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By email
9 November 2017

Dear whom it may concern,

Response to the DCLG 'Planning for the right homes in the right places' Consultation

On 14 September 2017, the Government published the 'Planning for the right homes in the right places: consultation proposals' for an eight-week consultation period. Please find below the Partnership for Urban South Hampshire's (PUSH) response to these proposals.

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?

The Partnership for Urban South Hampshire (PUSH) supports the Government's commitment to "fix the broken housing market" and recognises that the need to agree locally to a proportion of a national housing target has some value particularly in areas of the country which are not positively looking to meet local housing need.

PUSH has been instrumental in agreeing a joined-up approach to addressing housing need over three housing market areas (Southampton, Portsmouth and Isle of Wight). This is evident in the fact that the PUSH Local Authorities published a Spatial Position Statement in June 2016, which sets out the overall need for, and a distribution of development in South Hampshire to 2034. This Statement draws on evidence from the South Hampshire Objectively Assessed Housing Need (OAHN) Update Report published in April 2016, which updates and complements the Strategic Housing Market Assessment (SHMA) published in 2014. Furthermore, there are a number of evidence documents prepared through joint working by the PUSH Local Authorities that have helped inform the PUSH Spatial Position Statement.

Together shaping the future of South Hampshire

PUSH, Portsmouth City Council, Floor 2, Core 3, Civic Offices, Guildhall Square, Portsmouth, PO1 2AY

It is considered that this more collaborative and 'bottom-up' approach to responding to local housing needs over three housing market areas by PUSH is preferable to the 'top-down' standardised approach to housing need currently proposed by the Government. Over a relatively short time period, PUSH has established a joint position and evidence base from which individual authorities can progress their own Local Plans.

We do note that paragraph 9 of the consultation document recognises that the housing numbers in local plans may be higher or lower than the calculated local housing need recognising that when an authority has environmental designations or other physical or policy restraints they will need to engage with other authorities through the duty to co-operate. This is particularly significant in the case of the cities that have no green field sites and are totally reliant on brownfield redevelopment. This approach is the role that PUSH has been undertaking through the work to develop the PUSH Spatial Position Statement. This has resulted, for example, in agreement between PUSH authorities about the protection of important strategic gaps such as the Meon Valley which sits between the housing market areas of Southampton and Portsmouth. We are concerned that the proposals seem to give little in the way of protection to authorities that have landscapes and countryside that do not fall under the national designations but which are clearly valued by local communities. Our concern is that the proposals will undermine the work already taken through PUSH and that this could lead to a reduction in joint working and loss of such areas.

We are also concerned that the continual changing of the goal posts by Government acts to undermine and slow-down those local authorities who are positively plan-making under the existing regimes and who are successfully working with their neighbouring authorities.

For the following questions it is worth noting that, as described above, PUSH has some significant concerns with the proposed standard approach to assessing local need. However if the Government were to pursue the course of action outlined in the consultation, PUSH would make the following observations. This does not negate our concerns outlined above.

Question 1(b)

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

PUSH has identified a number of options on enhancing transparency such as publishing information in a similar format to the 'housing needs consultation data table' published alongside the current consultation. This would allow all involved to use the same numbers and to understand when updated numbers will be published; perhaps this could be done annually or every two years. The information could also be produced in a summary in each Council's 'Authority Monitoring Report', or in PS1/PS2 returns.

However it has been commented that there is no clarity over whether this proposed approach will completely override the current guidance on calculating objectively assessed housing years. Nor does it provide clearness about how this proposed approach is compatible with current guidance that plans should span a 15-year plan period. The current Government proposals are not locally accountable nor is there sufficient clarity about how they would apply if progressed.

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?

Two years following submission of a plan may not in practice be adequate and could have implications on the plan-making process. There are a limited number of cases whereby authorities have started a plan from Regulation 18 and achieved submission within a two year period and if changes are needed within the plan-making process this can cause delays and additional costs. A minimum 3 year time frame would be more appropriate.

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?

There is general support for this position, although national policy needs to be clear that authorities using the standard methodology cannot be challenged and that there is no need for a planning authority to exceed it. Otherwise, it is likely that the need will be challenged at every opportunity, causing continued delay and costs. To ensure that time and money is not wasted on arguing about housing needs assessments at examination, the new guidance should be unequivocal on this point: that use of the Government's standard methodology would be sufficient. There was a view that overall the change is unnecessary as the examination process does this already.

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?

It needs to be clear how needs will be apportioned to National Parks, where these are not contiguous with whole local authority areas. To avoid unnecessary disagreement, the same approach should be applied as proposed for neighbourhood plans where there is not yet a local plan in place – housing need should be apportioned based on the proportion of the local authority's population within the National Park part of the authority.

Another proposal is that in these cases, authorities should continue to identify housing need figures locally. This is likely to involve the use of consultants. A similar arrangement may be required for the PUSH area, where authorities come together to jointly agree an estimate of housing need for a sub-region that does not coincide with local authority boundaries. Rather than deviate from the method and calculate need locally, we suggest that the standard methodology be applied at the district level and the split between the district council as planning authority and the national park as planning authority/between the district council areas beyond the sub-region and the sub-region itself is dealt with under the duty to cooperate. This therefore gives those affected authorities a sound starting point that is consistent with the standard methodology. We also believe that if the standard method for calculating housing need is applied then there is a need for guidance on how to deal with issues such as strategic gaps.

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?

In specific circumstances it would appear to be a positive and flexible approach to support plan-making. However, there is a risk that local plans could be regarded as out of date using the 31 March 2018 baseline, when in fact they remain relevant and should continue to be used for 5 year land supply and Housing Delivery Test purposes. The standard need figures will not necessarily be transposed straight into local plans and could require adjustment in the process of developing a revised local plan (e.g. due to capacity/environmental constraints). Also, it is unlikely that the necessary national data and revised planning guidance will be in place by 31 March 2018. Therefore, existing post-NPPF local plans should continue to be used and a more realistic baseline date should be used. We would also suggest that the tight timeframe proposed to introduce the changes generally is unduly hurried. It does not give affected authorities sufficient transition time to put in place a plan-led response to whatever need approach is introduced after this consultation. Discretionary powers will definitely be necessary when strategic developments are planned such as Garden Villages and Cities.

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?

However, this should not be a requirement and each local planning authority should be able to publish their own five year housing land supply statement and be measured individually against the housing delivery test. There should be maximum discretion and support for cooperative working that front loads duty to cooperate engagement on housing provision, on a non-prescriptive basis. The option to do the same for delivery makes sense on the same basis.

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?

This appears to be a reasonable and practical approach, but only as a transitional agreement and if the local plan is up to date. If not, the same approach should be applied as for neighbourhood plans where there is not an up-to-date local plan in place. Housing need should be apportioned based on the proportion of the local authority's population within the National Park part of the authority.

Question 6

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

These proposals will have a significant effect on those authorities who have produced their draft (regulation 18) and publication (regulation 19) plans having worked jointly to resolve strategic issues in the PUSH area. This will cause delays and confuse the local communities who have already been consulted on proposals to accommodate existing PUSH OAHN figures.

Question 7(a)

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

The view that front-loaded statements of common ground are not intended to be a burden or replicate plan making processes is naïve (paragraph 65). The resource implications of preparing for many local planning authorities will be a complex network of Statements of Common Ground which will be significant. Our planning area is partly within three strategic housing market areas and shares boundaries with three counties and six local planning authorities.

Moreover, reaching agreement on contents of SOCG within 12 months is unrealistic. The practical reality is that in a political environment no authority is likely to accept a claim that another cannot meet its needs until there is a comprehensive evidence base in place to demonstrate that is a fact and to quantify the shortfall. Even then matters of judgement in assessing potential supply and the details of where any shortfall should be met will continue to be contested. If SOCG are to be anything more than a list of agreed issues without agreed outcomes it would make more sense to recognise that where strategic matters cannot be resolved by agreement, that there should be front-loaded joint working to resolve them. Guidance on SOCG should define the required outcomes and tie these in to the legal Duty to Cooperate test, and leave the details of process to be agreed locally.

Furthermore, HMAs are a logical starting geography and there should be a requirement that adjoining HMA-based areas agree in an SOCG how fringe or transition areas are addressed to ensure full coverage without gaps. We agree that strategic cross-boundary issues should also be addressed proportionately. Other points to be made are how the consultation implies an authority will need to produce one statement of common ground, but in practice it may need to have one with each neighbouring/housing market area authority and it should not be a requirement that automatically any shortfalls in meeting identified local housing need in a local authority, should fall to neighbouring authorities to address.

It is important the document states that it does not want to disrupt existing joint working arrangements where these are effective. PUSH is a good example of this. Whilst PUSH seems to be the most appropriate multi-authority strategic approach for a Statement of Common Ground it would be interesting to consider how bi-lateral statements of common ground are managed on more detailed but yet strategic planning matters between two individual authorities within PUSH.

There needs to be clarity around the measures that would be put in place to ensure that there was cooperation between authorities and the consequences of the failure of this happening.

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?

N/A

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?

N/A

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?

The Government is unrealistic to state that the Statement of Common Ground will not be a burden on authorities. The proposed contents and timescales are unrealistic given that an individual authority may need to lead (or be part of) multiple statements and that a very formalised process is proposed. A more simplified process is needed. Additionally, PUSH authorities have adopted a more comprehensive approach as part of its Spatial Position Statement (June 2016). This would represent the starting point of any Statement of Common Ground for PUSH authorities.

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

This has worked well locally through PUSH however, the proposed new soundness test refers to 'agreements' whereas agreement may not always be achievable or may take time to secure.

Question 9(b)

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

A period of transitional arrangements makes sense, but it is questionable whether 12 months will be sufficient in all parts of the country, given that some areas may have less effective joint working arrangements.

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?

The intention to produce guidance to help authorities provide 'a simple yet robust evidence base' is welcomed so long as it can take account of local circumstances. A set model for assessing affordable housing need would be helpful. The government will

need to think carefully about the new guidance and how it should be interpreted by plan-makers and Planning Inspectors.

Reference should be made to meeting needs of rural communities, taking account of the lower incomes and poorer affordability ratios in many rural areas and different age profile to wider areas and Government policy on travellers should be brought into the revised NPPF so that all housing needs are dealt with consistently.

Question 10(b)

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

The overall definition is reasonable but perhaps it could be supplemented with definitions of all the various forms of accommodation for older persons – e.g. extra care.

Question 11(a)

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

Standard methodology would help both Local Plan and Neighbourhood Plan preparation, but it should not be at a disadvantage to those parishes which have already started preparing their Neighbourhood Plan. It would be difficult and time consuming to evidence a parish-based split and this would be unnecessary unless a neighbourhood plan were later produced. Therefore, the inclusion of a housing figure for all parishes/neighbourhood areas (paragraph 97) is not supported and local plans should continue to develop a spatial strategy, including a settlement hierarchy with housing targets for the most sustainable / suitable locations.

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?

This is agreed to an extent, but the risks of a formulaic over-simplification that we have identified at the local plan level, apply equally to different plan-making tiers.

It should be made clear to the neighbourhood plan bodies that availability of sites and constraints may impede them from achieving the number and as long as this is evidenced it would be acceptable to fall short. Distribution based upon percentage of population within a Neighbourhood Area in proportion to that of the whole local authority area, should be fall-back position only in absence of an up to date 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?

The problem of getting clear information about the existing capacity of infrastructure and the cost and delivery arrangements where upgrades are needed is difficult. Placing the responsibility on the site promoters will help ensure that any such relevant information can be independently scrutinised by an Inspector at a Plan examination.

Moreover, it is critical that there is a robust mechanism in place that ensures that there is a clear understanding of the infrastructure needed to support development and understanding of the cost of delivering this infrastructure. There is a real concern that to achieve the new housing targets, funding will not be available to support the new and improved infrastructure (highways and transport, education, health and social care provision, broadband connectivity etc.) that needs to be put in place. The infrastructure funding competitions ignore that all areas will need appropriate infrastructure to deliver increased housing and the competitive element risks delivery. To compete for funds Councils are required to fund scheme development at considerable cost. With no guarantee of success this is placing a considerable financial burden on authorities or, if they do not bid, preventing delivery of housing to meet local need. Also, due to the current, fundamentally flawed developer funding system, the need for adequate levels and simplified procedures to secure funding for timely delivery of infrastructure is paramount.

Question 13

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

The guidance must state that all viability work is undertaken on an open book basis. It should be a mandatory requirement for all authorities. Issues of viability that had been resolved at the Local Plan stage should be presumed to carry on for the first few years after adoption of the Plan.

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?

There may be a considerable gap between Local Plan adoption and a planning application coming forward. There needs to be provision to re-examine viability to ensure that development can be delivered and that changes in the economy where possible do not stop development coming forward.

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?

It is critical to ensure that there is a clear understanding by developers of the cost of bringing development forward and that wherever possible there is a comprehensive understanding of the cost of delivering the infrastructure needed to support development.

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?

A standardised approach could help. Clarity and openness should be the paramount factors and all viability assessments should be required to be submitted as an open book assessment to ensure viability issues are open to public scrutiny.

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?

This makes sense.

Question 17(b)

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

A standard approach must be taken with full transparency.

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?

This information could be set out in Authority Monitoring Reports. Authority websites could be used to publicise such reports. However, it would too be helpful if applicants were required to submit a clear schedule of the infrastructure and affordable housing they are delivering as part of the new development.

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?

Planning is now being placed at the heart of housing delivery and it is critical to council's that planning authorities are taking delivery seriously and can resource themselves to support the growth agenda. Authorities that are meeting housing delivery targets should be given further fee income to further resource its service. However failure to meet targets may be because of lack of resource and this needs to be recognised by the Government.

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?

The extra 20% should be allowed where local planning authorities are delivering the houses as set out in their up-to-date (post-NPPF and less than 5 years old) local plan.

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?
Apply to individual authorities only

If a criteria based approach is agreed, increase in fees should be applied to individual authorities. However there is concern that local authorities who don't meet the criteria and cannot increase fees will not be able to appropriately invest in the planning service. Special consideration should be given to some authorities whose income overall is not sufficient to enable them to invest enough in their planning service.

Question 18(d)

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

Fee increases should be based on cost recovery of delivering the planning service. It is only fair that a local planning authority should be able to recoup the costs of running its development management service.

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?

In practice, most authorities now have plans in place to 'boost significantly' the supply of housing (as required by the NPPF, paragraph 47) but are reliant on other statutory bodies and the private sector to deliver these. There seems to be a notable lack of urgency from developers to do this, which is holding back affordable housing delivery as well as market housing. Measures are therefore needed to ensure that developers take up and build out sites that are allocated / permitted at a faster rate than achieved to date. Therefore, it should not be local authorities that are penalised in terms of housing land supply or delivery tests where they have made adequate and realistic provision for housing (as tested through the local plan) and future shortfalls are being caused by developer delays or slow buildout rates.

Other actions could include a standard methodology for calculating five year housing land supply (which should be appraised by Government and consulted upon.) For residential development schemes of (say) 10 or more units, the planning permission could include an agreed implementation schedule.

We hope this submission will assist the Government in any changes and the shaping of the housing white paper.

Yours sincerely

Councillor Seán Woodward
 Chairman
 Partnership for Urban South Hampshire

Together shaping the future of South Hampshire

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