



# Annex:

## Further detail and consultation on proposals

## Introduction

A.1 This White Paper sets out a programme of reform to tackle the long-standing problems in the housing market and ensure that more homes are built in the right places.

A.2 In order to implement the vision set out in the White Paper, we are also consulting on a range of specific planning proposals. This annex provides further detail of the changes to planning policy and legislation needed to implement the proposals in chapters 1 and 2; and sets out consultation questions where new proposals are being made. It also sets out some wider changes to national planning policy in relation to affordable housing, sustainable development and the environment.

A.3 We are not consulting on the proposals in chapters 3 and 4 in this document, other than a separate consultation on the Build to Rent proposals in chapter 3, which has been launched today.

A.4 Several proposals build on consultations and reviews conducted over the last year: the report of the Local Plans Expert Group; consultations on changes to the National Planning Policy Framework, technical changes to planning and 'building up' in London; and the Rural Planning Review call for evidence.<sup>86</sup> The Government has taken account of responses to these in deciding the way forward. A summary of the responses to each consultation is being published alongside the White Paper.

A.5 Many of the changes involve amendments to the National Planning Policy Framework. The Government intends to publish a revised Framework later this year, which will consolidate the outcome from the previous and current consultations. It will also incorporate changes to reflect changes made to national policy through Written Ministerial Statements since March 2012. These are:

- **Support for small scale developers, custom and self-builders** (28 November 2014);
- **Sustainable Drainage Systems** (18 December 2014);
- **Starter Homes** (2 March 2015);
- **Parking: helping local shops and preventing congestion** (25 March 2015);
- **Housing standards: streamlining the system** (25 March 2015);
- **Local Planning**, which covers onshore wind farms (18 June 2015);
- **National Planning Policy Framework: technical adjustment** (22 July 2015);
- **Green Belt protection and intentional unauthorised development** (17 December 2015); and
- **Neighbourhood planning** (12 December 2016)

## How to Respond

A.6 Below is more information about the scope of the consultation and how to respond to it.

<sup>86</sup> Local Plans Expert Group (2016) *Local Plans: Report to the Communities Secretary and to the Minister of Housing and Planning*. <http://lpeg.org/>; DCLG (2015) *National Planning Policy: Consultation on proposed changes*. Available at: [www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes](http://www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes); DCLG (2016) *Technical consultation on implementation of planning changes*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/507019/160310\\_planning\\_consultation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/507019/160310_planning_consultation.pdf); DCLG (2016) *Consultation on upward extensions in London*. Available at: [www.gov.uk/government/consultations/upward-extensions-in-london](http://www.gov.uk/government/consultations/upward-extensions-in-london); DCLG (2016) *Rural Planning Review: Call for Evidence*. Available at: [www.gov.uk/government/consultations/rural-planning-review-call-for-evidence](http://www.gov.uk/government/consultations/rural-planning-review-call-for-evidence).

## Scope of the consultation

Topic of this consultation:	Changes to planning policy and legislation in relation to planning for housing, sustainable development and the environment
Scope of this consultation:	The Department for Communities and Local Government is consulting on new planning proposals which will involve amendments to the National Planning Policy Framework and regulations. It also sets out some wider changes to national planning policy in relation to sustainable development and the environment.
Geographical scope:	The policies and proposals set out in this White Paper apply to England only. In Scotland, Wales and Northern Ireland, housing and planning policy is the responsibility of the Scottish Government, Welsh Government and Northern Ireland Executive respectively. The UK government retains responsibility for housing and planning policy in England, including funding for England-only bodies such as the Homes and Communities Agency, the government's housing, land and regeneration agency, and the regulator of social housing providers in England. The Mayor of London is responsible for the functions of the HCA in London.
Impact Assessment:	N/A

## Basic information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	Department for Communities and Local Government
Duration:	The consultation will begin on 7 February 2017. The consultation will run for 12 weeks and will close on 2 May 2017. All responses should be received by no later than 23:45 on 2 May 2017.
Enquiries:	During the consultation, if you have any enquiries, please contact: <a href="mailto:planningpolicyconsultation@communities.gsi.gov.uk">planningpolicyconsultation@communities.gsi.gov.uk</a>
How to respond:	<p>You may respond by completing an online survey at: <a href="https://www.surveymonkey.co.uk/r/QLLWWSS">https://www.surveymonkey.co.uk/r/QLLWWSS</a></p> <p>Alternatively you can email your response to the questions in this consultation to: <a href="mailto:planningpolicyconsultation@communities.gsi.gov.uk">planningpolicyconsultation@communities.gsi.gov.uk</a></p> <p>If you are responding in writing, please make it clear which questions you are responding to.</p> <p>Written responses should be sent to: Planning Policy Consultation Team Department for Communities and Local Government Third Floor, South East Fry Building 2 Marsham Street SW1P 4DF</p> <p>When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"> <li>– your name,</li> <li>– your position (if applicable),</li> <li>– the name of organisation (if applicable),</li> <li>– an address (including post-code),</li> <li>– an email address, and</li> <li>– a contact telephone number</li> </ul>

## Proposals from Chapter One

### Getting plans in place

#### Making sure every community has an up-to-date, sufficiently ambitious plan

A.7 We will do all we can to support local authorities to produce a plan, from simplifying the process to boosting capability and capacity in planning authorities. When necessary we will, however, intervene to ensure that plans are in place – using our existing powers and those proposed in the Neighbourhood Planning Bill currently before Parliament.

A.8 This may include directing a local planning authority to review their existing plan, where it is out of date. Where an authority is failing to do what is required to get their plan in place, we will consider the case for issuing directions to that authority to prepare a plan, to set the timetable for its production or arrange for a plan to be written for them in consultation with local people.

A.9 In February 2016, we consulted on our proposed criteria for making decisions on whether to intervene in plan-making,<sup>87</sup> which was where:

- the least progress in plan-making had been made;
- policies in plans had not been kept up to date;
- there was higher housing pressure; and
- intervention would have the greatest impact in accelerating local plan production.

A.10 We also proposed that:

- decisions on intervention would be informed by the wider planning context in each area (specifically, the extent to which authorities are working co-operatively to put strategic plans in place, and the potential impact that not having a plan has on neighbourhood planning activity); and
- authorities would have an opportunity to put forward any exceptional circumstances before action was taken.

A.11 Having considered the responses to these proposals, **the Government intends to make decisions on intervention on the basis of these**

**criteria**, as set out in the consultation – making use of its existing powers and those proposed in the Neighbourhood Planning Bill.

A.12 The Neighbourhood Planning Bill would also allow the Secretary of State to require local planning authorities to review local plans and other local development documents at prescribed intervals, so that they can be kept up-to-date. **We will set out in regulations a requirement for these documents to be reviewed at least once every five years.**

An authority will need to update their plan if their existing housing target can no longer be justified against their objectively assessed housing requirement, unless they have agreed a departure from the standard methodology with the Planning Inspectorate.

A.13 The Government would like to see more and better joint working where planning issues go beyond individual authorities, building on the existing duty to co-operate:

- we will **consult on changes to the National Planning Policy Framework so that authorities are expected to prepare a Statement of Common Ground**, setting out how they intend to work together to meet housing requirements that cut across authority boundaries;
- in several parts of the country, devolution deals have been accompanied by proposals for strategic plans that will allow housing requirements to be considered at a scale which is broader than individual authorities. Our **proposals to allow spatial development strategies to allocate strategic sites**, set out below, will make these more effective;
- we will **use the new £2.3bn Housing Infrastructure Fund to encourage and support collaboration** where it is appropriate to do so; and
- where it is clear that effective cross-boundary planning is needed but is not being taken forward, the Neighbourhood Planning Bill would **allow the Secretary of State to direct a group of authorities to work together** to produce a joint plan.

<sup>87</sup> DCLG (2016) Technical consultation on implementation of planning changes. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/507019/160310\\_planning\\_consultation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/507019/160310_planning_consultation.pdf).

## Making plans easier to produce

A.14 We want to give local planning authorities more flexibility over the types of plan that they produce, so that plan-making can be tailored to the circumstances in each place.

A.15 To help facilitate this the Neighbourhood Planning Bill, currently before Parliament, would in future require each local planning authority to maintain a set of key strategic policies, with flexibility over whether these are in a plan produced by an individual authority, in a joint local plan produced by a group of authorities, or in a spatial development strategy produced by a combined authority or an elected mayor.

A.16 To help implement this reform the Government is proposing two changes to the National Planning Policy Framework:

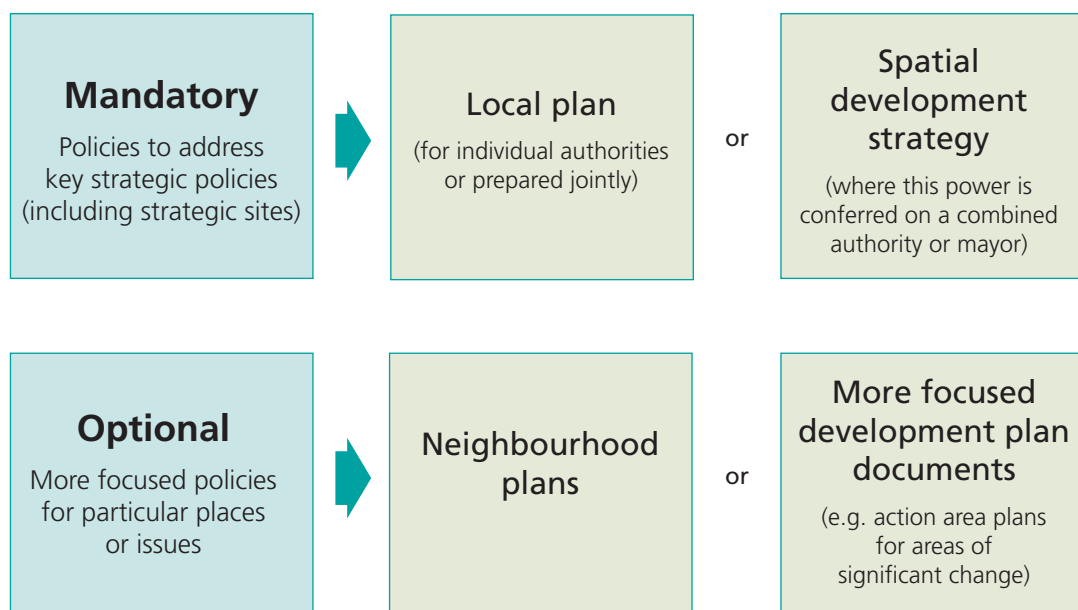
- As suggested by the Local Plans Expert Group, **we will remove the policy expectation that each local planning authority should produce a single local plan.** We will make clear instead that authorities should identify the most effective

way of setting out their key strategic priorities (which may be jointly with other authorities), with the expectation that more detailed matters are addressed through neighbourhood plans or more focused development plan documents (Box 1).

- We also propose to set out in policy the key strategic priorities that every area is expected to plan for,** which would be those listed already in the National Planning Policy Framework,<sup>88</sup> with an additional requirement to plan for the allocations needed to deliver the area's housing requirement (except insofar as this requirement will be met through windfall development or more detailed plans).

A.17 We also want to ensure that spatial development strategies produced by new combined authorities or elected Mayors can be as effective as possible, without the need for policies to be duplicated in local plans. The Government therefore proposes that **where these strategies require unanimous agreement of the members of the combined authority, regulations will allow them to allocate strategic sites.**

Box 1: The new framework for plan-making



<sup>88</sup> NPPF paragraph 156: these priorities are the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

A.18 The Local Plans Expert Group also put forward a number of proposals to streamline the process for producing plans, which we have considered alongside the comments received on their Report. In response **we will amend the National Planning Policy Framework to:**

- **Make clear that plans and policies should not duplicate one another.** For example, where a spatial development strategy is prepared, local plans will not be expected to cover the same strategic issues. Guidance will make clear that exceptions to this principle may be made where a new or emerging plan is maintaining key policies from another plan which is no longer up-to-date, for example where neighbourhood plans rely on policies in the local plan; and that authorities may rely on policies in the National Planning Policy Framework rather than replicating them in their plans; and
- **Amend the tests of what is expected of a 'sound' plan, to make clear that it should set out 'an' appropriate strategy for the area** rather than having to demonstrate that it contains 'the most' appropriate strategy (as the current wording can encourage disproportionate work and challenge at examinations).

A.19 Alongside these changes, **we propose to revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan** – to allow for a more proportionate approach, while ensuring that clear and concise evidence is available on the key issues that affect the capacity of each area to accommodate development.

A.20 With the emergence of spatial development strategies outside London, and with the continued growth of neighbourhood planning, **the Government would also welcome views on what wider changes may be needed to ensure that consultation and examination procedures for all forms of plan-making are appropriate and proportionate and that different levels of plans work together.**

### Assessing housing requirements

A.21 The White Paper sets out the Government's intention to **consult on options for introducing a more standardised approach to assessing housing requirements.** The Local Plans Expert Group concluded that a more standardised methodology was

#### Question 1

Do you agree with the proposals to:

- 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?
- Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?
- Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?

#### 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?

one of the most important reforms that could be made to improve plan-making, and the principle of a more consistent approach was supported by many of those who commented on their report.

A.22 A more standardised methodology for assessing housing requirements will allow a more consistent approach to establishing a suitable baseline for housing land supply and housing delivery, in the absence of an up-to-date plan. Subject to consultation, we propose that **from April 2018 the new methodology for calculating housing requirements would apply as the baseline for assessing 5 year housing land supply and housing delivery, in the absence of an up-to-date plan.** In specific circumstances where authorities are collaborating on ambitious proposals for new homes, the Secretary of State would be able to give additional time before this new baseline applies.



A.23 We want councils to use the new approach as they produce their plans and will incentivise them to do so. We will expect councils that decide not to use the new approach to explain why not and to justify the methodology they have adopted in their area. We will consult on what constitutes a reasonable justification for deviating from the standard methodology, and make this explicit in the National Planning Policy Framework.

A.24 Whatever the methodology for assessing overall housing requirements, it will remain important for authorities to assess the extent to which this needs to be translated into homes that are suitable for groups with specific housing requirements. **We propose to strengthen 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.

### Digital planning: making plans and proposals more accessible

A.25 We intend to **increase the amount of planning data that is easily available to individuals, groups, entrepreneurs and businesses**. This will make planning more accessible, and also allow public data to be used in a way that increases accountability, drives choice and spurs innovation. The Local Plans Expert Group recommended that more plans should be accessible online, using interactive tools and improved facilities for online consultation.

A.26 The Government has already piloted a new set of open data standards for publishing information about brownfield land suitable for housing. Over 70 authorities took part in the pilot and the majority have now published their 'brownfield registers'. Local authorities will be required to prepare and maintain these registers from this spring. This will ensure that nationally consistent information on suitable brownfield sites is kept up to date and made publicly available for communities and developers.

A.27 In addition, the Neighbourhood Planning Bill contains proposals for more consistent and open data standards for plans. In support of this **we are working with local authorities, users of plans and other innovators through a pilot programme** to

### Question 3

Do you agree with the proposals 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?
- 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?

identify opportunities to prescribe open data standards for local plans and use digital tools to support better plan-making, improve the accessibility of information and help people identify and develop appropriate land for housing.

A.28 It is also important that we improve our understanding of the role the environment plays in our lives so that Government and other decision makers can improve outcomes. Through its 25 Year Environment Plan, the Government will set out a full programme of work to support people to make better environmental decisions, including through the use of improved data. This will build on previous work such as the Outdoor Recreation Valuation (ORVal) tool<sup>89</sup>, which quantifies the recreational benefits that are provided by accessible greenspace.

### Making land ownership and interests more transparent

A.29 Making data about land ownership and interests more readily available will allow authorities and communities to take a more proactive role in developing plans, support digital plan-making and help new entrants to the market.

A.30 To help tackle this **HM Land Registry will be modernised to become a digital and data-driven registration business** within the public sector. This is central to achieving genuine transparency on land

<sup>89</sup> Land, Environment, Economics and Policy (LEEP) Institute at University of Exeter, with funding from DEFRA (2016). *Outdoor Recreation Valuation (ORVal) tool*. Available at: <http://leep.exeter.ac.uk/orval/>



ownership and control. HM Land Registry is committed to becoming the world's leading land registry for speed, simplicity and an open approach to data.

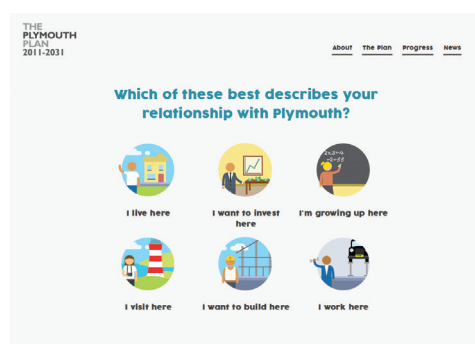
A.31 A modernised Land Registry will also aid better data sharing across government for the purposes of supporting development, ensuring financial stability, tax collection, law enforcement and the protection of national security. **The Government will examine how HM Land Registry and the Ordnance Survey can work more closely together** to provide a more effective digital land and property data service. This work will assess how their combined land and property

data can be made more openly available to the benefit of developers, home buyers and others.

A.32 As part of these changes the **Government will ensure completion of the Land Register**.

Currently 83% of the land in England and Wales is registered, but we need to go further. Opening up land and property data will make it easier for communities and authorities to engage in and make informed decisions about planning, development and investment. HM Land Registry is committed to achieving a more open and digital Register and will aim to achieve comprehensive registration by 2030.

### Case study: Better access to planning data in Plymouth and Surrey



Images © Plymouth City Council

Plymouth City Council published The Plymouth Plan 2011-2031 as an interactive website. This allows the plan to be browsed easily in a way which is relevant to particular groups (resident, business, investor, etc.) or interests (such as the economy, arts and culture, living and housing). The City Council has also opened up over 100 data sets through its DATA Play initiative to give communities better access to information about their area and more ability to suggest improvements. And through Crowdfund Plymouth, an online crowdfunding campaign, a council pledge of £120,000 of the Community Infrastructure Levy (CIL) has attracted over £400,000 of match pledges from over 5,000 people and organisations.

Surrey Digital Services, a coalition of local authorities, developed The Planning Hub – a consolidated feed of planning information across Surrey, regardless of originating authority, computer systems or administrative boundaries. Alongside Hampshire County Council, DCLG and the Local eGovernment Standards Body (LeGSB) a national planning application data standard was created, which is now gathering data from 11 providers for anyone to access via an Application Programming Interface (API), which consists of protocols, definitions and tools for building application software. This has not been possible previously, despite its significant value for business processes and public access. It helps people to engage with local planning matters and allows developers and entrepreneurs to make use of the data in order to improve public interaction with local planning services.

**All publicly-held land in the areas of greatest housing need will be registered by 2020**, with the rest to follow by 2025. As an interim step, **the Government will collate and make openly available a complete list of all unregistered publicly held land by April 2018**, which will assist with prioritising registration and provide an early indication of the scale of potential sites for house building and associated infrastructure needs.

A.33 Alongside the improved registration of land, **the Government proposes to improve the availability of data about wider interests in land**. There are numerous ways of exercising control over land, short of ownership, such as through an option to purchase land or as a beneficiary of a restrictive covenant. There is a risk that because these agreements are not recorded in a way that is transparent to the public, local communities are unable to know who stands to fully benefit from a planning permission. They could also inhibit competition because SMEs and other new entrants find it harder to acquire land. There is the additional risk that this land may sit in a 'land bank' once an option has been acquired without the prospect of development.

A.34 **Therefore, the Government will consult on improving the transparency of contractual arrangements used to control land**. Following consultation, any necessary legislation will be introduced at the earliest opportunity. **We will also consult on how the Land Register can better reflect wider interests in land** with the intention of providing a 'clear line of sight' across a piece of land setting out who owns, controls or has an interest in it.

A.35 In addition, **HM Land Registry will make available, free of charge, its commercial and corporate ownership data set, and the overseas ownership data set**. These data sets contain data on 3.5 million titles to land held under all ownership categories with the exception of private individuals, charities and trustees. The Government also intends to **simplify the current restrictive covenant regime** by implementing the Law Commission's proposals for reform<sup>90</sup> and will publish a draft Bill for consultation as announced in the Queen's Speech.

## Making enough land available in the right places

A.36 Local planning authorities have a responsibility to do all they can to meet their housing requirements, even though not all areas may be able to do so in full. The presumption in favour of sustainable development,<sup>91</sup> which sits at the heart of the Government's planning policy, places a clear obligation on authorities to plan positively. There are, however, opportunities to make the practical consequences of this obligation more explicit, and to make aspects of the presumption clearer in the light of experience since the National Planning Policy Framework was introduced.

A.37 Therefore the Government proposes to amend the National Planning Policy Framework so that when preparing plans:

- **local planning authorities should be able to demonstrate that they have a clear strategy to maximise the use of suitable land in their area**, so it is clear how much development can be accommodated; and
- **their identified housing requirement should be accommodated unless there are policies elsewhere in the National Planning Policy Framework that provide strong reasons for restricting development** (rather than just 'indicating' development should be restricted, as policy says now); or the adverse impacts of meeting need would significantly and demonstrably outweigh the benefits.

A.38 As part of these changes **the Government proposes to clarify which national policies it regards as providing a strong reason to restrict development when preparing plans**, or which indicate that development should be restricted when making decisions on planning applications: it is proposed that these are limited to the policies listed currently at footnote 9 of the National Planning Policy Framework, with the addition of Ancient Woodland and aged or veteran trees;<sup>92</sup> and that these are no longer set out as 'examples' but as a clear list. There has been uncertainty about this aspect of national

90 Law Commission (2011) *Making land work: Easements, Covenants and Profits à Prendre* (HC1067). Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/229064/1067.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229064/1067.pdf)

91 Paragraph 14 of the National Planning Policy Framework. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60777/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/2116950.pdf)

92 And, for clarity, those non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments.

policy, so this change should provide a clearer position for both plan makers and those making decisions on applications. Ancient Woodland and aged or veteran trees are irreplaceable habitats and we consider it important that national policy reflects the need to protect them.

A.39 The Government considers that **the presumption in favour of sustainable development could be clarified further through some additional adjustments:**

- Reordering to reflect what decision-makers are likely to do in practice:<sup>93</sup> first, consider whether there are any national policies that justify restricting development, and then whether any adverse impacts would 'significantly and demonstrably' outweigh the benefits;
- A shorter, clearer opening line; removal of references to 'local plans' when referring to local planning authority plans (in view of the more flexible approach to plan-making set out in this White Paper); and numbering of its sub-paragraphs.

A.40 Box 2 overleaf shows what the combined effect of these proposed changes would be for the wording of the presumption in favour of sustainable development.

## Bringing brownfield land back into use

A.41 The Government has already embarked on an ambitious programme to bring brownfield land back into use, which includes:

- introducing statutory brownfield registers which local planning authorities will use to indicate which previously developed sites are suitable for housing. These registers provide a platform for granting permission in principle for housing on suitable sites, giving early certainty to landowners, developers and communities;
- making £3 billion of loan funding for developers available through the Home Building Fund announced in October 2016, with an emphasis on supporting developments on brownfield land;
- a wide range of new permitted development rights, which give permission for specified forms of development – such as converting office, retail and agricultural buildings into residential use. More than 13,800 homes were added to the stock through permitted development rights enabling change of use to residential in 2015/16;<sup>94</sup>
- designating 26 Housing Zones with the potential to deliver up to 44,000 new homes on brownfield land. The London programme is devolved to the Mayor - 31 Zones have been designated in London and are expected to deliver 77,000 new homes;

### Question 4

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

- authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;
- it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;
- the 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?

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

<sup>93</sup> While also observing the basic legal requirements to take all material considerations into account, and to make the decision in accordance with the development plan unless material considerations indicate otherwise.

<sup>94</sup> DCLG (2016) *Housing Supply; net additional dwellings, England: 2015-16*. Available at: <https://www.gov.uk/government/statistics/housing-supply-net-additional-dwellings-england-2015-to-2016>

## Box 2: Proposed text of the presumption in favour of sustainable development

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**.

For **plan-making** this means that:

- a) local planning authorities should positively seek opportunities to meet the development needs of their area, as well as any needs that genuinely cannot be met within neighbouring authorities, through a clear strategy to maximise the use of suitable land;
- b) their plans should accommodate objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
  - i. specific policies in this Framework provide a strong reason for development to be restricted;<sup>1</sup> or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking**<sup>2</sup> this means:

- a) approving development proposals that accord with the development plan without delay; and
- b) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - i. specific policies in this Framework indicate development should be restricted<sup>1</sup>; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

<sup>1</sup> Policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); Ancient Woodland and aged or veteran trees; designated heritage assets (and other heritage assets of archaeological interest referred to in paragraph 139); and locations at risk of flooding or coastal erosion.

<sup>2</sup> Unless material considerations indicate otherwise.

- continuing to use our £1.2 billion Starter Homes Land Fund to bring forward suitable brownfield land for starter homes and other types of affordable home ownership products. Thirty local authority partnerships, working with the Homes and Communities Agency, were announced in January to help identify suitable sites.

A.42 Going further, the presumption should be that brownfield land within settlements is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk). To facilitate

this, we will **amend the National Planning Policy Framework to indicate that great weight should be attached to the value of using suitable brownfield land within settlements for homes**, following the broad support for this proposal in our consultation in December 2015.<sup>95</sup> In addition, our proposals for increasing the density of development set out in this White Paper will ensure that maximum use is made of brownfield sites that are suitable for homes.

<sup>95</sup> DCLG (2015) *National Planning Policy: Consultation on proposed changes*. Available at: [www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes](http://www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes)

## Improving local authorities' role in land assembly and disposal

A.43 Local authorities are already able to secure planning permission on sites that they own, allowing them to be proactive in developing public land. Unitary authorities (including London Boroughs) and Urban Development Corporations can use this to provide certainty for developers purchasing land from (or partnering with) public bodies to deliver new homes. However, this power is currently constrained in two-tier local authority areas, where the resulting permission may be implemented only by the authority and any partner body. Any subsequent purchaser would need to re-apply for planning permission in order to carry out the development, adding time and expense to the process.

A.44 We wish to address this discrepancy between the powers available in unitary and two-tier areas, so **we propose to amend regulations so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves.**

A.45 Where local authorities and other public bodies dispose of surplus land for homes, the land should normally be sold for the best consideration that can be reasonably obtained. An authority may, however, dispose of land at less than best consideration ('undervalue') where this can be justified, for example in enabling the land to be regenerated and used for new homes.

A.46 Local authorities are currently required to seek consent from the Secretary of State for the sale of all land held for planning purposes at an undervalue. This requirement can delay disposals and hold up development schemes, including for new housing. It is also inconsistent with the existing ability of local authorities to dispose of land which is not held for housing or planning purposes without the Secretary of State's consent, where the undervalue is £2m or less.

A.47 **We will consult on using powers in the Growth and Infrastructure Act 2013 to issue a new General Disposal Consent, which would enable authorities to dispose of land held for planning purposes at less than best consideration without the need for specific consent from the Secretary of State.** The consultation will seek views on a threshold below which specific consent would

### 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?

not need to be obtained. We will also consult on revising the existing £2m threshold for the disposal of other (non-housing) land.

A.48 In many countries local authorities regularly work with local landowners to assemble land for housing. In Germany it is common for authorities to use a process known as land 'pooling' or 'readjustment' to collaborate with landowners in the assembly, servicing and disposal of land and realise the benefit from the uplift in land values once the site receives planning permission and is made ready for development. This enables local authorities to bring forward new building plots for local people and for smaller builders to build homes, often at reduced prices. The Government considers that such approaches could be used more extensively in England, and would welcome views from local authorities and others on the opportunities this presents, any barriers inhibiting greater take-up, and how these may be addressed.

### 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)?



## Regenerating housing estates

A.49 The Government's national strategy on estate regeneration was published in December 2016<sup>96</sup>.

Through a combination of practical advice and guidance, it sets out how best to deliver high-quality, well-designed estate regeneration, including advice on financing and delivering schemes, the role of local authorities, and how to engage and protect residents.

A.50 To support this strategy, **we propose to amend the National Planning Policy Framework to encourage local planning authorities to consider the social and economic benefits of estate regeneration** when preparing their plans and in decisions on applications, and to use their planning powers to help deliver estate regeneration to a high standard.

### Question 7

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

## Supporting small and medium sized sites, and thriving rural communities

A.51 In February last year the Government launched a call for evidence for a Rural Planning Review.<sup>97</sup> Responses were clear that improving the availability and affordability of homes in rural areas is vital for sustaining rural communities, alongside action to support jobs and services. The Government's response to the review, published alongside this White Paper, includes proposals to expand the permitted development rights that apply to agricultural buildings, to provide more homes for local people. Alongside this, the Government intends to make a number of changes to national planning policy to provide better support for rural housing, and for development on small and medium-sized sites.

A.52 Reflecting proposals set out in the Government's previous consultation on changes to the National Planning Policy Framework,<sup>98</sup> we will

- amend national policy to **expect local planning authorities to have policies that support the development of small 'windfall' sites** (those not allocated in plans, but which come forward on an ad hoc basis); and
- **indicate that great weight should be given to using small undeveloped sites within settlements for homes**, where they are suitable for residential development.<sup>99</sup>

A.53 These changes apply to all types of area. Together with the additional weight that national policy will be placing on the benefits of developing brownfield land, they will ensure there is a clear presumption that residential development opportunities on small sites should be treated positively, while ensuring authorities can continue to protect valued areas of open space, the character of residential neighbourhoods and stop unwanted garden grabbing.

A.54 There are opportunities to go further to support a good mix of sites and meet rural housing needs, especially where scope exists to expand settlements in a way which is sustainable and helps provide homes for local people. This is especially important in those rural areas where a high demand for homes makes the cost of housing a particular challenge for local people. With these objectives in mind we are proposing a number of additional changes to the National Planning Policy Framework to:

- **highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing**, drawing on the knowledge of local communities;
- **encourage local planning authorities to identify opportunities for villages to thrive**, especially where this would support services and help meet the need to provide homes for local people who currently find it hard to live where they grew up; and

<sup>96</sup> Available at: <https://www.gov.uk/guidance/estate-regeneration-national-strategy>

<sup>97</sup> DCLG (2016) *Rural Planning Review: Call for Evidence*. Available at: [www.gov.uk/government/consultations/rural-planning-review-call-for-evidence](http://www.gov.uk/government/consultations/rural-planning-review-call-for-evidence).

<sup>98</sup> DCLG (2015) *National Planning Policy: Consultation on proposed changes*. Available at:

[www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes](http://www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes)

<sup>99</sup> Small sites for this purpose are those capable of accommodating fewer than 10 units, or which are smaller than 0.5ha.

- **give much stronger support for 'rural exception' sites that provide affordable homes for local people<sup>100</sup>** – by making 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.

A.55 In addition, we are proposing some further changes to promote a good mix of sites and increase the supply of land available to small and medium-sized housebuilders – something that will help to diversify the housebuilding sector and encourage more competition. These changes would:

- make clear that on top of the allowance made for windfall sites, **at least 10% of the sites allocated for residential development in local plans should be sites of half a hectare or less;**
- expect local planning authorities to **work with developers to encourage the sub-division of large sites;** and
- **encourage greater use of Local Development Orders and area-wide design codes** so that small sites may be brought forward for development more quickly.

### A new generation of new communities

A.56 The Government is already supporting the creation of ten new garden towns and cities, and 14 new garden villages. Together, these new communities could deliver more than 200,000 new homes over the next 20 to 30 years, with more than 25,000 homes expected to start on site by 2020. Some £15 million of capacity funding has been made available to help build these new communities, and we have set up a development corporation to drive forward the delivery of Ebbsfleet, backed by £275 million of capital funding for infrastructure.

### Question 8

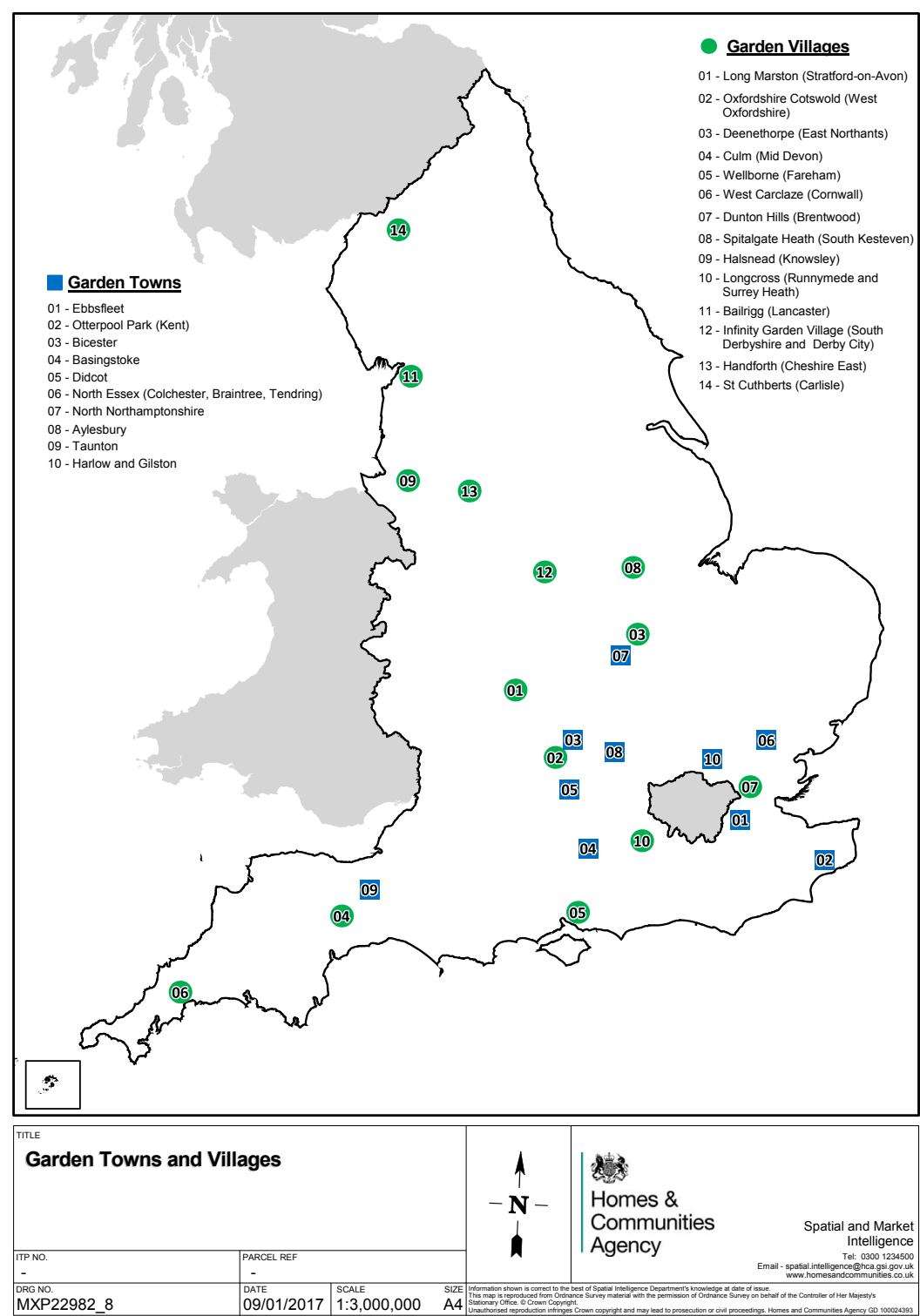
Do you agree with the proposals to amend the National Planning Policy Framework to:

- highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?;
- 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?;
- 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?;
- 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?;
- expect local planning authorities to work with developers to encourage the sub-division of large sites?; and
- encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?.

<sup>100</sup> Small sites used to provide affordable housing for local communities on land which would not normally be released for homes, as defined in the National Planning Policy Framework.



Figure A.1: Garden towns and villages



A.57 To support the delivery of existing and any future garden communities, we will:

- ensure that **decisions on infrastructure investment take better account of the opportunities to support new and existing communities**;
- **legislate to enable the creation of locally accountable New Town Development Corporations**, enabling local areas to use them as the delivery vehicle if they wish to. This can strengthen local representation and accountability, and increase opportunities for communities to benefit from land value capture; and
- following the previous consultation on changes to the National Planning Policy Framework, **amend policy to encourage a more proactive approach by authorities to bringing forward new settlements** in their plans, as one means by which housing requirements can be addressed.

A.58 The Government is interested in the opportunities that garden cities, towns and villages might offer for bringing large-scale development forward in ways that streamline planning procedures and encourage locally-led, high quality environments to be created. The Centre for Policy Studies proposed the idea of ‘pink zones’ with this goal in mind.<sup>101</sup> For example, local development orders or Development Corporations could give broad approval in advance for particular types of development, within an overall infrastructure framework. We would welcome views on how this potential can best be exploited.

### Question 9

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

## Green Belt land

A.59 The Green Belt is highly valued by communities, particularly those on the edge of urban areas. The fundamental aim of Green Belt, since its introduction in the 1950s, has been to prevent urban sprawl by keeping land permanently open. It has been largely successful in this aim – the percentage of land covered by Green Belt has remained at around 13% since at least 1997.<sup>102</sup> However parts of it are not the green fields we often picture, and public access can be limited, depending on ownership and rights of way.

A.60 Our manifesto reiterated our commitment to protecting the Green Belt. The National Planning Policy Framework is already clear that Green Belt boundaries should be amended only “in exceptional circumstances” when plans are being prepared or revised, but does not define what those circumstances are. The Government wants to retain a high bar to ensure the Green Belt remains protected, but we also wish to be transparent about what this means in practice so that local communities can hold their councils to account.

A.61 **Therefore we propose to amend national policy to make clear that 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**, including:

- making effective use of suitable brownfield sites and the opportunities offered by estate regeneration;
- the potential offered by land which is currently underused, including surplus public sector land where appropriate;
- optimising the proposed density of development; and
- exploring whether other authorities can help to meet some of the identified development requirement.

A.62 The Government also proposes to amend the National Planning Policy Framework to indicate that **where land is removed from the Green Belt, local policies should require the impact to be offset** by compensatory improvements to the environmental quality or accessibility of remaining Green Belt land.

<sup>101</sup> Boyfield K and Greenberg D (2014) *Pink Planning*. Available at: <http://www.cps.org.uk/publications/reports/pink-planning-diluting-the-red-tape/>

<sup>102</sup> DCLG Local authority green belt statistics for England: 2015 to 2016 <https://www.gov.uk/government/statistics/local-authority-green-belt-statistics-for-england-2015-to-2016>

This could, for example, include community forests, nature reserves or allotments. As part of our proposed consultation on improving arrangements for capturing uplifts in land value for community benefit, we will also explore whether higher contributions can be collected from development as a consequence of land being released from the Green Belt.

**A.63 We are also proposing that national policy would make clear that 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.**

A.64 The Government considers that a number of other changes to Green Belt policy could also be made for the purposes of clarity and consistency. It proposes to amend the National Planning Policy Framework to make clear that:

- **appropriate facilities for existing cemeteries are not to be regarded as ‘inappropriate development’** in the Green Belt;<sup>103</sup>
- **development brought forward under a Neighbourhood Development Order should also not be regarded as inappropriate** in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt. This would ensure consistency with the treatment of Community Right to Build Orders, which are also community-led tools that can be used to meet local housing requirements; and
- **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. This recognises the role of neighbourhood plans as part of the statutory development plan, while the need for a referendum before a neighbourhood plan can be finalised (‘made’) will ensure that local people have a full say in the process. Neighbourhood plans would not be able to change the general extent of the Green Belt, which would remain a strategic matter.

## Question 10

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

- 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?
- 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?
- appropriate facilities for existing cemeteries should not to be regarded as ‘inappropriate development’ in the Green Belt?
- 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?
- 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?
- 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?

## Question 11

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

<sup>103</sup> Following the Court of Appeal judgment in *R (Timmins and Lymn Family Funeral Service) v. Gedling Borough Council and Westerleigh Group Limited* [2015 EWCA Civ 110].

## Strengthening neighbourhood planning and design

A.65 The White Paper sets out a range of measures to further support neighbourhood planning, and strengthen the ability of communities to influence the design of what gets built in their areas. Many of these involve changes to national planning policy, which we propose to amend so that:

- **local planning authorities are expected to provide neighbourhood planning groups with a housing requirement figure**, where this is needed to allow progress with neighbourhood planning. As part of the consultation on a new standard methodology for assessing housing requirements, we will seek views on whether a standard methodology could be developed for calculating housing need in a neighbourhood plan area.
- **local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations** following consultation with local communities. This will provide greater certainty for applicants about the sort of design which is likely to be acceptable – using visual tools such as design codes that respond to local character and provide a clear basis for making decisions on development proposals;
- policy **strengthens the importance of early pre-application discussions** between applicants, authorities and the local community about design and the types of homes to be provided – which can be crucial in setting expectations and reconciling local and commercial interests;
- it makes clear that **design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans**; and
- policy **recognises the value of using a widely accepted design standard**, such as Building for Life,<sup>104</sup> and makes clear that this should be reflected in plans and given weight in the planning process.

### Question 12

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

- indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?;
- make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?;
- emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?;
- makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?; and
- recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?

<sup>104</sup> Birkbeck D and Kruczkowski S (2015) *Building for Life 12: The sign of a good place to live*. Available at: [www.designcouncil.org.uk/resources/guide/building-life-12-third-edition](http://www.designcouncil.org.uk/resources/guide/building-life-12-third-edition).

## Case study: Trumpington Meadows



Image © Barratt Developments Plc

The new Trumpington Meadows development is less than three miles from Cambridge city centre. The 350 acre site includes 50 acres for housing and 145 acres of country park, and shows how well-designed homes can be delivered in ways that make effective use of land within a clear design framework.

The site will provide 1,200 new homes offering a mix of densities and housing types to cater for different needs. The lower density “village quarter” (30-45 dwellings per hectare) will provide larger, 3-4 bedroom homes, with some smaller homes for first-time buyers. The “urban, riverside and gateway quarters” (45-70 dwellings per hectare) offer higher density living with the highest densities located in the Local Centre. Housing mix is also encouraged with 40% affordable housing provided by a local housing association.

A Design Code Working Group was set up to design a mandatory design code for the development in consultation with the local councils, developer, housing association and other key stakeholders. The code ensures that the development will be of the highest quality; sustainable and locally distinctive with an attractive, easily navigable public realm and network of green spaces. In 2014, the development won the Evening Standard’s ‘Best Large Development’ Award.

## Using land more efficiently for development

A.66 Not all development makes good use of land, especially in areas where demand is high and available land is limited. London, for example, is a relatively low-density city, especially in its suburbs.

A.67 Local planning authorities decide what sort of density is appropriate for their areas. A locally led approach is important to ensure that development reflects the character and opportunities presented by each area. At the same time, authorities and

applicants need to be ambitious about what sites can offer, especially in areas where demand is high and land is scarce, and where there are opportunities to make effective use of brownfield land given the strong economic and environmental benefits.

A.68 To help ensure that effective use is made of land, and building on its previous consultations,<sup>105</sup> **the Government proposes to amend the National Planning Policy Framework to make it clear that plans and individual development proposals should:**

<sup>105</sup> *National Planning Policy: Consultation on proposed changes*. Available at: [www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes](http://www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes); DCLG (2016); *Consultation on upward extensions in London*. Available at: [www.gov.uk/government/consultations/upward-extensions-in-london](http://www.gov.uk/government/consultations/upward-extensions-in-london);



- **make efficient use of land and avoid building homes at low densities** where there is a shortage of land for meeting identified housing needs;
- **address the particular scope for higher-density housing in urban locations** that are well served by public transport (such as around many railway stations); that provide opportunities to replace low-density uses (such as retail warehouses, lock-ups and car parks) in areas of high housing demand; or which offer scope to extend buildings upwards in urban areas by making good use of the 'airspace' above them ;
- **ensure that the density and form of development reflect the character, accessibility and infrastructure capacity of an area**, and the nature of local housing needs (which may, for example, mean terraced houses, mews and mansion blocks rather than high rise buildings); and
- **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.

A.69 Alongside this, **the Government intends to amend national planning guidance to highlight planning approaches that can be used to help support higher densities**, and to set out ways in which daylight considerations can be addressed in a pragmatic way that does not inhibit dense, high-quality development.

A.70 National policy has at times promoted minimum density standards that development proposals should take into account. While optimal densities need to reflect the nature of each site, the Government considers that indicative standards for particular types of location could be helpful in driving the right level of ambition in areas of high demand, and where it is reasonable to expect densities to be relatively high (such as in and around town centres and other locations that are well served by public transport). **We welcome views on what standards would be appropriate, and the locations to which they would apply.**

### 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?

### Question 14

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

A.71 We also want to do more to support hospitals, schools and other public sector landowners to deliver more homes for their employees within new and existing sites. This could include infill development, building on top of existing buildings or making better use of land within existing boundaries, whilst maintaining protections for green spaces and school playing fields. **We would welcome views on how the planning system can best support such development**, including through strengthening planning policy to help provide greater certainty when applications come forward, or through a new permitted development right.

A.74 Therefore **we will review the Nationally Described Space Standard and how it is used in planning**, to support greater local housing choice, while ensuring we avoid a race to the bottom in the size of homes on offer.

### 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)?

A.72 The previous government's Housing Standards Review introduced the Nationally Described Space Standard for new homes as a way of rationalising and standardising space standards, in order to simplify compliance for developers.

A.73 The use of minimum space standards for new development is seen as an important tool in delivering quality family homes. However the Government is concerned that a one size fits all approach may not reflect the needs and aspirations of a wider range of households, and could be hindering innovative approaches to meeting demand, especially in areas of high demand where available land is limited. We want to make sure the standards are up to date so they do not rule out property sizes and types which more people now want to rent or buy, building on the high quality compact living model of developers such as Pocket Homes.<sup>106</sup>

<sup>106</sup> <https://www.pocketliving.com/>



## Proposals from Chapter Two

### Providing greater certainty

A.75 At present, an authority which cannot demonstrate a five-year supply of land against the housing target in its plan is vulnerable to the plan being undermined. This means the local authority can lose a significant degree of control over where new housing is built, because in these circumstances their plan is deemed to be out of date and the presumption in favour of sustainable development applies.

A.76 This policy has been effective but it is also a blunt tool and has had some negative effects on local planning, including:

- increased rates of appeal, particularly in areas with a marginal five-year land supply, which creates uncertainty for applicants and communities alike;
- increased cost and time, as local planning authorities and developers argue over whether a five-year land supply is in place; and
- neighbourhood plans being undermined, by leaving them vulnerable to speculative applications where the local planning authority does not have a five-year housing land supply.

A.77 The Government wants to create more certainty about whether an adequate land supply exists. The Local Plans Expert Group<sup>107</sup> recommended that whether a five year housing land supply exists or not should be capable of agreement on an annual basis, through discussion between authorities and development interests in each area, and subject to consultation and examination.

A.78 Having considered the responses to that proposal, **the Government will amend the National Planning Policy Framework to give local authorities the opportunity to have their housing land supply agreed on an annual basis, and fixed for a one-year period.** To take advantage of this, the policy will make clear that the authority's assessment of its housing land supply should be prepared in consultation with developers as well as other interests who will have an impact on the delivery of sites (such as infrastructure providers). To ensure that these areas continue to bring forward enough land, the Government also proposes that **authorities**

**who wish to take advantage of this policy will need to provide for a 10% buffer on their 5 year land supply.**

A.79 In addition, to ensure the approach is clearer and more transparent, guidance will set out more detail on how 5 year land supply should be calculated, including making appropriate allowance for the fact that smaller sites tend to be built out more quickly than larger ones. We also propose that guidance would make clear that local planning authorities would need to publish their assessment in draft, which would then need to be considered and agreed by the Planning Inspectorate.

A.80 We are interested in views on whether the Inspectorate's consideration of the draft should be confined to whether the approach pursued by the authority in establishing the land supply position is robust, or whether the Inspectorate should also make an assessment of the supply figure itself. If, following this process, a five year housing land supply has been established, national policy would make clear that relevant plan policies for the supply of housing should not be deemed out of date due to a lack of five year land supply for the ensuing year.

### Question 16

Do you agree that:

- a) where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?;
- b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?
- 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?

<sup>107</sup> Local Plans Expert Group (2016) *Local Plans: Report to the Communities Secretary and to the Minister of Housing and Planning*. <http://lpeg.org/>

A.81 For those local authorities that choose not to follow this process or do not have a five-year housing land supply, we propose to maintain the current approach in the National Planning Policy Framework to ensure that sufficient housing land continues to come forward in these areas.

A.82 We also wish to provide more certainty for those neighbourhoods that have produced plans but are at risk of speculative development because the local planning authority has failed to maintain a five year land supply. Through a Written Ministerial Statement of 12 December 2016, we made clear that where communities plan for housing through a neighbourhood plan, those plans should not be deemed out-of-date unless there is a significant lack of land supply for housing in the wider local authority area.

A.83 Specifically national policy now states that relevant policies for the supply of housing in a neighbourhood plan that is part of the development plan should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework where the following circumstances arise at the time a planning decision is made:

- the written ministerial statement making the policy change on 12 December 2016 is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

A.84 This important protection will be taken forward in the revised NPPF for those communities who are planning for the housing their communities need, but find the housing supply policies are deemed to be out-of-date through no fault of their own. In doing so, and subject to this consultation, we are proposing that the policy is amended so that to qualify for this protection:

- neighbourhoods should be able to demonstrate that their site allocations and housing supply policies will meet their share of local housing need; and

- the local planning authority should be 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 (to ensure that delivery rates across the area as a whole are at a satisfactory level).

A.85 We are also seeking views on whether it should remain a requirement to have site allocations in the plan or whether the protection should apply as long as housing supply policies will meet their share of local housing need.

### Question 17

In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

- a requirement for the neighbourhood plan to meet its share of local housing need?;
- 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?
- 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?

## Deterring unnecessary appeals

A.86 An applicant's right to appeal to the Planning Inspectorate if they are unhappy with the decision of their local planning authority is a fundamental part of our planning system. However, unnecessary appeals can be a source of delay and waste taxpayers' money. We will consult on introducing a fee for making a planning appeal. To inform a further consultation, we are interested in views on this approach and in particular whether it is possible to design a fee in such a way that it does not discourage developers, particularly SMEs, from bringing forward legitimate appeals. One option would be for the fee to be capped, for example at a maximum of £2000 for the most expensive route (full inquiry). All fees could be refunded in certain circumstances, such as when an appeal is successful, and there could be lower fees for less complex cases.

### Question 18

What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:

- a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;
- b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and
- c) whether there could be lower fees for less complex cases.

the Digital Economy Bill, will make the roll-out of communications infrastructure substantially easier and cheaper for industry. New building regulations which came into force on 1 January 2017 will guarantee that all new buildings and renovations will include in-building physical infrastructure to support connections to superfast broadband.

A.88 Additionally, the Government has brokered an agreement between Openreach and the Home Builders Federation to offer access to full fibre broadband for all new developments, for free for developments over 30 premises registered from November 2016, or as part of a co-funded initiative.

A.89 To support improved broadband and mobile connectivity **we are consulting on requiring local authorities to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers.**

A.90 We will also be engaging across Government to consider improvements to the street works regime to encourage broadband rollout.

### 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?

## Ensuring infrastructure is provided in the right place at the right time

### Digital infrastructure

A.87 The Government has put in place significant planning reforms for digital infrastructure and will consider the need for further reforms to help industry deliver 5G and support improved indoor coverage. New permitted development rights and the reform of the Electronic Communications Code, through

### Investing in our national infrastructure

A.91 The National Infrastructure Commission, which will enable long term strategic decision making to build effective and efficient infrastructure for the UK, was established on a permanent basis as an executive agency of HM Treasury in January 2017. Recommendations of the National Infrastructure Commission will be given careful consideration by the Government and, where endorsed, will be a statement of Government policy. Where recommendations have wider implications for the planning regimes, the Government will highlight any further steps needed to take forward the recommendation into planning policy.

A.92 The Government therefore proposes to **revise the National Planning Policy Framework to make clear the status of endorsed recommendations of the National Infrastructure Commission**.

A.93 It is essential that when the Government does invest in new infrastructure, local planning authorities make the most of the opportunities for new housing it unlocks. Consequently we propose to amend national policy so that local planning authorities are expected to identify the additional development opportunities that such investment offers at the time funding is committed, and make it clear that when they review their plans they should seek to maximise the potential capacity unlocked by major new infrastructure.

### Question 20

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

- the status of endorsed recommendations of the National Infrastructure Commission is made clear?; and
- authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?

## Holding developers and local authorities to account

### Greater transparency through the planning and build out phases

A.94 The Government collects and publishes data on a quarterly basis from local planning authorities on numbers of planning applications received, numbers decided, the time taken to make decisions and the number of those that were granted. These are designated National Statistics.

A.95 We also obtain data from Barbour ABI<sup>108</sup> (previously provided by Glenigan) on the number of homes granted residential planning permissions, and have data on the stock of planning permissions in the pipeline.

A.96 As of July 2016 there were 684,000 homes with detailed planning permission granted on sites which had not yet been completed. Of these, building has started on 349,000 homes. Of the remaining 335,000 homes with permission, we understand that 90% of these are progressing towards a start and 18,000 (5%) units are on sites that are 'on hold or shelved'; the remaining 15,000 units are on sites that have been sold or for which there is no information available. This includes only those units that have been granted detailed planning permission, or approval of reserved matters, on sites with ten or more homes.

A.97 **We propose to go further to improve the quality and analysis of information on housing delivery** in three important ways:

- **Better information on delivery:** the new Delivery Test detailed in this White Paper will provide a much clearer and up to date assessment of the delivery of new housing, on a consistent basis, at local authority level.
- **Better information on build out rates by builders:** in May 2016, the Home Builders Federation set out their commitment<sup>109</sup> to increase transparency about build out rates on a site by site basis. In line with this commitment we propose to take a number of steps to increase the quantity, quality and consistency of information about build out (**Box 3**).
- **Better information on the development pipeline:** armed with the additional information available from these changes, we will publish data on the scale of provision at each key stage in the development process from the submission of an outline or full application to the point where development is completed. This will allow us to pinpoint where blockages lie, informing future policy decisions.

<sup>108</sup> Barbour ABI is a private provider of planning application data, having taken over as contractor following an open competition.

<sup>109</sup> [http://www.hbf.co.uk/fileadmin/documents/Policy/Publications/HBF\\_1\\_Million\\_homes\\_by\\_2020.pdf](http://www.hbf.co.uk/fileadmin/documents/Policy/Publications/HBF_1_Million_homes_by_2020.pdf)

### Box 3: Increasing the quantity, quality and consistency of information about build out

To provide greater clarity and emphasis on the importance of building out housing, **the Government proposes to amend the national planning application form** to include a section asking the applicant to provide information about their estimated 'start date' (month/year when a substantive start would take place) and 'build out rate' (the number of homes built per financial year) for all proposals for or including housing development.

It is recognised that at the application stage, estimates about delivery timeframes will be just that. Applicants may not be able to say with certainty when a development will commence or how long it will take to complete. This is particularly the case where a site is to be developed by another party, or is especially complex.

To improve the quality of information available, **we propose to put in place a duty on developers 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.** Many authorities will already be collecting this information, but to ensure best practice across the country and make build-out more transparent we intend to look at how this can be gathered in a consistent way. To complement this **we propose to set out new requirements for the Authority Monitoring Report (AMR) produced by local planning authorities**, so they provide a full, standardised and more easily understood assessment of their progress in delivering their housing plan for local people.

In line with existing Government policy, this information will be published in an open data format. Local authorities will be able to consider this information when planning to meet their housing need.

Subject to further consultation, we are also proposing to require large housebuilders to publish aggregate information on build out rates.

### Question 21

Do you agree that:

- a) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?
- 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?
- c) the basic information (above) should be published as part of Authority Monitoring Reports?
- d) that large housebuilders should be required to provide aggregate information on build out rates?

A.98 These measures will allow local authorities, local communities and others to monitor the delivery records of individual builders and could provide an important input to the monitoring of housing delivery in a local authority area.

### Sharpening local authority tools to speed up the building of homes

A.99 To provide stronger scrutiny of the likely delivery of sites, the Government proposes to **amend the National Planning Policy Framework to encourage local authorities to consider how realistic it is that a site will be developed, when deciding whether to grant planning permission for housing, on sites where there is evidence of non-implementation of earlier permissions for housing development.**

A.100 We want to ensure that homes with planning permission are built as soon as possible and discourage proposals where there is no intention to build, or there are insurmountable barriers to doing so.

A.101 In some cases planning permission has previously been granted for housing (whether outline or full permission) and that permission has not been implemented. Where there has been no relevant



change in the development plan or any other material considerations (such as national planning policy) in the intervening period, an application for a broadly similar proposal would ordinarily be determined in a like manner. By changing national policy, we want to encourage consideration of whether there is a realistic prospect of the site being developed before a further permission is granted. Factors which could be taken into consideration include whether the planning background of a site provides clear reasons or evidence for why earlier permissions have not been implemented.

### 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?

A.102 We are interested in 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. If this proposal were taken forward, we would intend for it to be only used in considering applications for large scale sites, where the applicant is a major developer, as we don't want to deter new entrants but would like to explore whether an applicant's track record of strong or poor delivery may potentially be relevant.

### 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.

### 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?

A.103 Planning permission is already granted or deemed to have been granted subject to a condition that the development must commence within a certain period. The default period is three years after permission has been granted, but the local planning authority has the ability to impose such other period as it considers appropriate.

A.104 Where planning permission is granted, we want development to start as soon as possible. Our proposals to tackle points of delay and provide more support should allow developers and local authorities to be more ambitious on start dates. We are considering the implications of amending national planning policy to encourage local authorities to shorten the timescales for developers to implement a permission for housing development from the default period of 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.

### 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.

## Improving the completion notice process

A.105 The Government wants to ensure that local planning authorities have more effective tools to deal with circumstances where planning permission has been commenced, but no substantive progress has been made to build homes.

A.106 Completion notices could be used to galvanise the building of homes where there appears to be no prospect of completion within a reasonable timeframe, and where other options to encourage completion have been exhausted. If developers fail to complete the homes within the specified period, planning permission will cease to have effect, except in relation to development which has already been carried out. However, completion notices are rarely used at present

because the process is lengthy, slow and complex. We have identified two potential changes to simplify and speed up the process for serving completion notices.

**A.107 The Government proposes to amend legislation to remove the requirement for the Secretary of State to confirm a completion notice before it can take effect.** Local authorities know their circumstances best, and removing central government involvement will help shorten the process, and give authorities greater control and certainty. The opportunity for a hearing will be retained where there are objections.

**A.108 We also intend to amend legislation, subject to consultation, to allow a local authority to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun.** This change could dissuade developers from making a token start on site purely to keep the permission alive. However, it is important that this would not impact on the willingness of lenders to invest.

### Question 26

Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?

### Question 27

What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?

## The housing delivery test

**A.109 Strong local leadership is vital if the homes that local areas have planned for are to be built.** Having taken into account representations received on its consultation on the principle of a housing delivery test<sup>110</sup> **the Government will introduce a new housing delivery test through changes to the National Planning Policy Framework and associated guidance.** This will highlight whether the number of homes being built is below target, provide a mechanism for establishing the reasons why, and where necessary trigger policy responses that will ensure that further land comes forward.

**A.110** To transition to a housing delivery test we propose to use an area's local plan (or, where relevant, the figure in the London Plan or a statutory Spatial Development Strategy) where it is up-to-date (less than 5 years old) to establish the appropriate baseline for assessing delivery. If there is no up-to-date plan we propose using published household projections for the years leading up to, and including, April 2017 – March 2018 and from the financial year April 2018 – March 2019, subject to consultation, the new standard methodology for assessing household need.

**A.111 We are proposing to measure housing delivery using net annual housing additions** (which are the national statistic used for monitoring housing delivery). These are published in November covering the previous financial year (April – March). The Government proposes to offer authorities the opportunity to inform the Department of changes in their returns and will publish a revised edition of the net additions statistics where necessary. The Government will also provide more guidance to authorities in completing their returns.

**A.112** We also propose that **the rate of housing delivery in each area would be assessed as the average over a three-year rolling period** (to even-out peaks and troughs in build rates from one year to the next), and that the first assessment period will be for financial years April 2014 – March 2015 to April 2016 – March 2017. We propose to publish these figures annually alongside the net additions statistics in November.

<sup>110</sup> DCLG (2015) *National Planning Policy: Consultation on proposed changes*. Available at: [www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes](http://www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes)



### Question 28

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

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

A.113 Where under-delivery is identified as a result of this monitoring, **the Government proposes a tiered approach to addressing the situation that would be set out in national policy and guidance**, starting with an analysis of the causes so that appropriate action can be taken:

- From November 2017, if delivery of housing falls below 95% of the authority's annual housing requirement, we propose that the local authority should publish an action plan, setting out its understanding of the key reasons for the situation and the actions that it and other parties need to take to get home-building back on track.
- From November 2017, if delivery of housing falls below 85% of the housing requirement, authorities would in addition be expected to plan for a 20% buffer on their five-year land supply, if they have not already done so.
- From November 2018, if delivery of housing falls below 25% of the housing requirement, the presumption in favour of sustainable development in the National Planning Policy Framework would apply automatically (by virtue of relevant planning policies being deemed out of date), which places

additional emphasis on the need for planning permission to be granted unless there are strong reasons not to.

- From November 2019, if delivery falls below 45% the presumption would apply.
- From November 2020, if delivery falls below 65% the presumption would apply.

A.114 The phased introduction of the housing delivery test consequences will give authorities time to address under delivery in their areas, taking account of issues identified in their action plans and using the 20% buffer to bring forward more land.

A.115 It is imperative that local authorities start to address under delivery in their area through their action plans to ensure they are meeting their delivery requirements. To inform the local authority's approach, in summer 2017 for illustrative purposes we intend to publish delivery data against housing requirements set out in Local Plans or household projections covering the period 2013/14 – 2015/16.

### Question 29

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

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

**A.116 The Government will consider how it can support authorities experiencing significant under-delivery in addressing the challenges identified in their action plans**, both directly and through peer support. We will continue to work with the Local Government Association and Planning Advisory Service to develop programs tailored to specific service areas such as planning for housing. The Government is seeking views on what support would be helpful to local planning authorities in increasing housing delivery in their areas.

A.117 The Housing and Planning Act 2016 provides a tool for local authorities to request alterations to the planning system in their area to increase housing delivery.<sup>111</sup> If certain conditions are met, the Secretary of State may by regulations make a planning freedoms scheme, having effect for a specified period, in relation to a specified planning area in England. A 'planning freedoms scheme' is a scheme that disapplies or modifies specified planning provisions in order to facilitate an increase in the amount of housing in the planning area concerned. The Government encourages local authorities to consider what measures may support delivery of housing in their area and help address the issues identified in their action plans.

### Question 30

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

<sup>111</sup> Section 154: <http://www.legislation.gov.uk/ukpga/2016/22/section/154/enacted>

## Affordable Housing

A.118 The White Paper sets out our proposals to build more homes to tackle the housing shortage. This includes proposals to help households who are currently priced out of the housing market to buy or rent a home of their own. We are proposing two changes to planning policy to support this:

### Changing the definition of affordable housing

A.119 In December 2015 we consulted on changes to the National Planning Policy Framework. This included a proposal to broaden the definition of affordable housing, to include a range of low cost housing opportunities for those aspiring to own a home, including starter homes. In doing so this approach would seek to retain all types of housing that are currently considered affordable housing.

A.120 Following the consultation we intend to take forward proposals to expand the definition of affordable housing in planning policy, but propose to make two further changes:

- to **introduce a household income eligibility cap** of £80,000 (£90,000 for London) on starter homes. We wish to make sure that starter homes are available to those that genuinely need support to purchase a new home, and the cap proposed is in line with that used for shared ownership products; and
- to **introduce a definition of affordable private rented housing**, which is a particularly suitable form of affordable housing for Build to Rent Schemes. We are separately consulting on a range of measures to promote Build to Rent developments.

A.121 Subject to this consultation, **we intend to publish a revised definition of affordable housing** as part of our revised changes to the National Planning Policy Framework. A proposed revised change is set out in the box below.

A.122 The December 2015 consultation recognised that a change in the definition of affordable housing may require local planning authorities to develop new policies and carry out a partial review of their plan. We proposed a transition period of six to twelve months to allow local authorities to review their plan. In the light of the further proposed changes to the definition we are now proposing a transition period to align with the coming into force of other proposals set out in the White Paper (April 2018). We would welcome views on this approach.

### Question 31

Do you agree with our proposals to:

- amend national policy to revise the definition of affordable housing as set out in Box 4?;
- introduce an income cap for starter homes?;
- incorporate a definition of affordable private rent housing?;
- allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

### Increasing delivery of Affordable Home ownership products

A.123 The National Planning Policy Framework requires local planning authorities to plan proactively to meet as much of their housing needs in their area as possible, including market and affordable housing.

A.124 The White Paper confirms that the Government will not introduce a statutory requirement for starter homes at the present time. This is because of concerns expressed in response to our consultation last year, that this would not respond to local needs. Instead we want local authorities to deliver starter homes as part of a mixed package of affordable housing of all tenures that can respond to local needs and local markets. We believe that it is right to continue to provide more of the right type of new housing to allow young people to get on the housing ladder. We will therefore look for local planning authorities to work with developers to deliver a range of affordable housing products, which could allow tenants to become homeowners over a period of time. These include starter homes, shared ownership homes and discounted market sales products.

A.125 We want to achieve this by building on existing practice. At the moment local planning authorities already provide a detailed breakdown of affordable housing needs and set appropriate policies on the type and level of affordable housing provision as part of the preparation of their local plans. They then negotiate an appropriate level of affordable housing provision on a site by site basis, having regard to their plan policy, overall site viability and other local evidence.

#### Box 4: Proposed definition of affordable housing

**Affordable housing:** housing that is provided for sale or rent to those whose needs are not met by the market (this can include housing that provides a subsidised route to home ownership), and which meets the criteria for one of the models set out below.

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

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

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

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

**Discounted market sales housing** is housing that is sold at a discount of at least 20 per cent below local market value. Eligibility is determined with regard to local incomes and local house prices. It should include provisions to remain at a discount for future eligible households.

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

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

A.126 Following any proposed change to the definition of affordable housing, local planning authorities will have to consider the broadened definition of affordable housing in their evidence base for plan-making. However, to promote delivery of affordable homes to buy, **we propose to make it clear in national planning policy that local authorities should seek to ensure that a minimum of 10% of all homes on individual sites are affordable home ownership products.** We consider that this strikes an appropriate balance between providing affordable homes for rent and helping people into home ownership. It will form part of the agreed affordable housing contribution on each site. So, for example, on a proposed development of 100 units we would expect local planning authorities to seek a minimum of 10 affordable home ownership products.

A.127 We propose that this policy should apply to sites of 10 units or more (or 0.5+ hectares). This aligns with the planning definition of 'major development' for development management purposes.<sup>112</sup> A lower threshold would be contrary to existing national planning policy,<sup>113</sup> and could have an adverse impact on the form or viability of such developments. We also considered a higher threshold, for example 100 units, but setting it at such a high level may not deliver sufficient affordable homeownership products.

A.128 We have also considered whether this proposal should apply to all types of housing development. We recognise that there are a number of schemes for which such a policy may not be appropriate, either on viability grounds or because the nature of the proposal makes it difficult to provide affordable home ownership products. For example:

- Build to Rent schemes, which are purpose built for private and affordable rented accommodation. Through our consultation on proposals to develop the built to rent market we are proposing that developers can provide affordable private rent in place of other affordable housing products;
- Proposals for dedicated supported housing, such as residential care homes, which provide specialist accommodation for a particular group of people and which include an element of support;

- Custom Build schemes, where given the nature of custom build delivery models, any additional burden may impact on site viability; and
- Development on Rural Exception Sites where, given the particular characteristics of such schemes, we consider that it should remain a matter of local discretion for the local planning authority.

A.129 **We would welcome views on whether these or any other types of residential development should be exempt from this policy.**

### 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?

### Question 33

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

A.130 The final level of affordable housing for each site will vary and be determined on a case by case basis, having regard to plan policies. These are delivered through section 106 negotiations, and we recognise that local authorities and developers may agree a commuted sum in lieu of onsite provision where this is robustly justified. We are exploring reform of developer contributions and will make an announcement at Autumn Budget 2017.

A.131 We have carefully considered whether to propose introducing transitional arrangements for this policy. Since local authorities already provide a detailed breakdown on the different types of affordable housing they would like in their plans, and given our ambition to drive up affordable home ownership products, we do not consider that a transitional period is necessary.

<sup>112</sup> Town and Country Planning (Development Management Procedure Order) (England) 2015

<sup>113</sup> Written statement – HCWS50 (28 November 2014)



## Sustainable development and the environment

### Sustainable development

A.132 The National Planning Policy Framework makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development, which means that it must perform an economic, social and environmental role. The Government believes that these should remain fundamental principles that underpin the system. However experience since the Framework was introduced suggests a need to set out more clearly the Government's view of what sustainable development means for the planning system.

A.133 The courts have already made clear that in taking decisions under paragraph 14 of the Framework (the presumption in favour of sustainable development), national policy does not require an assessment of whether a proposal is sustainable development, before applying the presumption itself.

A.134 In addition the Government proposes to amend the National Planning Policy Framework 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 Framework, **together constitute its view of what sustainable development means for the planning system in England.**

### Meeting the challenge of climate change

A.135 The National Planning Policy Framework sets out how local planning authorities are expected to consider and address the range of impacts arising from climate change. They should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. The glossary to the Framework explains that for climate change adaptation, climatic factors also include rising temperatures. To make this clearer, **we propose to amend the list of climate change factors set out in the policy itself to include rising temperatures.**

A.136 Local planning authorities need to take a positive approach to addressing climate change impacts on their communities and infrastructure. The current policy is clear that new development should be planned to avoid increased vulnerability to climate change. The Government also wants to be quite clear that when producing plans, local planning authorities need to consider not just individual developments, but more broadly climate change impacts on the community as a whole. **We therefore propose to make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change.**

#### 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?

#### 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?

## Flood Risk

A.137 The National Planning Policy Framework sets out a strong policy to protect people and property from flooding and it is important that this policy is clear and robustly implemented. We propose to **make some amendments to clarify the application of the Exception Test** (paragraph 102 of the Framework) in local plan-making and planning decisions to make clear that:

- when preparing plans, local planning authorities should not allocate land for development if, having regard to the Strategic Flood Risk Assessment and other available information, it is clear that the Exception Test, where applicable, is not capable of being met; and
- the Exception Test, where applicable, still needs to be met for planning applications for development, other than for minor development and changes of use, on allocated sites that have been subject to the Sequential Test.

A.138 We also propose **to clarify that planning applications for minor developments and changes of use are expected to meet the requirements of paragraph 103** of the Framework, with the exception of the Sequential and Exception Tests.<sup>114</sup> This recognises that in areas susceptible to flooding even small alterations can affect flood risk within or beyond the site, and changes of use can result in occupation or use by parties which are more vulnerable than the previous occupants/users to harm from flooding. Furthermore, existing properties may not previously have been subject to proper flood risk assessment and appropriate mitigation measures, or the nature or severity of the flood risk may have changed over time, requiring more appropriate mitigation measures.

A.139 As part of the policy to protect people and property from flooding, the National Planning Policy Framework expects local planning authorities' plans to be supported by a Strategic Flood Risk Assessment, and to have policies to manage flood risk from all sources, taking account of advice from flood risk management bodies. We propose to clarify that **planning policies to manage flood risk should, where relevant, also address cumulative flood risks which could result from the combined impacts of a number of new but separate developments in (or affecting) areas identified as susceptible to flooding.**

### Question 36

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

## Noise and other impacts on new developments

A.140 The National Planning Policy Framework, supported by planning guidance, already incorporates elements of the 'agent of change' principle (this provides that the person or business responsible for the change should be responsible for managing the impact of that change) in relation to noise, by being clear that existing businesses wanting to grow should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

A.141 We propose to amend the Framework to emphasise that **planning policies and decisions should take account of existing businesses and other organisations**, such as churches, community pubs, music venues and sports clubs, when locating new development nearby and, **where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development.** This will help mitigate the risk of restrictions or possible closure of existing businesses and other organisations due to noise and other complaints from occupiers of new developments.

### 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?

<sup>114</sup> As currently set out in paragraph 104 of the Framework.



## Onshore wind energy

A.142 The Government's Written Ministerial Statement of 18 June 2015 sets out new planning considerations for onshore wind energy planning applications involving one or more wind turbines. To allow for the proper integration of the policy into the National Planning Policy Framework, **the Government proposes to amend the wording of paragraph 98 of the Framework** to:

- clarify which parts of existing policy relate specifically to onshore wind energy development and which to all forms of renewable and low carbon energy development;
- remove the need for wind energy development applications outside of suitable areas identified in plans to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and
- be clear that proposed wind energy development involving one or more wind turbines should 'not be considered acceptable' rather than 'should only grant planning permission' to reflect the language of the existing planning policy.

A.143 Following practical experience in implementing the revised policy, the Government will issue further guidance to clarify what is meant by the phrase "following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing".

A.144 The Government does not see a need for a transitional provision as the policy remains unchanged. Nor does it propose to include the original transitional provision given the time that has elapsed since the Written Ministerial Statement was issued.

### Question 38

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

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