

March 2023



Levelling-up and Regeneration Bill: Reforms to National Planning Policy

Consultation response from The Housing Forum

Chapter 3: Providing certainty through local and neighbourhood plans

1. Do you agree that local planning authorities should not have to continually demonstrate a deliverable five year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than five years old?

info@
housingforum.org.uk

No

At The Housing Forum we have members from across the entire housing sector and supply chain – including local authorities, housing associations, developers, architects, consultants and manufacturers. Our members are drawn from across the country, and so are active in very different housing market conditions. Because of this, not all our members feel the same about planning reform – though they do share a commitment to our mission of ‘a better home for all’. The consultation response has been drawn together with input from members to give an overview of the issues we believe are most paramount in the proposed reforms and in line with our aspiration of increasing housing supply (including affordable housing) and improving housing quality.

Our overriding concern is that the proposed reforms to NPPF make the role of housing targets less clear and hence make the process of agreeing local plans more complicated for local authorities. The promise of further consultation on several topics within the NPPF will also contribute to uncertainty as well as presenting challenges for local authorities in making plans that are compliant with changing rules. The combined effects of the reforms will be to reduce the supply of much-needed new homes, including affordable housing during a housing crisis.

We believe that removing this requirement will have a negative impact on the building of much-needed homes. A 5 year land supply is vital for enabling home builders – both private sector and housing associations – to identify sites well in advance, which offers a more reliable supply and helps with long-term planning. A reduction in housebuilding will have a knock-on effect on economic activity, employment and the provision of new infrastructure.

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Mincing Lane
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2. Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

No

A buffer is needed in most housing markets because not all sites identified turn out to be deliverable and without this mechanism less housing will be built. Buffers help to ensure that local plans remain robust to changes in housing market conditions.

A buffer is less important in low-valued housing markets where the challenge in delivering housing is more about financial viability rather than land supply.

We would also propose that a buffer is not needed if an LPA can demonstrate that it has identified more than 5 years land supply, and is delivering on track to meet this target. Nor is a buffer needed if an LPA adopts a housing target that is 20% or more above the housing target required via the standard method (and is delivering on track), in order to avoid penalising local authorities who are ambitious in setting their housing targets.

We also note that technical matters around buffers, 5 year land supply and deviations from the standard method of setting housing targets might be better dealt with by the technical PPG rather than the NPPF itself.

3. Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on?

Yes

The risk of over-delivery is clearly low, in the context of significant and long-term under-delivery of housing across the country. There are, however, important concerns from local authorities that they could be penalised for delivering housing earlier than expected. Any over-delivery calculation should also take into account any under-delivery within the preceding 5 years.

Or is there an alternative approach that is preferable?

4. What should any planning guidance dealing with oversupply and undersupply say?

We believe that over-supply and under-supply should be treated in a comparable manner, as long as this is against targets which meet need in full. Over-supply in the early part of a plan should allow for the possibility of lower delivery rates in the following years, and under-supply should lead to higher delivery rates.

An exception should be made for local authorities who, in accordance with other changes proposed in this consultation, set targets which are below what the standard method sets out. In these instances, higher delivery in the early part of a plan period

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should not result in any lower delivery in the following years, unless the housing standard method delivery rate itself has been met.

5. Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

The change in the lifespan of a neighbourhood plan from two to five years seems sensible, and brings them into line with local plans. However, we have some concerns about increasing their status to that of local plans. In particular, they should only be afforded the same weight as local plans if they have undergone comparable tests of robustness, and are allocating sufficient sites for development and planning positively for their local area. There may also be situations where an emerging new local plan is proposing more growth than is planned for in an adopted neighbourhood plan – the new Local Plan should take priority in this situation and the neighbourhood plan would need to be reviewed.

An alternative approach which would simplify the planning system might be to incorporate neighbourhood plans within the Local Plan.

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Chapter 4: Planning for housing

6. Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

Yes

At The Housing Forum we agree that providing homes and other developments that our communities need is at the heart of planning. We welcome the government's recommitment to delivering 300,000 new homes a year by the mid 2020s.

However, we are concerned that the changes to the opening chapters of the Framework do not match up to this aspiration because they downgrade the importance of boosting the supply of housing. In particular the proposed changes to paragraph 11 'where meeting need in full would mean building at densities significantly out of character with the existing area' contradicts the stated objective of using brownfield land to its full potential, urban uplift. This is likely to reduce the supply of much-needed housing and worsen the existing housing crisis.

7. What are your views on the implications these changes may have on plan making and housing supply?

There is clear and growing evidence that the proposed downgrading of housing targets set via the standard method to being advisory will reduce housing supply. It is already being reported that uncertainty and the possibility of downgrading of housing

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targets has led some local authorities to pause or pull their local plans. This is clearly happening in anticipation of being able to set lower housing targets.

Litchfields have estimated a reduction of 20-40% in housing supply if these proposals are implemented. We share this concern.

There is always going to be pressure from within existing communities to build services for existing residents and resist new housing. Conversely, no single authority can solve the housing crisis by building housing on its own. Housing markets operate across local authority boundaries, meaning that local authorities who meet or exceed their targets see little impact of their efforts on house prices. It is only by building across many areas in a sustained manner that we can make the step change in housing supply that is so badly needed. It is therefore rightly the role of national government to ensure that overall housing supply is prioritised, to build the homes for young people and future generations. The NPPF guidance needs to better recognise this role.

The impact of the proposed changes will be highest in high-value areas where land being allocated for housing is a major determinant of new housing delivery. In low value areas, the changes will be better received by local authorities, as lower housing targets are more realistic and viability is a bigger determinant of how much new housing that can be delivered and we are aware that some local authorities in weaker housing markets may welcome some of the simplifications.

8. Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs?

Yes

Exceptional reasons for using an alternative approach to assessing housing need should relate to exceptional circumstances that affect housing requirements which are not covered in the standard method. As they are, by definition, exceptional it may not be feasible to produce an exhaustive list. A list of reasons which are *not* considered exceptional would, however, be very useful to help prevent challenge and conflict over this area.

Any exceptional circumstances should be considered by an Inspector at the Local Plan examination. Reasons for diverging from the standard method for assessing housing requirements should not relate to whether or not it is considered possible or desirable to plan to meet all that need as this is a separate judgement.

For the standard method to meet our needs, it needs to be based on the most up to date household projections and population data and kept up to date. We welcome the intention to review the standard method to take account of up-to-date household projections drawing on 2021 census data as soon as possible.

Are there other issues we should consider alongside those set out above?

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9. Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

No

Greenbelts have often been in place for many decades and there is sometimes a need to review their boundaries in the light of changes to populations and city boundaries. Without this development can 'leapfrog' to areas further out which are less accessible to a city via public transport, or be curtailed. The greenbelt is one land use restriction amongst many, and the objectives of the greenbelt need to be considered alongside other objectives, not enshrined as set in perpetuity. A local authority may, for instance, want to consider prioritising development in greenbelt areas close to train stations.

We would suggest that NPPF encourages local authorities who are struggling to find sufficient sites to meet their housing requirements do consider whether reviewing the greenbelt boundaries may help them to do this. This requires a strategic approach to local plan making, which should be initiated by government or wider city areas, to that it can be coherent across local authority boundaries.

At The Housing Forum, we and all our members recognise the important role of placemaking in new development, and that local authorities will want to ensure that new development adds to an area, and does not damage it. Placemaking does not, however, mean that areas can never change in character. Building at higher density can be particularly valuable in creating vibrant communities in towns and cities on brownfield sites. We are concerned that the revised wording, as proposed, will be used to oppose new development. The alternative to building higher density is to build over a larger area – local authorities can rightly weigh these two up together, but failing to do either should not be considered as an option.

If this focus on character is retained, it would be helpful to have it clarified that densification is not necessarily at odds with local character, especially in outer urban brownfield areas which often have a low rise physical form due to their past industrial and warehouse uses. If the aspiration is to grow urban areas then we need to plan for densification and height.

10. Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

See above answer. Considering the character of the area should be part of the plan-making process (as it is currently). It should rightly determine which areas are prioritised for housing and whether, for instance, to build over a wider area at a lower density or a smaller area at a higher density. Character should not be used as a reason for not meeting housing need, as this is not a reasonable balance between the needs of existing residents (who may resist changes to character) and future

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generations, who need a place to live. We are all of us today living in homes whose construction at some point altered the character of once-rural England.

11. Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

No

We see no support for removing this requirement. We believe that plans and decision making should be justified. Many of our members from across both the local authority and planning applicant positions currently believe that the current level of evidence required is disproportionate. However, this could be addressed without lowering the standard of robustness with which plans are examined. Local authorities are also concerned that removing the requirement for justification could lead to protracted discussions at examination as objectors seek to challenge a local plan.

12. Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation?

Yes

This would support more advanced plans in moving forward to adoption. This should apply to plans that are within three months of pre-submission stage or beyond.

13. Do you agree that we should make a change to the Framework on the application of the urban uplift?

We recognise the value of urban uplift, though think that the way it has been drawn up is simplistic. The 20 largest urban areas list is somewhat crude. Determining where it is appropriate should consider not just a city’s current population but also housing market indicators (rents/prices) and the wider city regions with their travel to work areas, requiring a regional strategic approach to where the uplift is distributed. Many local authorities are surrounded by greenbelt or contain both the fridges of a city and rural areas. Setting an urban uplift figure at local level, with joint working between neighbouring authorities might be more appropriate.

We are also concerned that the proposals to give more weight to the ‘character’ of an area could make it hard to achieve urban uplift ambitions, especially if both are set by Government rather than being arrived at by local decision makers.

14. What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

We think that greater clarity is needed over this point, particularly paragraph 62 in terms of how this interacts with other elements of the proposed reforms.

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Guidance from government on how urban uplift can improve areas, recognising that this will result in changes to density and the character of an area would be valuable.

Homes England should support policies that promote urban uplift, including regeneration projects alongside infill.

The Government should accelerate the release of public sector land in urban areas.

CPO reform would simplify the process of land assembly and delivery.

If national policy is now to explicitly concentrate household growth in the largest towns and cities, the government needs to target public funds on those areas as well. Focussing development in urban areas (including those with relatively weak housing markets) rather than where it is most financially viable will mean that more funding will be needed to bring forward infrastructure or affordable housing.

15. How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

We are concerned that some urban authorities are tightly bounded and lack sufficient brownfield sites meaning that the removal of the duty to cooperate could see some fail to build their housing requirements, whether or not the urban uplift is applied. A strategic approach at city level will be needed. Without this, local authorities who build their housing requirements may fail to see any benefits from the increased housing, as housing need and demand from neighbouring areas who have failed to build will put continued pressure on their housing systems.

16. Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply?

No

Removing pressure from local authorities would help with their acute financial pressures. However, we are concerned that a move away to the five year requirements will adversely affect the building of much-needed homes. A five year supply helps homebuilders and housing associations plan for the long term.

If no, what approach should be taken, if any?

17. Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?

Yes.

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It is important that local authorities continue work on plans before the new system is in place.

18. Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

No

We recognise that factors outside of local authorities’ control can determine build-out rates. However, it is only when housing is built that it can help meet housing need.

Not all planning permissions result in homes being built – there are many reasons for this, but the solution is not to constrain the number of permissions given out.

It is important to recognise a local authority’s role beyond in ensuring housing is built that goes beyond simply producing a plan and approving applications. Local Planning Departments need to work with colleagues across the local authority, neighbouring authorities and other agencies in order to support the delivery of new homes. The proposed amendments are likely to reduce housing delivery and fail to meet the government’s target of 300,000 new homes a year.

If a mechanism to ‘switch off’ the application in favour of the presumption in favour of sustainable development is introduced, it is vital that it contains strong safeguards to ensure that there is no double-counting of planning permissions and includes only the most recent application where there are multiple applications on the one site. It must also make realistic and not overly-optimistic assessments of when the planning permissions granted are likely to result in completions. Being open about the data and methods used would help here.

19. Do you consider that the 115% ‘switch-off’ figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

Yes

See previous answer on Q2. We consider that a 120% buffer offers stronger protection against the inevitability that some sites do not come forward as planned.

20. Do you have views on a robust method for counting deliverable homes permitted for these purposes?

If required, these would need to be worked through in detail, taking into account what works in very different housing market conditions. A Strategic Housing Land Supply Availability Assessment is required, rather than relying on lists of planning permissions, which will usually include an element of double-counting.

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In weaker housing markets defining what is deliverable can be complex - some sites may be undeliverable in current market conditions, but deliverable in the future, or if funding is made available for infrastructure. In stronger housing markets the process may be more feasible and should include sites where all pre-commencement planning conditions had been discharged. However, the ultimate requirement is for homes that are delivered – not just deliverable. Counting ‘deliverable’ homes risks making estimates undercounting what actually turns out to be delivered.

21. What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

We would support these as proposed. The 2022 Housing Delivery Test results should be published as soon as possible and be as consistent as possible. We would suggest that their impact is evaluated before any changes are implemented.

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Chapter 5: A planning system for communities

22. Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions?

Yes

There is a desperate shortage of social rented housing across most of the country. S106 obligations have been responsible for over half of the affordable housing built in the last five years. Affordable home ownership may be better suited to some housing markets than others, so we would suggest that it is left for local authorities to determine the appropriate tenure mix. They should do this with a full understanding of the financial implications for housing associations, and the need for higher levels of subsidy (for instance, from Homes England) for social renting. If additional funding is not available, a smaller number of affordable homes might be the price that has to be paid for ensuring that they are all social rented.

The current policy requirement for a proportion of homes to be First Homes runs counter to efforts to maximise the delivery of social rented homes in some areas, and the appropriate quota of First Homes should instead be left to local discretion.

If yes, do you have any specific suggestions on the best mechanisms for doing this?

The rent level and tenure of affordable housing does determine how affordable it is for different groups of local people and is something that local planning should rightly be able to determine. This may be particularly valuable in development of public sector land.

Allowing local authorities to set targets for social rent may be at odds with paragraph 65 (66 in revised version), which sets a minimum 10% for affordable home ownership. We would suggest that this is left to the discretion of local authorities.

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Additional funding from Homes England will be needed if social rented housing is to be built instead of other forms of affordable housing, without reducing affordable housing output.

S106 remains an important route by which social rented housing is built but there are often protracted negotiations over it, and the interface between S106 and the Community Infrastructure Levy is not always clear. We would ask the Government to agree a standardised S106 agreement with a Mortgage in Possession Clause in line with NHF wording. And secondly, we would ask the Government to require local authorities to be clear with Registered Providers if they will grant exemptions to the Community Infrastructure Levy when the Registered Provider develops an open market site for entirely affordable housing.

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23. Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

Yes

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Providing specialist housing for older people is an important priority in reducing social care costs and extending housing choice for older people. It may also promote downsizing and free up family homes for younger people.

24. Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

Small sites have potential to encourage the development of SME housebuilders, which could help to increase overall housebuilding. The potential of small sites will vary between different housing markets. In London, development of small sites is usually viable and they form a very useful component of housing delivery. In weaker housing markets they can be more challenging, especially alongside BNG requirements and the proposed building safety levy. The appropriate proportion of housing need to be met on small sites will therefore vary between areas. A focus on the potential of small sites should be included at Local Plan examination. This should go beyond a reliance on windfall sites.

25. How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

Local authorities in areas with strong housing markets could be encouraged to set higher quotas for small and medium sized sites, as long as this does not reduce their ability to find sufficient sites in total. The [Kerslake review](#) of affordable housing delivery in Lambeth has some useful recommendations, including a local-authority-led proactive approach to housing delivery across all its sites, with in-house development skills and including direct delivery of housing.

Local authorities should be encouraged to set targets above 10% (such as 15% or 20%) for small sites, if they consider this viable in their area.

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In weaker housing markets there is a need to recognise the increased costs of many small sites which will require a strategic solution and funding. The Framework should address issues of stalled sites, through providing simplified routes to planning approval, de-risking sites and allowing LPAs to support developers to bring small sites forward.

Support for community-based groups (see below) could help with both identifying and bringing forward small sites.

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26. Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

Yes

We would strongly support this proposal. Community-led organisations provide housing of a different type, and so extend housing choice. They also help to build local support for housing in sites where it might otherwise go unheard.

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There would need to be clear definitions of the types of groups who could bring housing forward in this way. Housing built by such groups would need either to fall within the existing definition of affordable housing (including that it remains affordable in perpetuity), or they could be expected to partner with a Registered Provider, to ensure that the housing is affordable and available to people in need. Without this, there would be concerns that the exception site policy could be exploited.

27. Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

The presumption in favour of development should be retained for community-led projects (as long as they are well-defined, see above answer), regardless of five-year land supply position/number of permissions approved in the locality, etc.

Setting a requirement for community groups to partner with providers from the outset will help bring forward affordable housing. The Framework should more explicitly recognise exception sites as a way for community-led development to deliver affordable housing. Amendments are required to Paragraph 73 to more broadly refer to exception sites and establish a new category ‘community-led exception sites’ to deliver community-led affordable housing.

28. Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

A presumption in favour of sustainable development should be applied for rural exception sites being brought forward by community groups, even if the 5 year land supply has been provided for elsewhere. Such developments tend to be very small

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scale and not sufficient in size to require a reassessment of overall housing requirements.

Simplifying the planning process would help community groups (as well as SME housebuilders and other planning applicants). Standardisation of validation documents doesn't just help national housebuilders operating across different areas; it also makes it easier for online advice and national umbrella organisations to support local groups in submitting planning applications.

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29. Is there anything else national planning policy could do to support community-led developments?

Maintaining a register of community groups looking to develop housing could be managed by local authorities, in a similar way to the self-build register. This could help to understand demand for this type of housing, and there could be a requirement for sites to be identified where appropriate in Neighbourhood or Local Plans.

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Some funding and support is often required to get small groups off the ground and help them form the partnerships needed with Registered Providers and other housing developers.

30. Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?

No

We understand the motivation behind this proposition, but consider that this would be at odds with the "long-standing principle that planning decisions should be based on the planning merits of the proposed development – and not the applicant." The consultation document rightly notes that this principle is critical to ensuring the planning system is fair, open and focused on land use considerations. We can't see how an applicant's past behaviour is a material consideration and believe this would ultimately be open to challenge.

There would also be a lot of complexity to unravel between 'the applicant' and 'the developer' as sites can be brought forward by a variety of arrangements. Under current rules, a developer who had been guilty of 'bad behaviour' could simply appoint someone else to put in the application to get round any sanctions, or set up a new company solely for the purposes of putting in a planning application (which happens already for other reasons). A significant amount of new legislation would also be required to establish what past behaviour merits a sanction, keeping track of this between different local authorities, appropriate sanctions for past behaviour and dealing with disputes over blame for issues such as slow build-out rates.

Other mechanisms already exist to deter 'bad behaviour' including withholding of the discharge of planning conditions, the expiry of planning permission that are not built within time, and powers of local authorities to require developments that are built contrary to the permissions granted to be brought into line or taken down.

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If yes, what past behaviour should be in scope?

31. Of the two options above, what would be the most effective mechanism?

Neither

We do not think that either is a workable option and both would require clear guidance on the evidence required to determine irresponsible behaviour. There is a risk of local authorities and developers being dragged into costly legal disputes over what is irresponsible behaviour.

Of the two presented, we think that Option 2 would be both a more effective sanction, and reduce the burden of ultimately unproductive work on local planning authorities.

Are there any alternative mechanisms?

32. Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly?

No

At The Housing Forum we strongly support efforts to increase build-out rate of new housing. However, as a national membership body, we are concerned that these measures do not currently take into account different market conditions that exist across the country. Delivery plans need to be realistic, and applicants should not be incentivised to propose unrealistic delivery rates for fear of having a planning permission refused. In practice, delivery rates can be unpredictable and will depend on the speed at which the local authority discharges planning conditions; the delivery of supporting infrastructure, including utilities; availability of materials and changes to housing market conditions. These are often outside the applicant's control. In areas where the market is weak this approach could disincentivise the development of some sites altogether, as applicants may be deterred from developing sites where viability is marginal.

Housing delivery is already very vulnerable to downturns in housing markets – as sites that appeared viable when purchased may become unviable. These proposed measures could exacerbate this issue, as applicants may fear that market conditions might worsen during the duration of the permission causing them to fail to meet targets and reign back. Alternatively, this might encourage developers to break sites up into small parcels and seek permission for them one at a time, which would both hinder effective strategic planning and greatly increase the workload of the local planning authority.

In detail:

Proposal One: there would need to be flexibility to account for circumstances outside of developers' control. This would include where local authorities have failed

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to determine discharge of conditions or planning obligations in good time or there has been a delay in the provision of essential infrastructure by another agency.

Proposal Two: This would not necessarily increase the absorption rate and would be likely in itself to add delay and argument rather than being based on policies which are already established.

Proposal Three: there needs to be a mechanism to avoid penalising those bringing forward more complex sites where slow delivery rates may be unavoidable and attributing blame may be complex and unhelpful. It is important the emphasis on accelerating build out rates does not undermine the drive for a greater proportion of brownfield development.

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Chapter 6: Asking for Beauty

33. Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

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Indifferent

We agree with the principle of beauty in placemaking. However we have concerns that the notion of beauty is necessarily subjective ('in the eye of the beholder'). There is potential for arguments over such a subjective term, which may prove divisive between planners, architects, housebuilders and local residents (some of whom may see beauty as synonymous with nature, and not with the built environment in any form). The term 'well-designed' is less subjective and preferable and a focus on placemaking better covers the wider role of planning.

We believe that design codes should not be produced by planning authorities in isolation – they need the input of wider stakeholders, including developers. There is a need for pragmatism here, weighing up the value of beauty against its impact on costs and therefore on funding for infrastructure and affordable housing.

There is also a risk that the increased focus on beauty will be used as an excuse to stifle development. Homelessness and overcrowded housing are the result of inadequate housing supply, and these are not beautiful.

34. Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places' to further encourage well-designed and beautiful development?

No

As above, the term 'well designed' is clearer and less subjective than beauty. If beauty is retained as an aspiration, it needs to be set alongside some more objective terms that define what it means in context. The term 'well-designed' is one such term and is well understood.

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35. Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

Indifferent

Whether greater visual clarity is needed depends on how detailed it currently is within a local authority. Most local authorities do already ensure that conditions refer to clear and accurate plans and drawings. There is a balance to be struck about the visual clarity of a development and the type of application the local authority is approving. Over-prescriptive conditions may lead to a greater workload if application to vary conditions are required. Some outline applications, particularly where submitted by promoters, will require a level of flexibility- though that need not prevent local authorities from working proactively with applicants to agree the parameters. Use of CGI and digital tools can help to understand the design.

36. Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes?

No

We support the government's ambition to increase densification and create new homes by subdivision of larger ones where appropriate. However do not see a reason to single out this particular form of roof type. In some areas, other roof types may be better solutions.

If no, how else might we achieve this objective?

The current approach of supporting upwards extensions providing they are consistent with their surroundings should instead be retained.

Chapter 7: Protecting the environment and tackling climate change

37. How do you think national policy on small scale nature interventions could be strengthened? For example in relation to the use of artificial grass by developers in new development?

We support the use of small scale nature interventions to improve biodiversity, work towards net zero and improve the amenity value of local areas for residents. Many of our members work in partnership with each other to achieve these aims. However, we are less convinced that national planning policy is the right tool for strengthening such initiatives. The NPPF already sets out an appropriate level of support for safeguarding and enhancing habitats and biodiversity, including opportunities for

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integrating improvements in and around new development. Specific small scale interventions beyond this would be better initiated by local authorities or community groups within them.

38. Do you agree that this is the right approach to making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?

No

Food production is a globalised industry and needs national and international policies, rather than local land use policies to support it. We are concerned that the loss of land for food production could be used as a reason to prevent housing delivery, when the impact on the (very large) amount of land available national and internationally for food production is very small compared with the potential impact that this may have on building much-needed housing.

Adding planning criteria about the availability of agricultural land will simply frustrate otherwise suitable developments at a local scale, without any meaningful impact on food production. It would also add yet more complexity to the planning process.

The Government would provide guidance to decision-takers as to how the availability of high value agricultural land used for food production should be considered.

39. What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

At The Housing Forum we welcome Government's increased focus on net zero and encourage the Government to be clear as possible on the role that housing quality and new housing plays in this. A carbon impact matrix is likely to be an appropriate way to cover all types of planning decision. This should be incorporated into plan making and form part of the Sustainability Appraisal (or future equivalent) and should be proportionate in detail to the plan being prepared. The carbon assessment should use a nationally agreed methodology and baseline. At the planning stage, assessment should include a whole lifetime assessment of lifetime emissions from the development and include the impact of offsetting measures, either onsite or offsite.

40. Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?

Planning policy should support nature-based solutions. These should build upon (and not conflict with or duplicate) those set out in Natural England's Green Infrastructure Framework. There is also a need to allow for local flexibility on how best to support nature in any one site. Both climate change mitigation and climate change adaptation are important. One is not a substitute for the other.

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Chapter 8: Onshore wind and energy efficiency

41. Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

Yes

This is a sensible modification to futureproof.

42. Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework

Yes

This is a sensible modification to futureproof. We would also suggest that the glossary provides a clear definition of repowering. This should include the acceptable time period before decommissioning for a repowering application.

43. Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?

Yes

We have answered yes to this question because the revised wording is preferable to the existing wording. However, we think it does not go far enough. For housing to meet its carbon neutral aspirations, an element of offsite offsetting is likely to be required. This is more difficult with the current highly-restricted approach to onshore wind. Cheaper power is also necessary for people to be able to heat their homes adequately and so keep them free from damp and mould. This too is harder without support for onshore wind.

Do you have any views on specific wording for new footnote 62?

The revised footnote 62 lifts some of the barriers to onshore wind. Allowing for supplementary plans to identify areas of least constraint, allows for greater responsiveness to the need or feasibility/viability of wind energy within a Local Authority or in changes to political or community opinion on wind energy. However, the revised wording still creates a difficult environment for onshore wind – it singles out on-shore renewable energy provision as requiring community support which is not required for other types of essential infrastructure such as roads. This is out of line with the Government's stated ambitions for net zero.

We would suggest that the NPPF is amended to delete the requirement for wind energy applications to be within an area identified in the Local Plan. Relying solely on new paragraph 160 without the footnote would enable on-shore wind development to be planned for in suitable locations without additional requirements.

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44. Do you agree with our proposed new Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

Yes

At The Housing Forum we strongly support efforts to improve the energy performance of existing buildings and changes to NPPF to support this.

Planning policy currently limits the use of insulation and low carbon energy sources including external wall insulation, double glazing, solar PV and air and ground source heat pumps. Giving greater weight to the importance of energy efficiency through building adaptation would help homeowners and social landlords to improve their housing.

We would suggest that the Framework goes further in this respect and sets out a broader need for planning to support energy efficiency in all development. It should recognise that there is a tension between retrofitting to improve energy efficiency and the conservation of historic buildings, encouraging a proactive approach that finds local solutions for retrofit and works to drive up the standards of all housing in line with our mission of 'a quality home for all'.

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Chapter 9: Preparing for the new system of plan-making

45. Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system?

No

We are concerned about the number of local authorities who do not currently have an up to date local plan and believe that this is not helping housing delivery. The fact that some authorities have already paused work on local plans when this consultation was announced is a further reason for concern. The issue is not so much with the timeline itself, as with the lack of impetus for local authorities to ensure they have an up to date plan.

Local authorities cannot meet timetables if the Planning Inspectorate does not complete examinations in time, so this element needs to be addressed.

46. Do you agree with the proposed transitional arrangements for plans under the future system?

No

We are concerned that the proposed transitional arrangements are not very clear. In particular, there is concern that they ignore plans which are over five years old but

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have been reviewed more recently, and are unsure that a 30 month examination period is realistic, unless the Planning Inspectorate can accelerate things.

Without realistic timescales and clarity over penalties for not adhering to this timescale, or for not commencing updates at the prescribed times, it is likely that many councils will fail to complete in time and this may reduce the delivery of much-needed housing.

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If no, what alternative arrangements would you propose?

47. Do you agree with the proposed timeline for preparing neighbourhood plans under the future system?

Yes

It seems reasonable that neighbourhood plans submitted for examination after 30 June 2025 will be required to comply with the new legal framework.

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If no, what alternative timeline would you propose?

48. Do you agree with the proposed transitional arrangements for supplementary planning documents?

No

The proposal to give greater status to Supplementary Plans should enable LPAs to respond more quickly to emerging issues or changing circumstances without having to link this to Local Plan policies that may not adequately cover the issue. However, further clarification is needed regarding the approval process for Supplementary Plans. If they would need to be subject to a full examination process similar to that undertaken for Local Plans, this would effectively undermine the benefits of being able to develop Supplementary Plans relatively quickly.

The proposal to allow 30 months from the commencement of the new system (late 2024) before current SPDs would expire is supported. SPDs and Supplementary Plans should be able to operate alongside new or updated Local Plans where the associated policy approach has not changed, or where the supporting evidence is still relevant.

If no, what alternative arrangements would you propose?

Existing SPDs should have weight until new Local Plans or replacement SPDs are in place.

A role for SPDs should be maintained which can help explain to developers and the public how complex policies should be applied in practice. To front load the Local Plan with such detail is contrary to speeding plan-making up and such detail can change quickly and need updating outside of the Examination process.

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Specifically, around transition, many SPDs contain design guidance which will need to be replaced by design codes, but for many authorities this will take time and resources which are already scarce. Therefore, there will be a need to ensure going forward that existing guidance in pursuit of “beauty” retains its planning status where it is still relevant until it is replaced by a Design Code. Linking it to a replacement Design Code rather than parent adopted policies will ensure that no design detail gap exists.

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Chapter 10: National Development Management Policies

49. Do you agree with the suggested scope and principles for guiding National Development Management Policies?

Yes

We support moves to simplify the planning system and reduce the workload on local authorities in producing local plans and NDMPs which should reduce uncertainty. We support the intention that they should not address subjects which are regulated through other legislation, which should help to support local planning authorities resourcing issues.

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It is important to strike the right balance between local control and simplification. Some local authorities want to go beyond the national standards for instance on issues such as carbon reduction. This should be supported where it can be achieved in local housing market conditions.

The role of regional planning also needs consideration here, for instance in setting out how the NDMPs sit with the London Plan.

50. What other principles, if any, do you believe should inform the scope of National Development Management Policies?

The aim of NDMPs should be to reduce local authority workload and simplify the planning process for applicants.

We think these will need a detailed consultation process to maximise their value to local authorities and minimise the need for local authorities to feel the need to deviate from them. There is no value in creating NDMPs if almost all local authorities feel they need to rewrite them.

51. Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

Yes

Policies around carbon reduction would be most welcome. Policies around the principles of brownfield development and building homes near to transport provision would also be useful. Consistent nationally set design principles would also be useful

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– covering issues such as separation distances, scale and massing, street hierarchies, cycle/pedestrian dominated design and street trees.

Some elements of NDMPs might be relevant only in certain types of areas – such as town centres or rural areas.

52. Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

Other issues that might be usefully covered include digital infrastructure and dealing with hazards such as gas pipelines and airports.

Chapter 11: Enabling Levelling Up

53. What, if any, planning policies do you think could be included in a new Framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?

At The Housing Forum we believe that the Government is right to see housing as part of the growth agenda, and with a role to play in Levelling Up. Planning is at the heart of this process and at the moment it does not have the resources needed to support sustainable development. A better funded and resourced planning system would give developers the certainty they need over timescales and investment and so help in both Levelling Up and driving growth across all regions. It is also vital that policies within the new Framework also address the needs of regional planning and strategic partnerships across areas wider than a local authority, recognising the role of planning in broad spatial planning with a focus on infrastructure as well as land use.

For Levelling Up to work there is also a need to consider the different needs of different areas – the highest demand for housing is generally in regions that are doing well economically, and need housing more than they need jobs. In contrast other areas may be more in need of support for new employment and infrastructure, rather than housing. It is important that this is recognised in planning and in funding allocations.

Partnership working is a big focus of many of our members at The Housing Forum with private, public and voluntary sector members working together other in developing sites that include affordable housing. S106 has played a vital role in delivering affordable housing in the areas where that need it most. We are concerned that without ringfencing (as recently proposed in an amendment by Lord Best) the infrastructure levy could be diverted into meeting shorter term needs, rather than affordable housing. We also urge caution in moving to a new system of cross-subsidy for affordable housing, when there is a risk of losing one that works.

Economic impact assessments may help assess the value of larger developments proposed so that their likely impact on employment and productivity can be measured and included as a material consideration in the planning process.

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54. How do you think the Framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

The Government needs to examine the factors that are holding back development in different regions – in some areas it may be a lack of infrastructure to support employers locating there; in others it may be a lack of housing making it hard to fill vacancies. These require different solutions, both in the planning system and in wider areas of government support.

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55. Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

Yes

The main barriers to brownfield development tend to relate more to the financial viability and attractiveness of brownfield sites. Additional financial support for bringing forward brownfield sites at density is needed in many areas where viability is a challenge as they often require substantial remediation. Local authorities may also need to be flexible over S106 requirements and the infrastructure levy on such sites. Encouraging more (locally based) SME housebuilders into the sector may help, and there is also a need to invest in training and skills to support the construction sector, especially around the newer green technologies. This would help ensure that there were developers willing and able to take on the more challenging brownfield sites.

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However, we are clear at The Housing Forum that despite everyone's best efforts, brownfield sites do not become available at the speed needed to meet housing requirements in totality, especially in the areas of highest housing demand. The Government should focus on supporting the sites there are, but not by squeezing development out of greenfield sites, or letting 'brownfield first' morph into 'brownfield only'.

Please set out a reason for your answer

56. Do you think that the government should bring forward proposals to update the Framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups feel safe in our public spaces, including for example policies on lighting/street lighting?

Yes.

The Framework's wording around inclusive and safe places could be strengthened. This could be approached via Design Codes and more detailed advice and dedicated support from Government. It is important that all changes are in place in the shortest time possible to ensure stability and certainty.

This objective also needs integrating with other objectives - Ensuring safety should not generally come at the expense of public access (eg via gated communities).

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Chapter 13: Practical changes and next steps

57. Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

Our members generally find the format of online Planning Policy Guidance user-friendly. That sort of format is often easier to access than many separate documents.

National Policy should be presented with clear monitorable outcomes

Government, working with the Planning Advisory Service or other bodies, should clarify best practice in policy making and implementation.

58. We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

Our overriding concern with the proposed changes to the Framework are that they will reduce the amount of new housing and also of affordable housing that is built. This is likely to impact disproportionately on young adults who are not yet homeowners or have not managed to access social housing. There is extensive evidence to show that people most adversely affected by the housing shortage are disproportionately young people. The housing shortage also disproportionately affects those from ethnic minority groups, women and on lower incomes.

The equality duty sets out that the public sector should “Advance equality of opportunity between people who share a protected characteristic and those who do not.” We would argue that by setting out measures that reduce the weight of housing targets and prioritise the needs of existing homeowners over those who need to buy or rent their first home, the government is not meeting this requirement.

The Government has set out a commitment to build 300,000 new homes a year, and doing so would help to alleviate the housing crisis and provide more homes for those affected by the shortage. However, the measures set out within this proposal do not match up to this ambition and do not set out any means by which this target is likely to be achieved.

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