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22 February 2016

Dear Sir/Madam

### **Consultation on proposed changes to national planning policy**

As Chairman of the Board of the Thames Gateway Kent Partnership, I am pleased to enclose the Partnership's response to the Government's proposals for changes to the National Planning Policy Framework.

The NPPF is, of course, a key driver for the delivery of well-planned, sustainable development and growth. The way it shapes plan-making and development control decisions will impact both the present and future generations. It is therefore vital that changes to the NPPF are well thought through and considered in an holistic manner.

As a Partnership we welcome the emphasis the Government is seeking to place on accelerating delivery of much-needed development, particularly new housing. 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 for change, individually and cumulatively, seem to risk undermining the plan-led system and to weigh against the prospects for delivering sustainable development. We are particularly concerned about the potential challenges the proposed changes could bring for regeneration programmes: these can take many years to deliver and care must be taken to avoid short-term decisions to address immediate pressures from thwarting the longer-term ambitions for an area.

Our response suggests a number of recommendations and points for further consideration which we hope the Department will examine 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. I understand, for instance, that the Department has already agreed

with Medway Council to pilot locally-led registers of brownfield sites suitable for development.

Kind regards

A handwritten signature in black ink, appearing to read 'Rob Bennett', with a long horizontal stroke at the end.

**Rob Bennett**

**Chairman, Thames Gateway Kent Partnership**

## TGKP Response to DCLG Consultation on proposed changes to national planning policy

### Introduction

The Thames Gateway Kent Partnership (TGKP) is a public-private partnership bringing together local authorities and representatives from business, further and higher education and Government agencies, to promote sustainable economic-led regeneration in North Kent. Delivery of high levels of new housing and employment lie 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.

We understand the Government's desire to accelerate housing delivery and this is something we are keen to make a reality in the Thames Gateway. However, many of the proposals in this consultation paper give this Partnership considerable cause for concern. In particular:

- Many of the suggested changes undermine the principles of the plan-led system and seem designed to allow development to bypass the planning system and to penalise planning authorities for developers' failure to deliver permitted schemes;
- The proposed approach towards allowing commercial and employment land to go for residential development could fundamentally undermine regeneration schemes, where attracting employment and commercial investment can take many years;
- The proposals on Starter Homes and definition of affordable housing complement measures in the Housing and Planning Bill currently before Parliament which, whilst designed to boost home purchase options particularly for first time buyers, will undoubtedly reduce the supply of housing for rent against a backdrop of unremitting demand and rising homelessness presentations;
- The raft of policies aimed at increasing the supply of Starter Homes for purchase carry a significant cumulative risk of infrastructure deficit.

Our responses to the consultation questions are set out in more detail below, and recommendations for modifications or points for consideration are highlighted in ***bold italics***.

### a) AFFORDABLE HOUSING

**Q1. Do you have any comments or suggestions about the proposal to amend the definition of affordable housing in national planning policy to include a wider range of low cost home ownership options?**

TGKP recognises the Government's aspiration to increase home ownership, and supports the principle of increasing the supply and range of house purchase options. The overall imbalance in the UK housing market, and particularly the distorted markets of London and the South East, is the result of many factors. But prominent amongst these is the slow pace at which developers and housebuilders implement the planning permissions they have secured, or failure to implement those permissions at all, which means that houses planned for have for decades been delivered in insufficient numbers.

The market has not therefore delivered for the many households who would like their own home. Intervention in the market, in the form of Starter Homes and other low cost home ownership options, should not be at the expense of households for whom home ownership is not feasible. A fundamental problem with the Government's proposals is that, coupled with other measures in the Housing and Planning Bill, re-definition of affordable housing to include a wider range of home ownership products will inevitably squeeze out provision of new housing for rent, particularly for social rent, thus impacting disproportionately on households with the most restricted range of housing options.

The Government's proposed redefinition of affordable housing is closely linked to provisions in the Housing and Planning Bill relating to Starter Homes. Since that link is being made, the effectiveness of the policy will depend upon how well the parameters of the initiative relate to local circumstances. The proposed 80% price differential between London and elsewhere for calculating Starter Home discounts does not reflect the reality of local housing markets. For example, the mean house price in the Borough of Dartford is only 3% below the adjoining London Borough of Bexley; and in Sevenoaks District, the mean price is 25% higher than the adjoining London Borough of Bromley<sup>1</sup>. Average prices (Q3, 2015) were over £283,000 in Dartford and £485,000 in Sevenoaks<sup>2</sup>. In close proximity to London it is therefore likely to be increasingly difficult to deliver Starter Homes within the proposed price caps. ***We suggest that a more flexible approach to Starter Homes price caps is needed; and that the Government should carry out and publish more comprehensive analysis of the potential impact of Starter Homes on housing markets more generally, including house prices and rental markets.***

One of the main reasons advanced by developers for stalling housing developments is viability, particularly in areas of low land values. The redefinition of affordable housing risks creating more situations where developers will seek to negotiate to remove affordable housing for rent, particularly social rent, from development schemes on grounds of viability and to protect or boost their profit margins. ***Amending national planning policy to redefine affordable housing needs to be accompanied by suitable measures to ensure robust and transparent viability tests. There also need to be safeguards to ensure that local planning authorities can seek provision of affordable rented property where local housing needs assessments demonstrate an unmet requirement for additional provision.***

Loss of 'in perpetuity' or recycled subsidy effectively reduces the ability to provide homes for those who realistically will never be able to afford any kind of ownership. ***The NPPF should make clear that existing 'in perpetuity' clauses will not be affected by changes to national policy for new developments.***

As explained in more detail in response to Q22, the proportion of affordable housing provided (without grant) through s.106 obligations varies from one area to another and even at an aggregate national level is, at 22%, a significant component of affordable housing supply. Broadening the definition of affordable housing, and the implications this has for what may be provided through

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<sup>1</sup> DCLG, Table 581 Housing market: mean house prices based on Land Registry data, by district, from 1996 (quarterly).

<sup>2</sup> [http://www.kent.gov.uk/\\_\\_data/assets/pdf\\_file/0003/28353/House-prices-and-sales-3rd-quarter-2014-15.pdf](http://www.kent.gov.uk/__data/assets/pdf_file/0003/28353/House-prices-and-sales-3rd-quarter-2014-15.pdf)

s.106, will therefore impact quite differently in different areas. ***We suggest DCLG should undertake more careful analysis to understand what those impacts may be at a local level.***

**Q2. Do you have any views on the implications of the proposed change to the definition of affordable housing on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?**

The redefinition of affordable housing will have a negative impact on the extent to which new developments provide for people who are unable to afford home ownership, and on future provision of homes at an affordable or social rent. The number of households on council waiting lists remains a strong indicator of the continuing need for affordable rented housing – 1.37 million in England at 1 April 2014. In Kent and Medway, the waiting list of nearly 38,000 households was lower than the peak of 2013 but still 11% above the average of the last 20 years. There will be a higher proportion of vulnerable people in these households than in households generally, for example people with a long-term illness or disability and lone parents. At the same time, local authorities in North Kent are experiencing sustained pressure of households presenting as homeless, with a 17% increase in acceptances over 2007 levels compared with a 20% fall nationally, and 111% increase in total decision compared with a 26% fall nationally<sup>3</sup>. ***We suggest that the Government needs to consider safeguards to ensure that the mix of types of affordable housing delivered by individual schemes is responsive to local need and pressures as well as to local aspiration.***

**b) INCREASING RESIDENTIAL DENSITY AROUND COMMUTER HUBS**

**Q3. Do you agree with the Government's definition of commuter hub? If not, what changes do you consider are required?**

**Q4. Do you have any further suggestions for proposals to support higher density development around commuter hubs through the planning system?**

Taking these questions together, we would argue that the role and function of transport nodes should be considered holistically and not exclusively for their potential to support increased housing. TGKP supports in principle the proposition that areas in the vicinity of nodes or hubs that are well served by public transport may successfully support higher housing densities. But areas around transport nodes such as railway stations also have potential sustainable commercial and employment uses. The Government's proposals appear exclusively to focus on potential for additional housing. This is not likely to be the most sustainable approach and contradicts the principles underpinning paragraph 37 of the current NPPF. There may, for instance, be a clear rationale for office development around public transport hubs, where this is a viable use, since public transport usage tends to be greater for high density employment uses than for residential use.

***We suggest that any adjustments to national planning policy should emphasise the opportunity, subject to supporting infrastructure, to increase both housing and employment uses in the vicinity of transport nodes or commuter hubs.***

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<sup>3</sup> Analysis of DCLG data taken from P1E returns, Q1 2007 to Q2 2015.

***Additional housing should, of course, be supported by adequate physical and community infrastructure, and have good accessibility to healthcare, educational and other facilities.***

Non-operational railway land near existing stations may lend itself more appropriately to employment or mixed use rather than purely residential. ***This should be a matter for local determination in the circumstances of each case or site.***

**Q5. Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?**

Past attempts to prescribe housing densities in national guidance have not been particularly successful. We would therefore concur that it could be counter-productive to set minimum density requirements. ***There would be value, however, in promulgation of case studies and other guidance on better practice to show what can be achieved through higher density developments at commuter hubs or public transport nodes, across a wide range of urban and peri-urban scenarios.***

**C) SUPPORTING NEW SETTLEMENTS, DEVELOPMENT ON BROWNFIELD LAND AND SMALL SITES, AND DELIVERY OF HOUSING AGREES IN LOCAL PLANS**

**Q6. Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not, why not?**

There will be circumstances where a new settlement provides a sustainable solution to the pressures to accommodate population, housing and employment growth. Such decisions will profoundly affect the local area and should be properly considered through the Local Plan process, consistent with the principles of the plan-led process in paragraph 157 of the NPPF. ***This does not exclude the possibility of developer-led proposals coming forward but for the full implications to be properly considered these should be better addressed through the Plan alteration process.***

**Q7. Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?**

The fact that a site may be suitable for redevelopment does not automatically mean that any proposal that is put forward for that site would be acceptable. The proposal for granting permission in principle for new homes on suitable sites carries considerable risk of unsuitable and poor quality development by-passing normal planning evaluation and undermining the commitment to high quality design in paragraphs 56-66 of the NPPF.

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. There is brownfield land that could be equally suitable for housing, commercial or mixed use. Some brownfield sites may be suitable for such uses but also possess other qualities, for example biodiversity, that deserve proper consideration. A presumption along the lines proposed could have unintended consequences, a few examples of which are illustrated below. Development briefs that accord with the local plan and have been subject to public consultation could be a more effective tool for stimulating and delivering appropriate development on identified sites.

The consultation paper conveys a rather one-dimensional view of what “brownfield land” is. This can range from the plot of a detached house in an urban street, which is demolished to be replaced by apartments, to derelict and heavily contaminated former industrial land. ***It is important that planning authorities, consulting with communities as appropriate, be trusted to make professionally-informed judgements about future uses for different brownfield sites, taking into account location, infrastructure requirements and the preparatory work that may be required to bring them into a developable condition, in determining whether brownfield sites should be included in a register as suitable for housing.***

An example of unintended consequences could be to squeeze 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. Paragraph 22 of the consultation paper sets a disproportionately high bar for any use other than housing on suitable brownfield sites. ***This could perhaps be moderated to some degree by making clear that “suitable for housing” should mean sites that are better suited to housing than any other use; and that where sites could be suitable for a range of uses, the presumption in favour of housing development would not automatically apply.***

It is unclear how the preparation and maintenance of the proposed registers of brownfield sites would be resourced: this could involve a new burden. ***We suggest that the Government should clarify how the preparation and maintenance of up-to-date registers will be resourced. We also suggest that where locally-led registers of brownfield sites suitable for housing are in place (having regard to the previous recommendation) these should be the primary mechanism for considering the grant of permission on suitable brownfield land.*** This will enable local authorities and communities to determine the most appropriate and sustainable locations for development. Only where such a register is deemed out-of-date or there is significant under-delivery of planned development should other brownfield sites be considered and assessed.

Another unintended consequence could be the development of housing on residential gardens in rural areas. Recent case law has ruled that residential gardens in ‘non built-up’ areas constitute previously developed, or brownfield, land (see Dartford Borough Council v Secretary of State for Communities and Local Government CO/4129/2015). In light of this, a presumption in favour of developing brownfield land for housing could result in proposals for housing development on residential gardens outside built-up areas. This would appear to contradict the intentions in paragraph 24 of the consultation paper which states “we will retain protection against unwanted development of back gardens”, and could result in unsustainable development in poorly served locations. ***We suggest the opportunity should be taken to clarify the definition of ‘previously developed land’ as set out in the Annex 2 Glossary of the NPPF to reflect this commitment (and the intent of the letter to Chief Planning Officers: New powers for local authorities to stop ‘garden-grabbing’, 15 June 2010), to ensure that residential garden land in rural areas is treated the same as garden land in built-up areas. Such an amendment would help guard against the unintended consequence of unsustainable sites, due to their poor access to and local facilities, being prioritised for development.***

**Q8. Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of the local planning authorities' five-year land supply?**

**Q9. Do you agree with the Government proposal to define a small site as a site of less than 10 units? If not, what other definition do you consider is appropriate, and why?**

The issue is not so much the definition of site size as the policies that attach to such sites. The present proposals to alter national policy in respect of small sites would undermine the Local Plan process. This is the appropriate route for making choices about the most sustainable form of housing delivery in the light of local circumstances and housing requirements. In the Thames Gateway, some authorities have made the choice to deliver high levels of housing through a number of very large sites which incorporate infrastructure needs. Such carefully considered plans can be undermined by cumulative gains to the housing stock through small infill sites, where infrastructure deficiencies cannot be so readily addressed. There is also risk that small sites adjacent to settlement boundaries could result in creeping urbanisation of the countryside.

***Where development of small sites is appropriate, we request consistency across all areas of the planning system and process including issues such as contribution to Community Infrastructure Levy schemes, s.106 obligations and affordable housing provision.***

Cumulatively, small sites may contribute a substantial portion of housing supply. This can be positive and to be welcomed in the right circumstances, but ***it is important that small schemes also make an appropriate contribution towards infrastructure requirements so as to avoid a cumulative infrastructure deficit and to enable planning authorities and providers (including utilities) to plan for and negotiate timely provision.***

**Q10. Do you consider that national planning policy should set out that local planning authorities should put in place a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan?**

We would be in favour of national guidance encouraging ***clear policies*** in Local Plans against which to assess windfall applications. This would give greater certainty to developers as to whether a site is likely to be suitable for development. ***However, the nature of the policy should be determined at the local level in the context of local circumstances and housing requirements.***

**Q11. We would welcome your views on how best to implement the housing delivery test, and in particular:**

**What do you consider should be the baseline against which to monitor delivery of new housing?**

**What should constitute significant under-delivery, and over what time period?**

**What steps do you think should be taken in response to significant under-delivery?**

**How do you see this approach working when the housing policies in the Local Plan are not up-to-date?**

It is TGKP's view that the suggested sanctions against planning authorities would be counter-productive. The Government's declared aim is to accelerate delivery, particularly of new housing.

Tools such as planning performance agreements already provide mechanisms to expedite the processing of planning applications and negotiation of s.106 agreements. Where schemes have already been consented, the leverage available to planning authorities to secure delivery is relatively limited. Paragraph 29 of the consultation document refers to discussions Government is having with housebuilders and others about what steps should be taken to drive faster build-out of schemes.

Identifying additional sites is not necessarily a solution. If sites are already in sustainable locations, well served by infrastructure and with clear prospects of delivery, it would be unusual for these not already to be allocated or identified in local plans, unless there are other weighty objections to their inclusion. Besides fulfilling all these tests, there would need to be demonstrable and tangible evidence of greater commitment to build out such sites to have confidence that these would progress when other consented schemes have not.

***We suggest that the Government's efforts should focus primarily on how to boost both the capacity and the performance of the development and construction sectors, and look at what additional tools might assist planning and development control functions in local authorities to ensure consented schemes progress and that landowners and developers bring forward sustainable proposals on allocated sites.***

**Q12. What would be the impact of a housing delivery test on development activity?**

It is hard to conclude other than this would divert scarce resources and slow down both plan-making and development control activities. Both would be counter-productive and ***TGKP does not support the idea of a housing delivery test.***

**d) SUPPORTING DELIVERY OF STARTER HOMES**

**Q13. What evidence would you suggest could be used to justify retention of land for commercial or similar use? Should there be a fixed time limit on land retention for commercial use?**

This part of the Government's proposals is particularly problematic, notably in the context of regeneration, and appears to rely on rather slender evidence extrapolated into very broad assumptions. National policy intervention to set limits on local determination of sites' potential for commercial uses would, we suggest, require a stronger justification based on more thorough research and robust evidence about the status and distribution of commercial land across England than is referenced here.

It is crucial, of course, that local planning authorities take a realistic view about the prospects for development coming forward on any particular site, especially as what is fit for industrial and commercial purposes may change over time. The pace of technological change and innovation can make it hard to predict future requirements. However, ***we would caution against giving too much weight to land values to influence decision-making.*** With few exceptions, land values are heavily weighted in favour of residential rather than commercial uses. The consultation document states that "appropriate consideration" should be given to trends in land values for commercial and employment uses, against land values for other uses including residential. The implication is that higher value uses should determine the outcome: but this would simply widen the existing disparity between commercial and residential values, adding fuel to the fire of an already distorted market.

**Our main concern about this proposed measure is the extremely damaging implications it could have for regeneration initiatives, as well as undermining local decision-making and the Local Plan process.** Regeneration schemes and programmes can take decades to be realised in full. The Thames Gateway initiative is a case in point. We are about twenty years into what could be a 70 year endeavour. Our goal, and that of regeneration schemes more generally, is sustainable economic-led growth – in other words, progress in delivering uplift in skills and attainment, employment and wealth-generating enterprise as well as new homes and facilities in sustainable communities. It is not unusual for commercial investment to lag behind residential development, whether that comprises commercial developers building speculatively or companies investing in their own bespoke premises. Regeneration can also involve re-inventing a place, implementing a fresh vision and seeking to attract and grow new industries and markets.

**Regeneration therefore requires a patient approach and local decision-makers need the flexibility to pursue a strategy responsive to local circumstances and ambitions.** The starting point in terms of local evidence is ideally an up-to-date Local Plan; but other strategy documents may be relevant in setting out the rationale for an authority's overall approach towards commercial and employment uses to balance and support growth. The proposal that commercial sites should be protected for as little as three years before being released for Starter Homes takes far too short-term a view both of commercial property markets and of the dynamics of regeneration schemes. The existing paragraph 22 of the NPPF already provides an adequate framework for regular review of land allocations. **We advocate that there should be no fixed time limit on retention of land for commercial or employment uses. It should be a matter for local determination (a) to ensure that sufficient commercial sites are identified and available for business investment, at the same time as (b) releasing for other uses sites which, even taking the long-term view advocated above, are unlikely to be delivered in a timescale that would justify their protection for those purposes.**

**Q14. Do you consider that the starter homes exception site policy should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land?**

Sites falling under this description may offer much broader potential for an area's future development or re-development than simply as a location for starter homes. This will vary from case to case and suggests that a blanket exceptions sites policy would not necessarily serve to support sustainable development.

**We suggest that same broad principle should apply to under-used retail, leisure and non-residential institutional brownfield land as we advocate above should be taken with commercial sites (in response to Q13 above): in other words, looking at long-term potential and opportunities as well as at short-term pressures.**

**The Government should also clarify the definition and determination of "unviable".**

**It might be more appropriate for national guidance to give stronger encouragement to positive policies for beneficial re-use of underused retail, leisure and non-residential institutional brownfield land, including particular consideration as to whether they would be suitable for starter homes.**

**Q15. Do you support the proposal to strengthen the starter homes exception site policy? If not, why not?**

The consistent experience across Thames Gateway Kent is that concerns on the part of existing residents about new development proposals are more often than not as much about the impact on local infrastructure – transport, schools, local amenities and health facilities – as they are about the merits or otherwise of the developments themselves. This reinforces the point that for new development to integrate successfully into the fabric of existing communities, it must pull its weight in terms of supporting infrastructure.

TGKP remains concerned that the Government's expectation that starter home developments be exempted from contributing towards infrastructure, such as via a CIL charging scheme, will result in or exacerbate deficits in transport, community and other infrastructure and facilities. ***Broadening the exceptions site approach would increase that risk and the negative consequences for the sustainability of new development. We suggest that a more precautionary approach should be taken toward classification of exceptions sites; that this should be more a matter for local determination than national guidance; and that development on exceptions sites should make an appropriate contribution towards local infrastructure.***

**Q16. Should starter homes form a significant element of any housing component within mixed use developments and converted unlet commercial units?**

Conversion of commercial or other premises into residential use has to be regarded as irreversible. For this reason, careful consideration needs to be given to the impact such conversions might have, for instance on the street scene and future permitted activities in town centres. We concur with the proposition that there is potential for housing to play a greater role in town centre regeneration, and in principle starter homes might form an element of that. But ***we suggest that, in addition to our comments on Q13 about safeguarding longer-term commercial potential, housing proposals in mixed use developments should stand on their own merits and that wider planning considerations should not be set aside in favour of starter homes.***

**Q17. Should rural exception sites be used to deliver starter homes in rural areas? If so, should local planning authorities have the flexibility to require local connection tests?**

***We would support local planning authorities having the flexibility to require local connection test for both rural exception sites and more widely for starter homes.*** We would also make the observation that once the time limit on re-sale of starter homes has elapsed, there is no mechanism to ensure that homes would be available to (or affordable for) other first-time buyers. What helps the initial buyer onto the home ownership ladder does not necessarily help subsequent buyers. ***We suggest the Government should consider whether there are ways the initial subsidy can be recycled to extend the benefit to future buyers.***

**Q18. Are there any other policy approaches to delivering starter homes in rural areas that you would support?**

No comments.

**Q19. Should local communities have the opportunity to allocate sites for small scale starter home developments in their Green Belt through neighbourhood plans?**

Green Belt is a policy and designation with a strategic purpose – primarily to constrain urban sprawl and maintain the openness of land adjacent to the urban edge. It follows that decisions affecting Green Belt ought to belong at the strategic level at which Green Belt designation, boundaries and policies are determined. We therefore question whether it is appropriate to give neighbourhood plans and the communities who prepare them the powers to determine allocations in the Green Belt. ***As a matter of principle our answer to Q.19 is no. But we do recognise that where allocation of small sites in the Green Belt for starter homes, or indeed for employment or other uses, has strong support from the local community, and provided this would not cause substantial harm to the openness of the Green Belt, this should carry weight in decisions by the local planning authority.***

**Q20. Should planning policy be amended to allow redevelopment of brownfield sites for starter homes through a more flexible approach to assessing the impact on openness?**

The proposals in the consultation paper essentially identify starter homes as a preferred use for brownfield sites, including those located in Green Belts. By definition, Green Belts are on the periphery of urban areas and sites within them may be isolated from local amenities, public transport networks and other facilities such as schools and healthcare. It is questionable whether such sites will necessarily be appropriate and sustainable locations for starter homes. ***We would therefore suggest that the test in paragraph 89 of the NPPF would not only need to consider whether or not there would be substantial harm to the openness of the Green Belt, but also whether the location was sustainable.***

It is unclear what is intended in paragraph 53 of the consultation document by “contributes to the delivery of starter homes”. Is the intention to allow re-development of brownfield sites in Green Belts where these comprise starter homes (ie exclusively) or whether these may be broader schemes that include starter homes as a substantial ingredient of the scheme?

There will be brownfield sites in the Green Belt which should probably never be considered for housing of any description, having regard to their former use, for example landfill sites.

**e) TRANSITIONAL ARRANGEMENTS**

**Q21. We would welcome your views on our proposed transitional arrangements.**

Based on local planning authorities’ experience in North Kent, a transitional period of 6-12 months is likely to be insufficient given the fundamental changes proposed. The time required will vary between authorities. Due process including review of adopted plan policies, formulation of policy changes, appraisal, consultation, publication, submission etc will require a longer timescale.

The Consultation Document states that a transitional period is only considered necessary to deal with the broadening of the definition of affordable housing. This is not the only time-intensive change. For example:

- Defining the boundaries of proposed new settlements would – unless these are already established – require research and formulation, possibly from scratch; others would as a

minimum likely require review of proposed boundaries, including appropriate public consultation;

- The Paper states that "The Planning Inspectorate has introduced a fast-track process for carrying out partial reviews of Local Plans". However, we understand the Inspectorate's position to be that this is not intended to address housing matters. In any event, it would still have to circumnavigate existing regulatory requirements of Local Plan production.

It is not possible to be clear on the duration of transitional arrangements given the uncertainties (including arising from the lack of detail in some of the ideas put forward in the current consultation). However, if these can be resolved, ***we concur with the professional view of officers that a transitional period of around 24 months would be more reasonable and realistic for many local planning authorities, having regard also for the cumulative impact of other policy and legislative changes on local planning authorities at a time of budgetary constraint.***

#### f) GENERAL QUESTIONS

**Q22. What are your views on the assumptions and data sources set out in this document to estimate the impact of the proposed changes? Is there any other evidence which you think we need to consider?**

There are two areas in particular where the evidence base and assumptions seem less than robust:

- Paragraph 54 refers to the 2010 National Land Use Database. These data are now significantly out of date and do not provide a reliable basis on which to estimate the impact of the proposed policy changes.
- The Equalities Statement accompanying the consultation document states on p.5, under the heading of 'Broadening the affordable housing definition', that "New affordable housing built through section 106 planning obligations only adds a small contribution to the overall affordable housing stock in England". This will vary from area to area. At a national level, out of 66,640 affordable homes of all types provided in 2014-15, 14,370 (22%) were provided through s.106 obligations<sup>4</sup>. For North Kent, 217 out of 685 affordable homes in 2014/15 (32%) were provided through s.106 obligations<sup>5</sup>; for Dartford the figure was 85%. Even at national level, 22% is not a small contribution, and these data show that for some sub-regions and individual authorities the contribution to affordable housing provision through s.106 obligations is significant. ***We suggest therefore a much more nuanced analysis is required to understand the differential impact that the proposed broadening of the affordable homes definition might have at local level.***

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<sup>4</sup> DCLG, Table 1000: Additional affordable homes provided by type of scheme, England; social rent, affordable rent and affordable home ownership (all s.106 nil grant).

<sup>5</sup> Live Table 1011: Additional Affordable Housing Supply 2014-15; detailed breakdown by Local Authority: aggregation of data for Dartford, Gravesham, Medway and Swale.

**Q23. Have you any other views on the implications of our proposed changes to national planning policy on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?**

No further comments.

Thames Gateway Kent Partnership

19 February 2016

[www.tgkp.org](http://www.tgkp.org)