



HERTFORDSHIRE INFRASTRUCTURE & PLANNING PARTNERSHIP

Councillor Mandy Perkins Chair, HIPP c/o Welwyn Hatfield Borough Council, Council Offices, The Campus, Welwyn Garden City, Hertfordshire AL8 6AE

BY EMAIL

To: planningpolicyconsultation@communities.gsi.gov.uk

28 April 2017

Dear Sir/Madam,

'FIXING OUR BROKEN HOUSING MARKET' CONSULTATION

I write on behalf of the Hertfordshire Infrastructure and Planning Partnership (HIPP) that represents all ten District/Borough Councils and the County Council in Hertfordshire.

Our response focuses on the planning elements of the Housing White Paper (HWP) that affect the county as a whole, as this reflects the remit of HIPP. Individual authorities will be submitting separate comments if they wish to highlight issues related to their housing function, or make more detailed observations on the document as a whole.

Whilst many of the proposed changes to the planning system contained within the HWP are welcomed, HIPP are concerned about some elements, as outlined below. HIPP wishes to reinforce its support for the principle of the plan-led system, and is concerned that a number of proposals within the HWP undermine this key principle. HIPP would also like to make clear that whilst it welcomes the recognition in the HWP's title that the current housing market is failing, it is critical that the remedy for this is clearly and reasonably split between local planning authorities (LPAs), housebuilders and others who influence the wider housing market. The HWP as currently written has an unfair proportion of proposals aimed at LPAs; many of which we do not have the required tools or resources to deliver.

HIPP also request Government to give far greater consideration to the financial and technical support LPAs (and infrastructure providers, such as the County Council) will need to deliver the envisaged step change in housing provision. Preparing and reviewing plans on a 5 year cycle risks undermining the ability to appropriately plan and deliver infrastructure needs linked to such key sites (this could lead to unintended knock on impacts and delays in housing delivery).

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Skills and Resources

- The acknowledgement that planning departments need to be better resourced to meet future challenges is welcomed. However, concerns are raised that the 20% rise in planning fees will not be sufficient to enable this. Local planning authorities within Hertfordshire would welcome the ability to set fees on a more local basis, to enable greater costs recovery and help speed up the determination process. Clarification is also required regarding who would receive the proposed fee income from appeals (Q18). This must be directed to the LPAs and be sufficient to cover the often significant amount of Office time involved.
- There have been very low numbers of planners joining the profession in recent years and this is reflected in a shortage of planners in many areas, including Hertfordshire. In conjunction with any changes to the planning system, Government is encouraged to support initiatives to recruit further appropriately skilled people into the planning profession.

Plan Making:

- The greater emphasis placed by the HWP on strategic-level planning is supported and is something that HIPP is currently considering how best to take forward within Hertfordshire (Q1a). However, it is disappointing that the expectations of Government regarding how LPAs should take forward joint working and what is required to comply with the Duty to Co-operate are not more explicit. Should any authorities choose to progress joint strategic plans in the future, these should not be required to meet all of the tests of paragraph 156 of the NPPF, as this would require too much detail. It should be for groups of authorities to choose what they plan for jointly and the other strategic items may be planned for at a local area level. This approach is being taken forward elsewhere (e.g. in the west of England), where a joint plan sets out the overall strategy, supplemented by individual LPA plans covering more detailed matters. It would be helpful for the Government to publicly highlight (e.g. through NPPG) the positive value non-statutory frameworks have in effective strategic planning and as a step towards more formal ways of working.
- Plan preparation is a very complex and expensive process for local authorities. Whilst up-to-date plans need to be maintained, the suggestion that plans should be reviewed every five years would be very difficult to achieve without some simplification of the current plan-making system. It is also unclear if the expectation is that plans would be reviewed in their entirety over this timeframe, or if the reference solely relates to those elements relating to housing need and supply. Clarity is also required regarding what the term 'review' means. Does this mean that the process of plan review must have commenced within 5 years of the previous document's adoption, or does it need to have been completed within this timeframe. The latter would be almost impossible to achieve for most LPAs and would also have serious resource implications for the County Council in terms of providing support to ten LPAs as local education and local highway authority.

- Proposals to revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan and introduce more proportionate consultation and examination procedures are welcomed. If plans are to be reviewed every 5 years, these requirements cannot be too onerous. The suggestion put forward by the Planning Officer's Society that key stakeholders, such as Sport England, could play a role in developing the necessary technical evidence to inform plans is supported by HIPP. NHS Trusts / Clinical Commissioning Groups, water companies and other infrastructure providers should also be encouraged to prepare evidence, as liaison with such organisations through the DtC is often challenging.
- HIPP would also welcome clarity regarding the future role and scope of the Sustainability Appraisal process that supports plan-making. LPEG's suggested a streamlined approach which has not been reflected in the HWP. The experience of most LPAs is that the SA process rarely adds additional rigour to plan-making, and its role is often misunderstood by local communities.

Establishing Need:

- Great care needs to be taken to properly distinguish between development 'need,' 'requirements' and 'targets.' HIPP supports the current approach, where needs are assessed first and then, where appropriate, adjustments are made to reflect local circumstances before arriving at an appropriate target. The HWP as currently drafted uses these three terms rather interchangeably and is somewhat unclear and inconsistent as to whether this current approach will continue, or the emphasis will change in some way. This inconsistency needs to be resolved.
- It is important that the planned consultation on a standard methodology for calculating Objectively Assessed Housing Need (OAHN) (Q3b) is issued as soon as possible. A number of authorities are due to update their technical work and would like an indication of what this approach is likely to entail. Other LPAs in the county are at critical stages in their plan-making and need to understand the potential implications, and what any transitional arrangements might be. In advance of publication of the proposed standard HIPP would direct Government to the responses made by Hertfordshire authorities to the methodology put forward to LPEG. This includes concerns about the inclusion of an apparently arbitrary 20% uplift to take account of local affordability, the potential scope for double counting and the fact that proposed calculations is effectively linked to an overheated national housing market and the close proximity of this area to London, and resolving such issues is beyond the gift of any one (or group of) authorities to repair.

Delivery:

- HIPP welcomes the focus on delivering housing, although it is important to highlight the importance of planning for employment, community uses and infrastructure as well as housing and that these also need to appropriately funded and delivered in a timely manner.
- Concerns are raised about the proposed Housing Delivery Test (HDT) – both in terms of how onerous this would be for planning departments to comply with, and also that fact that it appears to give local authorities further responsibilities without also proving the necessary tools to bring about the required changes. It is unfair for LPAs to be penalised for slow build-out rates, when this is controlled by housebuilders and influenced by wider market conditions. The suggestions within the HWP e.g. the ability for local authorities to shorten the timescales for developers to implement a permission for housing development from three years to two years (Q25) and to make it easier to serve completion notices (Q26) will assist, but are unlikely to be sufficiently robust tools. Full consideration must however be taken of the need for infrastructure to be delivered in a timely manner to support development, and for appropriate resources to be available to fund this. There must also be a clear and commonly applied definition of ‘commencement.’ Furthermore, the HDT appears to duplicate the current requirement (which it appears will continue) for Councils to demonstrate a 5 year housing land supply, hence adding an additional and unnecessary layer of bureaucracy.
- The suggestion that planning application forms should be amended to include a request for the estimated start date and build out rate for proposals for housing (Q21) may assist with encouraging prompt delivery of schemes, but this must be based on robust evidence. Experience within Hertfordshire suggests that applicants currently over-estimate the speed with which permissions can actually be implemented. This in effect sets LPAs up to fail in terms of delivery of their expected 5 year land supply. Developer assumptions must also ensure they take full account of the time required to deliver the necessary infrastructure to support schemes.
- The HWP suggests that from November 2017 there will be an expectation that LPAs have a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%; from November 2018, there will be application of the presumption in favour of sustainable development where delivery falls below 25%; and from November 2019, an application of the presumption in favour of sustainable development where delivery falls below 45% (Q29). These triggers are too arbitrary and the requirements to address shortfalls too onerous. As stated above, concerns are raised about the degree to which LPAs can require house builders to actually build. Consideration of potential new sites also needs to be carried out with appropriate community consultation. There is also a lack of clarity about what happens to the resulting Action Plans. If required, the focus should be on quality and not quantity of content.

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- The proposal to amend the NPPF to give local authorities the opportunity to have their housing land supply agreed on an annual basis and fixed for a one-year period (Q16) is welcomed in principle, but the process should be proportionate and not unduly onerous. It is not clear how long it will take to prepare and consult on the required evidence and so concerns are raised that this process would take already limited resources away from plan-making. , HIPP does not support the need to demonstrate an additional 10% buffer, should they choose to go down this route.

Green Belt:

- HIPP would stress the importance of clarity of key spatial policies, particularly those relating to the Green Belt (Q10 and Q11). Government should be explicit in terms of how they expect LPAs to balance consideration of the role of the Green Belt against housing need. The HWP as currently drafted makes this position more opaque, as it is possible for the suggested revised text on exceptional circumstances to be read as either stricter or more flexible than the existing approach set out in the NPPF. Such ambiguities must be resolved in any amended text included within the revised NPPF / PPG.
- Should Green Belt releases be required, it may not always be possible or appropriate for these releases to be replaced with newly designated Green Belt – particularly for those LPAs whose countryside is wholly or largely covered by the designation. This should be a matter for consideration through Green Belt Studies. Similarly, whilst the principle of securing compensatory ecological improvements on other sites is supported (Q10b), this could be hard to achieve if appropriate sites are not owned by the housebuilder or LPA.

Brownfield Land:

- HIPP welcomes the principle of measures that seek to make best use of brownfield sites. However, we are concerned that, if implemented, the proposals in the HWP may in some cases result in isolated sites being bought forward for development which would not be supported by infrastructure and would therefore not constitute sustainable development. This risk is particularly high for rural and semi-rural area, which often lack appropriate infrastructure to support additional development.

Size of Sites:

- The merits of having a range of different sized sites allocated within plans is acknowledged. However, the reality is that many key development sites are in the ownership of a few volume housebuilders. The proposed requirement for landowners to subdivide large sites (Q8e) as well as supporting small sites could have unintended consequences in terms of slowing down housing delivery and the ability to secure appropriate developer contributions, due to

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pooling rules and/or affordable housing due to size thresholds. It is also unclear what is defined as 'large' in this context.

- The requirement 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 is not supported (Q8d). This appears to be an arbitrary target. It would result in a disproportionate amount of work for very little housing delivery and appears to duplicate the role of Brownfield Registers and Permission in Principle (PiP). Smaller sites are often intentionally not identified within Local Plans, as by their very nature they are often completed before the plan is adopted.

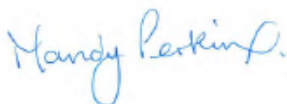
Design & Density:

- Measures to support high quality design are welcomed (Q12). However, these requirements should not fall solely on the shoulders of LPAs. Design advice in statutory plans will and should be high level. It is not appropriate to expect LPAs to produce detailed design advice for all sites, nor would the resources be available to do so. Greater onus should be placed by Government on ensuring the housebuilding industry strengthens its approach to quality design and place-shaping.
- The requirement for the density and form of development to reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs (Q13) is supported.

Tenure:

- HIPP is generally supportive of widening the range of housing tenures (Q31). The decision not to implement a statutory National Starter Home percentage is welcomed. It is noted that there is a separate consultation on 'Build to Rent' which a number of Hertfordshire authorities will respond to separately. It is unclear why this consultation has been separated out from the HWP, when the issues involved are intrinsically linked.

Yours faithfully,



Cllr Mandy Perkins
Chair, Hertfordshire Infrastructure & Planning Partnership

cc All Hertfordshire MPs:

Charles Walker MP

HIPP

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The Rt. Hon. Michael Penning MP
Mark Prisk MP
Oliver Dowden MP
The Rt. Hon. Peter Lilley MP
Sir Oliver Heald QC MP
Anne Main MP
David Gauke MP
The Rt. Hon. Grant Shapps MP
Richard Harrington MP
Stephen McPartland MP

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