note that it relies on very clear information on actual policy requirements and on genuine scrutiny by PINS, in addition to the collaborative process that the dPPG rightly recommends. We think that this will require a step change in EiP practice and will elongate some EiPs and consequently require additional resource allocation.

Similarly, we welcome the emphasis on engagement with infrastructure providers as part of the Plan-making process but regard this as an area where there will continue to be material uncertainty and where flexibility will continue to be required in the post-EiP stage. As such, we strongly disagree that strategic sites should not be allocated in the absence of evidence from utilities providers.

We also strongly agree with the standardised methodology for viability assessments but are opposed to the suggestion of standardised profit benchmarks. While this could be workable for some sites, the scale and complexity of others would mean that it is not realistic and would act as a barrier to housing delivery. There is also a risk that guidance becomes out of date where wider economic conditions, which influence risk and return expectations, come into play.

The LPDF welcomes the introduction of a minimum 15-year Plan period post-adoption, which is more strongly worded than the current NPPF. If LPAs are to give certainty to communities and the

development industry, then Plans of less than this length are inappropriate and we are pleased that the revision to the NPPF acknowledge this.

We also welcome the review mechanisms outline in paragraph 23; although greater clarity is sought as to whether the five-year period necessitates a review of the Plan, or a decision as to whether a review of the Plan is required. If it is the latter, then LPAs need instruction on how they demonstrate that they have come to that decision.

It is particularly important – given the significant number of Local Plans likely to be submitted in late 2018, designed specifically to avoiding meeting the levels of growth required in the standardised methodology for housing need, that PINS actively enforce the need to move directly to a Review.

*Q.7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?*

We welcome transparency for submitted standardised appraisals. The dPPG is helpfully clear about the role for executive summaries and the fact that in some circumstances it may be appropriate to redact elements. It is important that this is retained in the final PPG.

It would be helpful for the Guidance to be clear that the paragraph 58 of the dNPPF reflects the existing regime for disclosure under the Environmental Information/FOIA regimes, including the relevant statutory exemptions/exceptions.

*Q.8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?*

We agree that Plans and the dNPPF should be clear that viability assessment is appropriate where material changes in circumstance occur after EiP of those policies. The Guidance should be clear that:

- viability testing at application stage is appropriate where requirements are introduced after EiP through supplementary planning guidance or other mechanisms under general policies; and
- policies imposing material cost burdens should generally only be adopted through a process which is subject to formal EiP.

We accept that *"the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan"* where that price is an open market value taking into account examined policy requirements and relevant comparables. These principles are reflected in the recent Parkhurst Road 1 judgment. Some flexibility is required on this as planning policies change and land is often acquired by land promoters / developers well in advance of the current plan-making cycle. LPDF Members

---

<sup>1</sup> *Parkhurst Road Ltd v Secretary of State for Communities and Local Government & Anor* [2018] EWHC 991 (Admin) at paragraph 145/ 146



include landowner developers who acquire strategic land which is often promoted for 10-15 years before eventual allocation and planning consent. Strategic land by its very nature involves long lead times and often complex sites. It is important that this is recognised to prevent Government policy on viability being a barrier to housing delivery.

The dPPG should, however, be amended to recognise more clearly that:

- the EiP process must properly and carefully establish benchmark land value taking into account all development costs, taxation burdens and a realistic approach to incentivising release of land to meet needs now; and
- where circumstances change relative to those at the point of EiP, there should be flexibility to ensure that investment does not stall. While this is noted in the dPPG in relation to viability Reviews, the PPG should be explicit that policy requirements which are introduced after the EiP (and not themselves subjected to an EiP process) will be more likely to result in viability assessment being appropriate at the application stage.

This is also reflected in, and endorsed by, the Parkhurst Road judgment. The level of clarity now given by the High Court in Parkhurst Road on the meaning and effect of the current PPG should be taken into account by Government when considering whether significant changes to the PPG are necessary or desirable.

This is crucial because it reflects:

- the way that local communities want to engage with the planning process after the technical, high-level EiP stage. Members of the LPDF are committed to working with local communities on their priorities for community infrastructure delivery and investment and the results of this dialogue do need to be able to be reflected in viability assessment at the application stage where appropriate; and
- the fact that many development costs are introduced after the EiP (e.g. open space and drainage (commuted sum) contributions where there is a very uneven approach to establishing costs). Encouraging a national methodology for the calculation for commuted sums or methodologies to be set out at the EiP stage would significantly speed up the planning application process in some cases.

*Q.9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?*

Our members believe that the PPG should not be prescriptive and that LPAs are already able to choose to use review mechanisms where it would not undermine delivery. Similarly, mandatory reviews for policy-compliant schemes should not be required (for the same reasons that the dPPG recognises that viability assessment should not be required).



We welcome the implicit recognition in the dPPG that review mechanisms should be upward and downward *"to help deliver sites that would otherwise stall"*. It would be helpful for the PPG to be more explicit on this point, since review mechanisms are usually upward only (which is a potential constraint to delivery where wider economic circumstances change).

We suggest the following changes to be clear that planning agreements should not be used as a value capture tool separately from mitigation and policy requirements (dPPG, page 7): *"review mechanisms should allow changes in circumstances which would otherwise affect delivery to be reflected so that schemes do not stall and can be used to capture increases in scheme value that occur over the lifetime of a development where required to achieve compliance with policies tested at examination and it would not inhibit deliverability"*. There is otherwise a risk that planning agreements are abused as a tool of pure value capture, which disrupts, delays and undermines the legitimacy of the planning application process.

Q.10 Do you have any comments on the text of Chapter 4?

We strongly support the draft PPG statement that *"It is important that developers are accountable to communities and that communities are able to easily see where contributions towards infrastructure and affordable housing have been secured and spent"*.

We also strongly support the dPPG recommendation that *"infrastructure funding statement[s] should be reviewed annually to report on the amount of funding received via developer contributions and how this funding has been used. The infrastructure funding statement should include information on, but is not limited to, affordable housing, education, health, transport, green infrastructure and digital infrastructure. The infrastructure funding statement should be published annually online and submitted to MHCLG. Local authorities can also report this data in annual monitoring reports, using an open data format where possible."*

This should be given more *'teeth'*, to ensure that investors and local communities can understand where responsibility for community infrastructure investment sits and how to expedite it, by making the following amendments:

- replacing *"can also report..."* with *"should also report..."*;
- requiring LPAs to explain why key milestones for delivery of, or expenditure on, key infrastructure have been missed; and
- encouraging LPAs to use monitoring resources and infrastructure already funded by CIL collections and Section 106 contributions effectively to carry out this critical monitoring and publication function (which will need to relate to the HDT and wider 5-year Plan review process).

In paragraph 39, we would welcome an amendment that replaces the words *'where possible'* with *'without delay'*.

Q.11 what are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized site?

The provision is generally welcomed by the LPDF. The current system of relying on small sites to come through as windfalls, which is often the norm, is too unpredictable and leads to uncertainties in terms of planning for the infrastructure where those developments occur. However, there are a number of practical and deliverability issues with the proposed approach.

As many small sites typically do come from windfall sites (i.e. sites that often by nature of their size, location and existing use only become available throughout the Plan period), it will not always be possible to identify such a large number of small sites at the outset of a Plan that is expect to cover a minimum 15-year period.

We also believe that it is not appropriate nor desirable to set a blanket figure of 20% of sites that must be adhered to by every LPA across the country since the circumstances of every LPA is different.

For example, if a LPA has a housing requirement of 10,000 homes and decides to pursue a spatial strategy that consists of say 10 large allocations amounting to 9,000 homes, and 9 sites of say 105 dwellings then the requirement under paragraph 69 of the dNPPF would mean the LPA only has to allocate 4 small sites. If both of those were half a hectare, then at an average density of 40 dwellings per hectare, that would result in just 40 of the 10,000 homes being allocated for on small sites. Conversely, if a LPA decides to distribute growth across a greater number of medium sized sites, then they will be forced in to identifying more smaller sites than perhaps they would having regard to objective of achieving sustainable development, simply to meet this requirement.

We therefore believe that a more effective way of ensuring a greater number of small sites are delivered would be to require LPAs to aim to achieve 5% of the total number of homes needed (as opposed to sites that need to be identified), on small sites, but provide flexibility to allow LPAs to vary that figure (upwards or downwards) where fully justified and evidenced in the interests of ensuring that the overall objectives of sustainable development are achieved and that the delivery of homes needed is not prejudiced. In the example above, our suggested change could result in 500 homes needing to be found on small sites.

But in the case of the working example above, that would still be a very challenging target to achieve on sites of half a hectare or less, certainly in more rural authorities where higher densities are less appropriate. It could mean as many as many as 25 sites need to be identified, which going back to the earlier point regarding the windfall nature of such sites, may be difficult to do robustly at the outset of a new Plan.

Depending on the threshold set for affordable housing requirements, delivering that number of homes on small sites (as currently defined) could also lead to missed opportunities for the provision of affordable housing.

We therefore suggest that the size threshold of sites should be increased to up to 50 dwellings/2 hectares. This is still regarded as a size that would be attractive to a greater number of small and medium sized builders and would provide sufficient flexibility for a greater number of smaller sites to be identified.

The sentiment of parts b) and c) are supported. The sentiment of part d) is also supported. Members of the LPDF are well versed and experienced in delivering large sites expeditiously often by selling parcels of land (serviced or un-serviced) of various sizes to a range of house builders from national housebuilders to small and medium sized builders.

*Q.12 Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?*

The introduction of the HDT is widely welcomed as another means of boosting the supply of housing. However, whilst recognising that there needs to be some transitional arrangements in the immediate years preceding the date when the revised NPPF comes in to force, we believe the threshold figure should be set much higher if the HDT is to have the desired effect, along with the other measures proposed in the dNPPF, of ensuring that the new homes needed in a LPA are actually delivered over the Plan period.

As it stands, the HDT will not bite if a LPA is able to continually demonstrate that it is delivering just over three-quarters of its housing requirement. If that trend continues throughout the Plan period, it could result in almost one-quarter of the housing requirement not being achieved until the end of the Plan period, if at all. That would not be acceptable and could have profound consequences on the availability and affordability of homes in an area.

We therefore suggest that the threshold figure, from November 2020, is set at 90% as a minimum. To ensure an appropriate transition, we consider that the 2018 and 2019 requirements should be increased to 50% and 75% respectively.

*Q.14 Do you have any other comments on the text of Chapter 5?*

Paragraph 61 - as per previous submissions by the LPDF, we remain supportive in principle of the introduction of a standard methodology for calculating OAN but remain concerned about some aspects of it and how effective it is really going to be. We very much welcome the express requirement for

unmet needs within neighbouring areas to be taken in to account as part of this process. The reference to exceptional circumstances provides some leeway for strategic Plans to depart from using the standard method, but as this only applies to establishing the level of housing need (not the requirement), we would expect this to only be used and allowed where it results in the housing need figure being set above the resultant figure of the standard methodology.

We also consider that there should be further clarity provided on the linkage between economic growth aspirations and housing delivery; as balancing economic and housing growth goes to the very core of achieving sustainable development.

Paragraph 66 / 67 - this is very much welcomed, as a practical solution to instances where neighbourhood planning bodies are keen to get on with preparing a Neighbourhood Plan, but we believe it should be a mandatory requirement (perhaps even introduced as a basic condition for testing Neighbourhood Plans) that the neighbourhood planning body must request and a LPA must provide them with an indicative housing figure and that that number is adopted as a minimum. We suggest replacing the word *'should'* in the second line with *'must'* and deleting the final part of the first sentence *'...if requested to do so by the neighbourhood planning body'*.

Paragraph 68 - to make the requirement much clearer and provide more certainty and avoid lengthy debate and potentially delay during the process of preparing and examining a Plan, we suggest the words *'where possible'* are deleted from part b).

Paragraph 73 - the amendments made to paragraph 52 of the current NPPF are welcomed. The idea of extending garden village principles, including land value capture, to all new large-scale proposals including all new settlements and major urban extensions, will likely lead to these proposals stalling or being aborted. Landowners are most unlikely to accept these principles on sites.

Paragraph 74 - the amendments are welcomed and the clarification on when the 20% buffer should be applied is also welcomed, although in line with our response to Q12, we believe the figure at footnote 29 should be set at 90% as a minimum.

We also consider that the arbitrary dates referred to in footnote 28 should be replaced with a much simpler test that allows any Plan to be considered *'recently adopted'* for a period of no more than 12 months from the date of its adoption, otherwise LPAs may stand to gain and lose from the provisions of paragraph 74 simply because of where they are in the Plan making cycle and the date on which they formally adopt the Plan.

Paragraph 75 - as above, we consider that the HDT figure at footnote 30 should be increased to 90% as a minimum.

Paragraph 76 - the concept of an annual position statement is sound, but the LPDF has reservations as to how robust they are going to be bearing in time the length of time they will take to prepare with engagement? It is unclear: how they are to be considered by the Secretary of State (is it practical for this to happen for every LPA every year); whether there will be an opportunity for the required levels of scrutiny by developers, local communities and other stakeholders; and how/when are they to be approved? In the view of the LPDF, if this is to be a robust process, then PINS need to:

- Involve an oral examination process in which people can attend to give evidence;
- Programme sufficient time to permit a proper examination of the evidence;
- Involve cross examination of the LPAs position, with the LPA being able to cross the development industry witnesses as well;
- Permit there to be an examination of both the likely delivery of individual sites and the empirical local track record on:
  - the time taken from the submission of a planning application to first completions for sites of various sizes;
  - the time taken for each part of the process planning process; and
  - the LPAs track record on making predictions about its 5-year supply.

Paragraph 78 - the LPDF have no objection with this in principle and some our members already seek these reduced timescales to demonstrate deliverability. But it has to be one the right site. Larger sites in particular require more time. The key words in issue are '*where this would expedite the development without threatening its deliverability or viability*'. There are often so many delays beyond the control of the applicant that prohibit a developer being able to begin on a site (i.e. carrying out and approval of pre-commencement works and conditions, securing technical and statutory approvals from other agencies and bodies, approval of reserved matters in the case of outline consents). The wording of paragraph 78 is important and we welcome that it retains an opportunity for all of those involved in delivering housing to have the appropriate conversations at the planning application stage. But the wording should include the phrase to read "*on appropriate site*" before "*where this would expedite*" etc.

We welcome the amendment to the definition of Affordable Housing in the Glossary, and in particular the formal introduction of Starter Homes and discounted market sales housing.

The LPDF also welcome fully the proposed amendments to the definition of '*deliverable*' housing sites in the glossary. It is important in the view of the LPDF that deliverable sites relate primarily to those sites with full or detailed planning permission and small sites. There should be full support for the view that any other sources of supply, such as sites with outline permission or allocations, should only ever be included in the deliverable supply if there is clear evidence that completions will occur within the five-year period.

However, we consider that the wording of the proposed definition of ‘*deliverable*’ should be tightened further and require “*clear evidence that the homes are likely to be completed on site within the relevant five-year period*” rather than as presently proposed, which is there being “*clear evidence that housing completions will begin on site within five years*”. As the likely start date and build out rate of a site are the key components to the robust assessment of deliverable land supply these should also form part of the definition.

The phrase “*available now*” should also be tightened up to read “*available to deliver housing now*”. It also then links in well with the rest of the definition being tied to whether or not a site has planning permission. We also consider that the definition could be clearer in terms of the types of sites that will not count as deliverable sites, and the types of empirical evidence that should be utilised.

Therefore, we suggest that the full definition of ‘*deliverable*’ is amended to read as follows:

*“Deliverable: To be considered deliverable, sites for housing should be available to deliver housing now. Small sites, and sites with detailed planning permission, should be considered deliverable within the five-year period until permission expires unless there is clear evidence that the new homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). New homes on sites with outline planning permission, permission in principle, allocated in the development Plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that those homes are likely to be completed on site within the relevant five-year period. Other sources of supply, such as sites merely identified in a SHLAA should be excluded. To be considered deliverable, new homes from any site should be based on realistic lead-in times and delivery rates derived from locally based empirical evidence.”*

### **HDT Draft Measurement Rule Book**

The rule book is a helpful tool and the idea of producing clear guidance on the application of the HDT is welcomed. For it to be effective, it must be clear in intent and meaning. The general principles and mechanics of the rule book are sound, but we suggest that a few amendments are made to help make it more effective.

In terms of paragraph 4, we consider that there should still be scope to include ‘*unmet neighbours’ need figure*’ as per paragraph 3, bullet 2. To avoid a scenario where agreed unmet needs being redistributed are always covered in a HMA by the HDT.

The LPDF welcomes the Government taking control of producing and publishing this data, however consider that this should be done as close to 1<sup>st</sup> April each year; both to allow action to be taken to

rectify any deficit as quickly as possible, and to reward LPAs that successfully overcome a lack of delivery. In either scenario, to wait 7 months to publish the updated position is plainly wrong.

In reality, LPAs will have recorded their housing completions by the end of April and consequently there is no reason why the HDT results cannot be published by 1<sup>st</sup> June each year.

Q.20 Do you have any other comments the text of Chapter 8?

In relation to paragraph 101, the LPDF note that the clarification that Local Green Space designation “will not be appropriate for most green areas or open spaces” has been removed in the dNPPF. We would strongly endorse the re-introduction of such text, so as to make clear that this is a policy only to be used on demonstrably special areas.

Q.25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

The LPDF agrees with the proposed approaches outlined in Chapter 11. In particular we welcome the proposals to ensure that allocations within Local Plans are delivered, and if they are not, that appropriate action is taken through the Plan making process to either deallocate these sites or find alternative uses.

We have referred earlier in this response to our advocacy of using reserve sites to add flexibility to the Plan making process; indeed, such sites would ensure that where the preferred allocation fails to deliver there is still an opportunity to delivery Plan-led growth that is consistent with the LPA’s evidence base and strategy.

We are also pleased to see recognition in paragraph 118 of the needs of both urban and rural areas when considering the benefits of development.

Q.26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

The LPDF supports the use of minimum housing densities on city and town centres, subject to a high standard of design and landscaping and where such uses are compatible with surrounding uses and deliverable.

In respect of other non-central or rural sites, the LPDF considers that the NPPF should allow for significantly higher densities only in those locations which are well served by a variety of means of public transport which would include train, bus, tram and light rail. Otherwise the LPDF considers that housing density should be dictated by the circumstances of each site having regard to the character of the area and market conditions.



The NPPF should also make it clear that housing density of a site should be calculated on a “*net developable area*” basis and should not take into account areas such as public open space, areas of significant landscaping, SUDS and areas set aside for nature conservation purposes.

Q.27 Do you have any other comments on the text of Chapter 11?

The LPDF agrees that there is a need to make effective use of previously developed land in helping to meet the need for residential and other types of development.

Notwithstanding our broad support for the drive to re-use redundant brownfield land which is deliverable and sustainably located, then LPDF is pleased to note that there is no intention to require brownfield land to be developed before greenfield land.

Q.29 Do you have any other comments on the text of Chapter 12?

The LPDF welcomes the emphasis in the draft revised NPPF on achieving well-designed places and the recognition that good design is an essential component part of any development. Creating developments that have a high-quality design will be essential to secure public acceptance of the scale of new house building that is required to meet the Government’s objectives.

The LPDF particularly welcomes the Government’s encouragement for design to be at the heart of pre-application discussions between the applicant, LPA and community.

Q.30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are ‘not inappropriate’ in the Green Belt?

The LPDF agree that development within the Green Belt should be encouraged, where it is logical and sustainable to do so.

The exception for previously developed land is welcomed, but we note the caveat that such development would ‘*not have a great impact on the openness of the Green Belt.*’ Rigid enforcement of the policy may result in unsustainable patterns of development, where sites that have the benefit of existing buildings in isolated locations are preferred to those in sustainable, edge of settlement locations that have been previously developed, but only development on the ground itself remains.

The policy should also highlight that such development should be located in sustainable locations that are accessible to local services, as it appears to contradict the requirements of paragraph 137.

Q. 31 Do you have any other comments on the text of Chapter 13?

We question whether the requirements of paragraph 136 in reality differ to those which LPAs already follow when deciding whether Green Belt land should be released for development. It is our experience that LPAs already follow a similar sequential approach, and thus we do not see the need to move away

from the existing requirements of paragraph 83 of the NPPF. Nevertheless, should paragraph 136 be included in the revised NPPF, we would question the requirement in sub section b), which seems to imply that policies for promoting a significant uplift in minimum density standards must be included in the Strategic Plan.

The implications of a significant rise in densities should be examined in detail to ensure that the impact of such a proposal on the surrounding community is understood.

We note that Footnote 7 in the revised NPPF includes Green Belt, as per the previous Footnote 9 in the current NPPF. The LPDF considers that Green Belt and Local Green Space should not be included within Footnote 7. Footnote 7 is an environmental restriction, and neither Green Belts or Local Green Spaces are designated for their high quality environmental characteristics.

Q. 35 Do you have any other comments on the text of Chapter 15?

Paragraph 168 – this appears to be a revision of paragraph 109 of the current NPPF, alongside inclusion of relevant extracts from the Core Planning Principles of paragraph 17. The concept of valued landscape has been the cause of a huge amount of confusion and delay in the planning process over the last 6 years. It is rare to promote a greenfield site in England which is not then judged to be a valued landscape. It causes a huge number of perfectly acceptable sites to be rejected at both the allocation and application stage. The concept of valued landscape should be removed or at the very least defined as a designated landscape, such as a national park or AONB. That is easily achieved by defining the term “*valued landscape*” in the glossary of the NPPF to read “*landscapes designated for their natural beauty such as national parks and areas of outstanding nature beauty*”

In terms of the wording, whilst a subtle change, the LPDF are concerned that paragraph 168(b) of the dNPPF has removed reference to ‘*supporting thriving rural communities*’ as referred to in the 5th bullet of paragraph 17 in the current NPPF.

Paragraph 79 of the dNPPF highlights the importance of planning policies and decisions being responsive to local circumstances and support housing developments that reflect local needs. Inevitably, some of these developments will need to take place in areas of countryside which are of intrinsic character and beauty, but the change highlighted removes the recognition that such matters need to be weighed against the benefits of maintaining or enhancing the vitality of rural communities.

The LPDF raises significant concerns with the wording of paragraph 170, which when combined with the new definition for ‘*Major Development*’ in the glossary has the effect of requiring exceptional circumstances to be demonstrated for any development over 10 dwellings. The scale of growth in such designations, where they require exceptional circumstances, should be linked to the circumstances of each individual case – and not given an arbitrary quantum.

Q. 40 Do you agree with the proposed transitional arrangements?

Paragraph 209 - In general, the LPDF are supportive of including transitional arrangements, and agree that Plans which have been submitted for EiP up to 6 months after the final revised NPPF's publication will not take account of the new NPPF.

However, it is possible that a Plan adopted in the context of the current NPPF would not be required to be reviewed to reflect the revised NPPF for several years. For example, if the revised NPPF is published in July 2018, Plans submitted up until January 2019 would proceed under the current NPPF. If the Plan's EiP became protracted, which is not uncommon, and its eventual adoption was to take say a further year (i.e. January 2020), it is entirely feasible that a Plan would not be required to be reviewed until 2025, seven years after the publication of the revised NPPF. In view of the number of Local Plans that are being progressed towards EiPs over the coming months – some seemingly motivated by a desire to engage positively with the requirements of the standard methodology for OAN - this could seriously undermine the Government's ambitions to reform housing and planning policy so that it is as effective as possible in improving the supply of homes.

Whilst it is acknowledged that paragraph 207 states that Plans may need to be reviewed to reflect policy changes made by the revised NPPF, the LPDF consider that in the case of Plans submitted after the NPPF has been published in its final form, these should be required to undertake a partial or full review within 2 years of the final NPPF's publication, depending on their consistency with its policies.

Paragraph 211 – for the reasons set out in our response to Question 12, we consider that the percentage figures detailed within a), b) and c) should be revised to 50%, 75% and 90% respectively.

**Ends**