

Appendix 2

Question 1 (a)

Do you agree with the proposed standard approach to assessing local housing need? If not, what alternative approach or other factors should be considered?

Response

There is merit in applying the proposed standardised method which is a relatively straight forward and transparent approach to calculating housing need for each authority which should save a considerable amount of time at examination. More clarity about what justifies a diversion from the standard methodology would be helpful.

It would be helpful to clarify why the projections are applied to a ten year period when the NPPF currently advises that the plan should cover a period of 15 years from the base date of the local plan. Ideally the two periods should be the same.

It is questioned whether the affordability ratio should be based on earnings by residence which reflects the earnings of local residents residing in the administrative area of the authority as opposed to work place based earnings used in the consultation which is reflective of the earnings of people in the travel to work area.

The removal of the link between job creation and housing need is sensible as in reality the relationship is complex. It is noted that the consultation paper refers to making upward adjustments to increase housing according to economic growth and there is a risk that this will reintroduce the aforementioned link through the “back door”. It also the case that some regeneration is housing led, for example, authorities who are seeking to retain and attract affluent and skilled workers residing outside the administrative area but work within the same labour market.

Question 1(b)

How can information on local housing need be made more transparent?

Response

Including the local authority and household growth information in the schedule of the authorities housing need will increase transparency and show how the numbers have been arrived at.

Question 2

Do you agree with the proposal that an assessment of local housing need should be able to be relied upon for a period of two years from the date a plan is submitted?

Response

It would be better to allow two years from the date of publication as agreeing housing need is so fundamental to the local plan and authorities are expected to publish what they consider to be a sound plan.

Question 3

Do you agree that we should amend national planning policy so that a sound plan should identify local housing needs using a clear and justified method?

Response

Agree.

Question 4

Do you agree with our approach in circumstances when plan makers deviate from the proposed method, including the level of scrutiny we expect from the Planning Inspectors?

Response

It is agreed that authorities should use the method as a starting point and Inspectors take the number from the preferred method as a reference point (paragraph 47). It is accepted that there would need to be justifiable reasons for departure and set out in a robust evidence base.

Question 5(a)

Do you agree that the Secretary of State should have discretion to defer the period for using the baseline for some local planning authorities? If so, how best could this be achieved, what minimum requirements should be in place before the Secretary of State may exercise this discretion, and for how long should such deferral be permitted?

Response

Yes in principle. Authorities providing additional housing and promoting growth should be encouraged. The discretion would depend on the stage reached in plan preparation, level of collaboration and complexity. Authorities would need to be close to publication stage. A period of 12 months would be appropriate.

Question 5(b)

Do you consider that authorities that have an adopted joint local plan, or which are covered by an adopted spatial development strategy, should be able to assess their five year land supply and/or be measured for the purposes of the Housing Delivery Test, across the area as a whole?

Response

Yes agree provided this policy applies to local plans that have been adopted jointly and not just aligned.

Question 5 (c)

Do you consider that authorities that are not able to use the new method for calculating local housing need should be able to use an existing or an emerging local plan figure for housing need for the purposes of calculating five year land supply and to be measured for the purposes of the Housing Delivery Test?

Response

Not applicable to Gedling Borough.

Question 6

Do you agree with the proposed transitional arrangements for introducing the standard approach for calculating local housing need?

Response

Plans submitted shortly after 31 March 2018 will already be at an advanced stage of preparation, with much of the evidence base in place. Setting such a tight deadline would render much of that evidence out of date. The evidence would therefore need revisiting, which would delay plans and put LPAs to additional expense. A longer period would be more appropriate in these circumstances. For example, where a SHMA has just been completed should be given longer to reach submission stage of their Local Plan.

Statement of Common Ground

Question 7(a)

Do you agree with the proposed administrative arrangements for preparing the statement of common ground?

Yes support the Housing Market Area (HMA) as the geographical area for the preparation of the SOCG. This reflects the practice in the Nottingham HMA. It is understood that PAS is preparing a standard template for SOCGs which is extremely helpful. Flexibility to be signatories to more than one statement which may involve only two or three authorities is welcomed.

Question 7(b)

How do you consider a statement of common ground should be implemented in areas where there is a Mayor with strategic plan-making powers?

Response

No comment.

Question 7(c)

Do you consider there to be a role for directly elected Mayors without strategic plan-making powers, in the production of a statement of common ground?

Response

No comment

Question 8

Do you agree that the proposed content and timescales for publication of the statement of common ground are appropriate and will support more effective co-operation on strategic cross-boundary planning matters?

Response

Whilst welcome, the Statements will still not result in a need to agree how housing need will be accommodated in the area. This is the significant failing of the current system, and one which Statements will not remedy. There is a danger that Statements may simply codify and justify malpractice in some authorities who refuse to agree, as they can demonstrate they have participated, but may have no intention of constructive positive engagement.

The need to update as each partner reaches key milestones may be impractical where several local authorities are working together.

Whilst not an issue in Nottingham the deadlines may be challenging in areas where there are no existing arrangements but once in place are likely to evolve and provide a powerful tool for addressing cross boundary issues.

Question 9(a)

Do you agree with the proposal to amend the tests of soundness to include that:

i) plans should be prepared based on a strategy informed by agreements over the wider area; and

Response

Yes but with the proviso that the tests of soundness are qualified in a way to ensure that local authorities who are cooperating are not penalised by those authorities who do not cooperate effectively.

ii) plans should be based on effective joint working on cross-boundary strategic priorities, which are evidenced in the statement of common ground?

Response

Agree.

Question 9(b)

Do you agree to the proposed transitional arrangements for amending the tests of soundness to ensure effective co-operation?

Response

Yes it is logical to amend the tests once the deadline for producing SOCGs is met although the planning inspectorate should be aware of raising the bar too high for this first round of SOCGs which may require considerable investment by officers and members over time.

Paragraph 87 refers to the SOCG as a vehicle to set out where strategic cross boundary infrastructure is required to unlock more land for housing. The gist of the paragraph is supported. There is a reference to achieving agreement with specific bodies although these are not defined.

Question 10(a)

Do you have any suggestions on how to streamline the process for identifying the housing need for individual groups and what evidence could be used to help plan to meet the needs of particular groups?

Response

Splitting the overall housing need into specific groups is unrealistic given the sparsity of information and complexity of needs. It may also be counterproductive if the approach was to reinforce existing imbalances in the population. Planning policies that prescribe a mix of housing for particular groups may risk “squeezing” the scale of market housing needed to support the provision of affordable homes.

Question 10(b)

Do you agree that the current definition of older people within the National Planning Policy Framework is still fit-for-purpose?

Response

Generally yes.

Question 11(a)

Should a local plan set out the housing need for designated neighbourhood planning areas and parished areas within the area?

Response

This is a complex issue for example, would such need be for local needs only or a “fair share” of the authorities need? For those neighbourhood plans within Green Belt they are unable to allocate as redefining Green Belt boundaries is a strategic matter for the authority. If this approach is taken then there is a need for clarity on

how to do this or otherwise it will potentially lead to difficulties at the examination stage.

Question 11(b)

Do you agree with the proposal for a formula-based approach to apportion housing need to neighbourhood plan bodies in circumstances where the local plan cannot be relied on as a basis for calculating housing need?

Response

Tend to disagree as it is considered that applying a “blanket” formula approach could not be applied to what are unique local circumstances. In particular such an approach would not reflect the settlement hierarchy and the role and function of the settlement. This is a matter best dealt with through the local plan.

Question 12

Do you agree that local plans should identify the infrastructure and affordable housing needed, how these will be funded and the contributions developers will be expected to make?

Response

GBC supports the inclusion of targets for affordable housing in the local plan which reflects GBC’s approach. GBC would also agree that where there is evidence of the need for infrastructure and its location together with sufficient certainty in delivery then the local plan can be reasonably specific.

However, there are situations where the need for infrastructure may require a more flexible approach especially in situations where a cumulative impact and need arises from several sites. In these cases it may only be possible to identify the necessary infrastructure and retain flexibility over its location and delivery indicating that developer contributions may well be required on a pro-rata basis.

GBC considers that it is not always possible to identify all of the specific infrastructure needed and its exact location and so the NPPF should allow flexibility for this to be dealt with at the more detailed planning application stage.

Question 13

In reviewing guidance on testing plans and policies for viability, what amendments could be made to improve current practice?

Response

For plan making, the focus should be on generic plan wide viability. Viability testing of many small sites is unnecessary, time consuming and can delay the plan making process. Broad-brush viability testing of strategic sites is appropriate at the plan making stage but it should be recognised that the approach will be based on a

number of reasonable assumptions rather than the detailed approach which is appropriate at planning application stage and which will reflect the specific scheme put forward for development.

Question 14

Do you agree that where policy requirements have been tested for their viability, the issue should not usually need to be tested again at the planning application stage?

Response

Generic testing is appropriate at plan making stage whilst site specific testing is required and appropriate at application stage and is able to take into account very local factors and any changes that may affect viability since the adoption of the plan.

Question 15

How can Government ensure that infrastructure providers, including housing associations, are engaged throughout the process, including in circumstances where a viability assessment may be required?

Response

Experience suggests that infrastructure providers can be difficult to engage in the local plan making process although they are more likely to respond to specific proposals. Perhaps government could encourage relevant organisations to sign up to a voluntary agreement to engage and cooperate with one another early in the local plan preparation process.

Question 16

What factors should we take into account in updating guidance to encourage viability assessments to be simpler, quicker and more transparent, for example through a standardised report or summary format?

Response

A standardised approach may be helpful provided this has the flexibility to accommodate local factors but should not be mandatory.

Many disagreements arise over land value when it is clear that developers may have overpaid for a site and then are seeking to reduce quality or S106 contributions. A clear approach to assessing land value should be set out in guidance.

To speed up the planning process, applicants should be required to provide an initial viability assessment at the point at which a planning application is submitted to enable a robust assessment of proposals at the earliest stage.

Question 17(a)

Do you agree that local planning authorities should set out in plans how they will monitor and report on planning agreements to help ensure that communities can easily understand what infrastructure and affordable housing has been secured and delivered through developer contributions?

Response

It is not necessary to do this in Local Plans, the information should be accessible via Council websites/AMRs.

Question 17(b)

What factors should we take into account in preparing guidance on a standard approach to monitoring and reporting planning obligations?

Response

No comments

Question 17(c)

How can local planning authorities and applicants work together to better publicise infrastructure and affordable housing secured through new development once development has commenced, or at other stages of the process?

Response

The Council already works with developers and infrastructure providers to publicise the delivery of infrastructure and homes and this will continue. The Government backed site Home Buy East Midlands website could include more information on new affordable housing schemes.

Question 18(a)

Do you agree that a further 20 per cent fee increase should be applied to those local planning authorities who are delivering the homes their communities need? What should be the criteria to measure this?

Response

Yes but it needs to recognise that housing delivery is not solely dependent on local authorities.

Question 18(b)

Do you think there are more appropriate circumstances when a local planning authority should be able to charge the further 20 per cent? If so, do you have views on how these circumstances could work in practice?

Response

Yes potentially where there are specific identified needs such as regeneration or planned growth above the objectively assessed housing need.

Question 18(c)

Should any additional fee increase be applied nationally once all local planning authorities meet the required criteria, or only to individual authorities who meet them?

Response

No only those authorities meeting the criteria.

Question 18(d)

Are there any other issues we should consider in developing a framework for this additional fee increase?

Response

Local authorities should commit to spending the additional increase in fees within the planning department.

Question 19

Having regard to the measures we have already identified in the Housing White Paper, are there any other actions that could increase build out rates?

Response

Much of our housing supply relates to small sites, further rounds of Housing Infrastructure Fund could be targeted at these sites which support the wider Government agenda of SME builders, self-build and direct delivery and which have the potential for speedier delivery. Current funding streams tend to focus on large sites with long lead in periods.

Welcome paragraph 129 about more guidance on when a planning application may be refused on grounds of prematurity in the NPPF rather than the Planning Practice Guidance.