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Dear Sir/Madam

Consultation on Housing White Paper

On behalf of the Board of the Thames Gateway Kent Partnership, I am pleased to enclose the Partnership's response to the Government's Housing White Paper consultation.

As our response observes, the White Paper and the issues for consultation revolve around amendments to the National Planning Policy Framework (NPPF). Important as this is as a key driver for the delivery of well-planned, sustainable development and growth, fixing the broken housing market will not be achieved simply through changes to planning policy and processes. There are other areas where we suggest Government should be looking to address some of the structural issues that affect the functioning of the housing market in Britain, including the land valuation system, (ab)use of housing as purely an investment vehicle and taxation and other costs that burden property transactions.

More generally, it is also vital that the housing market and housing policy should be considered in a holistic manner including the economic context. We all agree on the need for more housing; but we also need employment and commercial activity to support economic growth, and well-planned enhancements to infrastructure and amenities of all kinds to ensure that development is sustainable and builds communities and places rather than simply housing estates. Many of the proposals in the White Paper are sensible, but we remain concerned that narrow focus on housing delivery will undermine the prospects for delivering regeneration and sustainable development, not least by squeezing employment and commercial land uses in order to deliver additional homes.

I hope the Department will consider our observations seriously and constructively. If there are matters where discussion might be helpful, or modified proposals that the Department would like to test or pilot in collaboration with local areas, we would be pleased to explore these further with you.

Kind regards

A handwritten signature in black ink, appearing to read 'MN' or similar initials, written in a cursive style.

Matthew Norwell
Chief Executive

HOUSING WHITE PAPER CONSULTATION RESPONSE

The Thames Gateway Kent Partnership (TGKP) welcomes this opportunity to comment on the Government's Housing White Paper. TGKP is a public-private partnership promoting sustainable economic-led regeneration and growth in North Kent. Delivery of high levels of new housing and employment lies at the core of our ambitions. An effective planning system, and the National Planning Policy Framework (NPPF) as part of that, is crucial to support and enable sustainable growth.

The Government's consultation focuses almost entirely on proposed changes to the NPPF and to that extent it might be more accurate to call this a Planning White Paper. Many of the proposals are sensible and timely and appropriate adjustments to the framework. However, we suggest that far too much emphasis is placed on the operation of the planning system and far too little on some of the fundamental issues that contribute towards our 'broken housing market' and where national policy solutions should be explored. Issues which we suggest merit serious consideration include:

- **The flawed system of land valuation and pricing.** Until the price that developers pay for land fully reflects the expectations that accompany development – including site preparation and remediation, contributions towards infrastructure, amenities and mitigation of adverse impacts – and internalises the externalities associated with the use of the land, we will not see an equitable spread of risk and return nor a meaningful shift away from market inflation that burdens the customer and hampers viability. Land owners who extract too much profit from sale of the land for development, and land-bankers who have either paid too much for the land or abuse their market position to ration supply, exert a disproportionate influence over the housing and development market and drive up prices beyond what ordinary people can afford, whilst bearing limited risk relative to the return on their investment (or inheritance). The time has surely come to create a framework whereby the hope value generated by allocation of land for development or granting of planning consent is moderated so as to deliver a fair deal all round – for land owners, developers and the customers ultimately paying for the final product. **We suggest that a radical review of land valuation, drawing on lessons from overseas, should be a priority for the new Government.**
- **Use of housing for investment rather than occupation.** There has been much comment about properties, particularly but not exclusively in London, being bought off-plan by investors as an asset class for capital gain. For such investors, council tax and service charges are a small price to pay when set against the uplift in the value of their investment. Meanwhile, many such properties are kept empty and thus 'sterilised': there are no residents to contribute to the local community or bring spending power into the local economy. Other home-seekers (whether to rent or buy) are forced to look further afield and stoke the fires of house-price inflation and out-migration. **We suggest there should be stronger fiscal and other measures to disincentivise acquisition of housing purely as an investment vehicle, particularly by foreign nationals or companies for whom the property would not be their only or main dwelling.**
- **The economic context.** There are lots of homes in Britain in places where people do not want to live because of the state of the local economy. These include empty homes above shops in run-down town centres where economic activity is at a low ebb, but affect other urban and rural areas alike. Sustainable employment is key to people being able to sustain tenancies and mortgages. The policy thinking around the White Paper needs to be meshed coherently with policy thinking around stimulating the economy. Clearly the Industrial Strategy Green Paper covers some of this territory, although raising productivity does not necessarily translate into increased sustainable employment. **We suggest that measures to address the dysfunctionality of the housing market need to be more explicitly positioned in a broader economic context and reflect a holistic, cross-Government policy response.**
- **Transaction costs.** The housing market is used to generate significant indirect taxes, notably Stamp Duty Land Tax on house purchases. Home purchase also involves other significant transaction costs which, whilst they provide a revenue stream for a range of intermediaries including estate agents,

property surveyors, mortgage companies and conveyancers, who in turn pay taxes to Government, also act as a constraint on housing mobility. This is manifested in a number of ways including people under-occupying family housing long after their children have left home, or people living in over-crowded conditions because they cannot afford a bigger property and the increased transaction costs associated with buying it. This militates against optimal utilisation of available housing and impedes workforce agility. Whilst there is a host of reasons why people may not wish to relocate (children's schooling, family, friendship and community networks among them), the hassle factor and cost associated with buying and selling – of which SDLT is a significant component other than for the lowest cost homes – is an impediment to economic mobility. **We suggest the Government should explore ways of simplifying and reducing the cost of home buying and selling and review the reliance on SDLT as a major source of Government revenue.**

There are proposals in the White Paper which the Government has stated are not open for consultation. However, there are some issues on which we would urge the Government to reconsider its approach. These include:

- The role of the **Homes and Communities Agency**. The announced separation of regulatory and development functions seems the right course to take. But we are concerned that the rebranding of the HCA as Homes England betrays a narrowing of its focus onto housing delivery rather than more holistic place-making and regeneration, including employment and economic regeneration. For an arms-length body, the HCA seems driven too much by short-term Departmental imperatives and initiatives rather than commissioned and resourced to promote and enable the development of sustainable communities. **We would like to see the re-branding of the HCA accompanied by a renewed focus on holistic approaches that support growth not just in high-quality homes but also in jobs and communities.**
- We are pleased to note that the Government has toned down the proposals on which it consulted last year about using **employment sites** for starter homes. Nonetheless we would stress again that the long-term nature of regeneration programmes and re-shaping communities means that even five years is a relatively short period over which to determine the fate of former employment sites. Given the difficulty many authorities have to hold on to employment land allocations in the face of pressures for housing development, and the need for new jobs to complement new homes, **we would like to see national policy giving more flexibility to local planning authorities to determine the best course of action for any particular site.**
- We do not support the Government's proposal that the **right to buy discounts** for housing association tenants should be funded by the sale of higher value local authority properties. Nothing in the *Government's response to the Communities and Local Government Committee's report into housing associations and the Right to Buy* (CM9416) seems to provide justification for this policy proposition. We concur with the Select Committee's view that a public policy commitment should be funded by central Government, rather than through a levy on local authorities: this was also the view of the National Housing Federation when it offered its voluntary agreement to the right to buy proposals. Unless the regional trial underway secures at least one-for-one replacement of housing association properties sold under the right to buy and of local authority homes that have had to be sold to fund the discount, **we urge the Government to review the financing and delivery mechanisms and itself to fund any discounts directly.**
- On a related point, paragraph 3.26 of the White Paper reiterates the Government's view that housing associations belong in the private sector. Without getting drawn into that debate, if that is the Government's view then it seems all the more anomalous that Government should propose to use sale of publicly-owned assets to fund discounts to the tenants of private sector organisations.

Given the focus of the consultation paper on planning policies and development control procedures, this response focuses on a selection of questions and issues that have more generic significance at a sub-regional level. Silence on the remainder indicates neither agreement nor disagreement but rather that these are more appropriately matters for individual local planning authorities in North Kent to comment upon in their own detailed responses to the White Paper.

Question 1

Do you agree with the proposals to:

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

Paragraph 156 of the NPPF already provides that local plans should set out the strategic priorities for the area including to deliver the homes and jobs needed in the area. The additional requirement proposed seems unnecessary and risks subjugating other strategic priorities, particularly planning for employment and commercial activity. As other comments below emphasise, the drive to allocate land for housing should not override other land uses that are needed to ensure sustainable development.

There appears to be an assumption that housing allocations would be the main focus and driver for review of plans. This is a fair assumption in many cases but it should not obscure the importance of economic factors, including employment, as critical drivers for change.

We support the suggestion at (c) to streamline the evidence required to support a 'sound' plan.

We note that the Neighbourhood Planning Act 2017 gives effect to the proposal (A.13) to empower the Secretary of State to direct a group of authorities to work together to produce a joint development plan document. This could be highly contentious and we suggest the power should be used very sparingly.

Question 3

Do you agree with the proposals to:

- a) 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?
- b) 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?

We support in principle the proposal to introduce a standardised methodology for estimating Objectively Assessed Need: this would reduce the scope for dispute, and thus delay, in establishing plan requirements. But it will be crucial that the methodology, and the data (such as population projections) that it incorporates genuinely enables local and regional variations to be taken into account. For instance, local authorities in the 'wider south east' impacted by the London Plan are confronted by a different set of issues and drivers affecting the calculation of need than a predominantly rural authority elsewhere. There should be demonstrable and overwhelming support for the proposed methodology consulted upon before it is introduced.

In the same way, the proposed changes to the duty to cooperate, including the requirement for a 'Statement of Common Ground', raise significant issues for authorities in the Wider South East area neighbouring London. How the London Mayor intends, in the revised London Plan, to address London's housing and employment land needs, and the implications of development being pushed beyond the GLA boundary, go far beyond what the 'conventional' duty to cooperate process would manage effectively. Voluntary steps have already been taken by the GLA, South East England Councils and East of England Local Government Association to explore these issues but it would help if the national policy framework recognised the

complexities faced by authorities and supported a Wider South East process and solution.

Question 4

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

- a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;
- b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;
- c) 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?;
- d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

When responding to proposed changes to the NPPF in February 2016, we expressed concern about proposals for strengthening policy on development brownfield land for housing. As we stated then, TGKP is strongly in favour of brownfield land being brought back into productive use: this is fundamental to regeneration schemes. What the most appropriate use is will vary according to the circumstances of the case. The emphasis in this White Paper on maximising the use of “suitable land”, and particularly brownfield land, for housing (e.g. paragraphs 1.24-1.25) could have the consequence of squeezing the supply of land for employment uses, thus constraining economic growth. Many areas, and the Thames Gateway is one of them, are experiencing a shortage of sites on which it is viable to bring forward good quality commercial premises. The viability issue is in part a consequence of competition for land for residential development.

Our response to the Government’s Industrial Strategy Green Paper reiterates the importance of strategic recognition of, and positive policies for, good quality commercial land and premises to support business growth and inward investment. We suggest that any amendments to the NPPF should clarify that a “clear strategy for maximising the use of suitable land” should recognise the importance of land for social and, in particular, economic uses including for good quality commercial development. And where sites including brownfield land could be suitable for a range of uses, there should be no automatic presumption in favour of housing development: the appropriate use allocation should be a matter for local determination according to local priorities and circumstances.

For the same reasons as set out in our response to the February 2016 consultation, we do not support the “permission in principle” proposals associated with registers of brownfield land (covered by the Housing & Planning Minister’s separate announcement on 3 April 2017). The proposal for granting permission in principle for new homes on sites appearing on brownfield land registers carries considerable risk of unsuitable and poor quality development by-passing normal planning evaluation and undermining objectives relating to high quality design and sustainability. We urge the Government to reconsider so that any legislative proposals do not become a back-door route for sub-standard schemes that would not pass usual planning tests.

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)?

Land pooling could undoubtedly assist in the assembly of viable sites. It would help for local authorities to have additional capacity and resources to bring forward masterplans or local development orders covering pooled land schemes; and that where such masterplans or LDOs are in place, any CPO proceedings should be fast-tracked without the requirement for Ministerial approval.

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?

We welcome the Government’s support for a place-based approach to deliver better social outcomes as part

of estate regeneration. We agree with the proposal that national policy should encourage the economic and social benefits of estate regeneration to be taken into account. Equally, it is important that economic and social ingredients form part of the mix in estate regeneration schemes. One of the reasons why many estates have fallen into decline is the conjunction of a housing monoculture (predominance of a particular form of tenure) and disconnection from economic activity. Regeneration schemes offer the opportunity to integrate provision for economic and commercial activity to complement housing development, community facilities and other amenities.

Question 8

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

- a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?;
- b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?;
- c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?;
- d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?;
- e) expect local planning authorities to work with developers to encourage the sub-division of large sites?; and
- f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?.

Sub-division of large sites might enable a more varied mix of proposals to come forward, including self-build and opportunities for smaller housebuilders. But setting an expectation in national policy that planning authorities will work with developers to encourage the sub-division of large sites could be of limited value unless this is complemented by appropriate tools or incentives. One potential tool might be an agreed framework or protocol for determining viability, so that sub-division of large sites is not prevented simply on account of developers' preferred business models and procurement processes (see also response to Q.28). It should be noted, though, that sub-division of sites might make it less likely that comprehensive and sustainable development schemes are brought forward and delivered in a timely fashion.

Local Development Orders for residential development are still a relatively 'young' concept and shared learning from examples to date is not yet widespread. There is more perhaps that Government could do to promulgate lessons and good practice without amendment to the NPPF. Area-wide design codes could also make a positive contribution. Whilst both tools involve up-front cost for the local planning authority, the expense of design code preparation can to some degree be offset by future planning application income, whereas where LDOs are in place there would be no future planning income to offset the costs. The cost-benefit equation will vary from case to case, but take-up of LDO preparation would be helped if there were access to a central funding pot to contribute towards the costs and mitigate the at-risk nature of the expenditure.

Question 10

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

- a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?
- b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?
- c) appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt?
- d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?
- e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?
- f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?

Much of North Kent is Green Belt land – part of London’s Metropolitan Green Belt. Whilst it performs a recognised local function in preventing urban sprawl, the fact remains that North Kent’s Green Belt – like other parts of the wider south east – is experiencing development pressure emanating from London. This impacts upon authorities’ ability to meet their own development pressures without encroaching upon the Green Belt. The pressure on the Green Belt is not therefore necessarily driven locally but by London’s growth.

This suggests two possible approaches: either there should be a strategic review of the Metropolitan Green Belt, taking account of both London’s and local areas’ development needs and pressures holistically; or the protection the Government wishes to accord the Green Belt should carry significant weight in the context of discussions between London and neighbouring authorities as to how London’s development pressures are to be accommodated. The expectation that London’s development and growth can be accommodated without reviewing London’s Green Belt is probably unrealistic.

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?

The proposal that 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 highlights the fact that much Green Belt land is of poor environmental quality and offers limited public access or other benefits. We suggest that Green Belt land which, whilst maintaining openness and preventing urban sprawl, offers little in the way of environmental quality or public accessibility should be accorded less priority in maintaining the protection than areas that also fulfil these criteria. Compensatory enhancement of access or environmental quality on other Green Belt sites would likely involve other land ownerships and could be hard to deliver in practice.

We also suggest, linked to our response to Q.13, that Green Belt protection should not be maintained at the expense of achieving good quality space standards in new homes in urban areas; nor should higher densities be pursued at the expense of good space standards that support a high quality of life for residents.

Question 12

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

- a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?;
- b) 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?;
- c) 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?;
- d) 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
- e) 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?

With reference to point (c), we endorse the importance and value of encouraging pre-application discussions and negotiations to reduce the adversarial manner in which the planning system is often used.

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?

The White Paper sends conflicting signals in relation to space standards and densities. As a matter of good design and offering a good quality of life to occupants, new homes should be built to generous space standards and not sacrificed in order to increase densities. Whatever that might achieve in the short term, in the long term it is unsustainable in terms of meeting households' changing needs. One of the publications cited in the White Paper (p.28: "Pink Planning", Centre for Policy Studies, p.3) highlights how *"...too few houses and flats are being built to meet soaring demand. If built at all they are often in the wrong – i.e. undesirable – location and new construction can be uninviting and cramped, not to mention expensive."* That reference draws attention to the fact that new homes in the Netherlands are 40% bigger and in Germany 38% larger than in Britain, despite UK household sizes being larger than those two examples. Rather than talking in terms of raising densities by reviewing – by implication, reducing – space standards, the Government should be espousing good space standards that enable households' changing needs to be accommodated without radical change to the fabric of the building (perhaps along the lines of the Lifetime Homes concept).

We recognise that different generations, lifestyles and expectations may call for innovative solutions, but care is needed to ensure that those solutions do not create their own monoculture that militates against mixed communities and choice.

In relation to (b), we would reiterate the comments made in response to previous consultations that locations well served by public transport should also be considered for employment uses, providing access to employment without recourse to car use. A suitable balance therefore needs to be struck between housing and other uses to achieve sustainable development outcomes.

Open space is a precious commodity, covering various functions that support active and healthy lifestyles. As the population of an area increases, there are additional demands on such space. Thus sacrificing open space for development could create more demand for open space from new residents at the same time as reducing the provision serving the existing population. We therefore would not agree with (d) if this were to dilute protection given to open space.

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)?

The White Paper, like the Industrial Strategy Green Paper, has insufficient regard to the need for employment/industrial land and other commercial uses to counter-balance land for housing, in order to provide for jobs and functions that support sustainable communities. The need to accommodate employment as well as residential uses should inform local decision-making about utilisation of sites, whether in the public or private sector.

More intensive use of existing public sector sites may be appropriate in some circumstances, for instance where space is inefficiently used. We support the principle of encouraging such opportunities to be explored but this should be a matter for local determination on a case-by-case basis. LDOs and PDRs are fairly blunt instruments and we suggest there should be no generalised pressure to introduce them. However, the more tools available to unlock opportunities, the better for being able to select an approach suited to the circumstances of any particular case. And as noted in response to Q.9, access to central funding to mitigate the at-risk nature of LDO preparation might incentivise wider use.

We remain concerned about the Government's determination to press ahead with measures that may take potential employment sites out of the market, to be allocated/permitted for housing.

Paragraph 1.24 states *"We must make as much use as possible of previously-developed ('brownfield') land for homes – so that this resource is put to productive use, to support the regeneration of our cities, towns and*

villages, to support economic growth and to limit the pressure on the countryside". To support economic growth, previously-developed land should also be considered for employment and commercial purposes. We would therefore contend that the Government's proposals set the bar too high in saying (para 1.25) that "...the presumption should be that brownfield land is suitable for housing unless there are clear and specific reasons to the contrary...". Where brownfield sites are suitable for employment uses as well as for housing, and where local authorities are struggling to identify new employment land, or there is an identified demand for commercial premises that is not being met through the market, there should be no automatic presumption that such brownfield sites should be allocated for housing. It should be for the local planning authority to determine the most appropriate use according to local circumstances.

Investment in employment land and buildings is essential to deliver productivity improvements and business growth. A serious shortage of good-quality commercial premises across Thames Gateway Kent is exacerbated by Government pressure to allocate land, especially brownfield sites, for housing and the loss of other commercial premises through conversion to housing under permitted development rights. Housing on its own is not the answer: sustainable, thriving communities need housing, employment and other amenities. Quality of place is a critical driver for business as well as individual investment. We strongly urge the Government to adjust policies to reflect this balanced, sustainable approach to land supply.

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?

Future-proofed digital infrastructure is essential both for improving business productivity and competitiveness, and to meet households' diverse needs including access to services, leisure and home-working. We endorse the principle that local planning authorities should have positive policies to support digital infrastructure provision. However, the White Paper perhaps over-states the traction that local plan policies might have with broadband, mobile and other digital service providers. The experience of recent years has been that roll-out of broadband etc. is geared more to residential development and not sufficiently responsive to business needs. Introducing the proposed requirement in the NPPF needs to be complemented by action led by Government to ensure that delivery, regulatory and incentives frameworks secure digital infrastructure that meet the needs of businesses and communities now and in the future.

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?

There is potentially a democratic deficit regarding scrutiny and testing of recommendations from the National Infrastructure Commission. Operating as an Executive Agency of HM Treasury, and charged with providing "expert, independent advice" on infrastructure needs, the NIC seems to operate in an open and inclusive manner in collecting evidence to inform its advice. Where its advice and recommendations are endorsed by Government, however, there is no specific scrutiny or accountability enabling the implications to be explored and understood. Clarification of the status of endorsed recommendations could potentially mean that those recommendations became national policy without prior testing through public consultation. We suggest that endorsed recommendations should be subject to consultation before adoption to avoid risk of challenge or unintended adverse consequences.

The premise that local planning authorities should consider the additional development opportunities created by strategic infrastructure improvements is fair enough; but once again the assumption behind the question is that this should be for housing. Local planning authorities should be encouraged to consider the full range of sustainable development opportunities that strategic infrastructure investments might enable, including housing but crucially also including employment and economic activity. In this context, though, it is important to take into account the extent to which strategic infrastructure investments address historic

deficits rather than necessarily unlocking new opportunities.

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?

In broad terms we welcome these proposals to help translate the granting of planning permission into delivery on the ground. We suggest that information requested from large housebuilders should be disaggregated to local authority level. This is information that they will have and would enable the relative progress of delivery in different jurisdictions to be monitored. Aggregated information at an organisational level would have limited value and mask discrepancies between the experience and realities in different parts of the country.

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?

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?

The prospects for development of a site, and the reasons why previous developments did not progress, are influenced by a wide range of factors. Tools such as the Kent Viability Protocol¹ and open-book negotiations can help test the genuine prospects of development schemes being implemented. Past history should not tie the hands of today's decision-makers.

It is not clear that an applicant's track record with previous applications would necessarily be a valid planning consideration, nor what kind of information would form the basis of any judgment made. The combination of other measures proposed should deter frivolous applications, and enable authorities to ensure quality and pace are maintained. If the Government decides to take these proposals forward, we suggest there should be evidence that available tools to secure delivery have been used unsuccessfully before dismissing any application on the basis of the applicant's track record.

There is a risk that either or both these proposals could, if implemented, result in blight with sites gaining a negative reputation and impeding regeneration initiatives.

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

¹ <http://www.kenthousinggroup.org.uk/protocols/kent-viability-protocol/>

below 65%?

There are matters for local planning authorities; but on the face of it there does not seem much purpose served by an action plan of the type proposed in (a), given that this would probably encompass the majority of planning authorities. Altogether the proposals (b) to (e) comprise sticks in the absence of carrots that would assist local planning authorities to stimulate private sector delivery. Given the existing penalties on local planning authorities for under-delivery, we would not agree with these proposals.

Question 30

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

Understanding and modelling the development potential of sites and areas can be complicated and expensive and becomes an industry in itself. It would be helpful if Government could develop accessible and cost-effective modelling tools, particularly for non-metropolitan areas, that would reduce the time and expense involved in exploring areas' potential and translating that into plan proposals and allocations.

By far the biggest impediment to a great many development schemes is the inadequacy of infrastructure, including utilities, and the need to bring forward infrastructure both physically to enable development and to generate market confidence and community buy-in. We suggest that Government should look positively at forward funding mechanisms, including recyclable loan schemes (such as the Growing Places fund) and borrowing freedoms to enable timely delivery of infrastructure to unlock development.

Question 31

Do you agree with our proposals to:

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

We are not persuaded that starter homes and discounted market sales should be classified as affordable housing and do not therefore agree with the proposal in (a). The effect of this policy could see 'affordable housing' obligations being proposed that focus purely on home purchase models and fail to address the needs of lower income households for whom ownership is beyond their reach. There is a vast difference between households that might qualify for starter homes, with household incomes up to £80,000 – which would place them within the richest quartile of UK households – and those at or below average household income (currently £31,920). Whilst we welcome a menu of affordable housing options, and recognise the challenge that even relatively affluent households have in getting on the home ownership ladder, the solutions brought forward through developments and the way in which affordable housing obligations are met need to be genuinely matched to local needs and circumstances. Local planning authorities should be able to resist proposals where the 'affordable housing' component ignores the identified local housing needs of lower income households who cannot afford to buy.

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?

The effect of this policy could be to squeeze out other affordable housing products, in particular social or affordable rented homes. It could also lead to inequitable distribution of affordable housing products between development schemes, with some avoiding any products that would be accessible to lower income households. We do not therefore support the proposition that home ownership products should be treated as a component of affordable housing, but suggest that starter homes and discounted market sales should be sought in addition to products that genuinely serve the needs of lower income households.

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?

It is strange for the Government to ask consultees what its own view of the meaning of sustainable development is. The definition of sustainable development, reflecting the balance of economic, social and environmental interests and meeting the needs of the present generations without compromising the ability of future generations to meet their own needs, should be clearly and concisely stated. The core planning principles and 200+ paragraphs of policy that follow in the NPPF should satisfy the test of being measured against the definition. If policy statements do not satisfy that test then they do not contribute to an understanding of sustainable development and probably do not therefore belong in the NPPF. As it is, this consultation is proposing multiple changes to the text of the NPPF so it is premature to pose the question.

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?

We agree the importance of taking account of existing businesses when locating new development. There have been numerous cases, particularly in waterfront developments, where existing business uses that operate around the clock have had their activities constrained following complaints from the occupants of residential developments newly-created on adjacent sites. As a general principle, residential development should be kept away from sites where such conflicts are likely to arise, for instance where the nature of established business activities and the assets employed (e.g. wharves, docks) means that these could not reasonably be relocated elsewhere. In some situations, other lower-impact business and commercial development can act as a buffer between 'heavier' industries and residential developments. Where residential development is proposed near to commercial sites, we agree that policies should put the onus on the new development to incorporate any screening or mitigation measures necessary to enable peaceful coexistence.

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?

Paragraph A.142 of the White Paper, and the proposed amendments to paragraph 98 of the NPPF, are confusing and unclear. Leaving aside issues relating to renewable energy subsidies, we question the apparent negativity of Government policy towards onshore wind developments. Onshore wind remains one of the most cost-effective renewable energy technologies. Against a backdrop of uncertainty over the timetable and deliverability of several nationally significant energy infrastructure investments, and with scope for renewables to fit with more distributed and less centralised networks, we suggest that national policy should be supportive.

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The Thames Gateway Kent Partnership is a public-private partnership, established since 2001, promoting sustainable economic-led growth and regeneration in North Kent.

The top priorities in our *Plan for Growth 2014-20* are:

- Delivering growth in key locations
- Attracting and retaining investment
- Focusing on quality
- Supporting businesses – growth key industry sectors
- Supporting businesses – increasing innovation, enterprise and creativity
- Improving skills, qualifications and employability

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